



Licensing Act 2003

Protocol for making representations and sub-committee hearings

This protocol outlines the procedures that will be followed:

- When making representations
- On receiving the Notice of the Hearing
- Before, during and after the hearing

Full details of the regulations surrounding sub-committee hearings are available for download on the Department of Culture, Media and Sport's website by [clicking here](#).

It is important that you carefully read these procedures before you make a representations to an application or wish to attend and be heard at a Licensing sub-committee hearing

1. Making representations

Am I eligible to make a representation?

Representations and objections to an application can only be made by parties or authorities entitled to do so under Government legislation – the Licensing Act 2003. The parties or authorities that can make representations are set out below:

An **interested party** which would be anyone who is directly affected by activity at the licensed premises in question, such as:

- A person living in the vicinity of the premises
- A body representing persons living in the vicinity of the premises, e.g. a Residents Association.
- A person involved in a business in the vicinity
- A body representing persons involved in such business e.g. Trade Association.

A **responsible authority**, which are namely:

- Metropolitan Police Service
- The London Fire & Emergency Planning Authority
- Hillingdon Council's Planning & Transportation and Environment & Consumer Protection Services
- Health and Safety bodies
- Bodies relating to the protection of children from harm, e.g. Area Child Protection Committee

Contact Information:

To make representations or related queries please contact:

Hillingdon Licensing Service

Tel: (01895) 277433

Email: licensing@hillington.gov.uk

Fax: (01895) 250011

Write to: 4W/01 Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW

What happens if nobody makes any representations?

It is important to note that under the terms of the Licensing Act 2003 the Licensing Service must grant all new premises licence applications and variation applications if no relevant representations are received either from interested parties or responsible authorities.

When do I make a representation?

Any interested party or responsible authority may make written representations about an application. Generally these must be made at any time up to and including 28 consecutive days after the day on which the application was received.

You should make your representations **within the time limit specified** in the notice put up at the premises or contained in the newspaper advertisement relating to the particular application. **Representations received after the time limit cannot be accepted.** Time limits are given in the attached Appendix (part 1)

What information should I provide in the representation?

When making your representation you must give details for the reasons for objection. Representations will only be relevant if they relate to the four licensing objectives:

- (1) The Prevention of Crime and Disorder;**
- (2) Public Safety;**
- (3) The Prevention of Public Nuisance; and**
- (4) The Protection of Children from Harm.**

For more information about the Licensing Objectives please read Hillingdon's Licensing Policy carefully as this document outlines the issues the Licensing Service will consider in respect of applications that have received relevant representations. You can get a copy of the Licensing policy by [clicking here](#) or contacting the Licensing Service by telephoning (01895) 277433.

Representations should fully explain the nature of the points made, reflect the Licensing Objectives outlined above provide in detail any evidence relied upon to back up those points. Concerns or fears about what might happen if the licence is granted cannot be taken into account unless they relate to the Licensing Objectives.

What format should the representation take?

All representations must be given in writing. However, the Hillingdon Licensing Service agrees to accept relevant representations, with accompanying evidence, by email to allow compliance with the time limits, but where this is done, the full name and postal address should given in the email and **representations must be immediately confirmed in writing afterwards.**

Can we send in a petition?

Yes, petitions can be submitted in accordance with the same rules that apply for representations. Petitions should outline their purpose and potential signatories should note that a copy will be supplied by the Hillingdon Licensing Service to the applicant. Each person signing the petition should print their full name and address. Petitioners should all live within the 'vicinity' of the premises in question.

The Licensing Act 2003 regulations do not allow for petitions to be presented, without notice, to the sub-committee hearing.

Can the Licensing Service reject a representation?

Representations can be rejected if they are received after the time limits set, anonymous or in the opinion of the Licensing Service they are found to be vexatious, frivolous or repetitive and the writer will be notified of this decision. The Hillingdon Licensing Service may also seek to mediate between the parties to see if agreement can be reached without the need for a licensing hearing.

Where do I send the representation?

Please send your representation to the Hillingdon Licensing Service at the address given at the top of Section 1 of this protocol. If sent elsewhere, it may not be received in time to be allowed. Members of the sub-committees should not be approached with any representations as this may prejudice the application.

What if there are a number of similar representations?

It is possible that there may be a number of similar representations, which if all heard would make the hearing unmanageable. At the procedural briefing, held just before the hearing starts, the Hillingdon Licensing Service will ask that you agree a spokesman to speak on behalf of related representations.

What happens next?

A copy of all relevant representations will be provided, in full, to the applicant. Relevant representations will then be considered as part of the business at a Licensing sub-committee hearing along with the application. The papers for the sub-committee hearing, including relevant representations, will be available to the press and public as part of the Notice of Hearing.

Where an application is to be decided at a sub-committee hearing, applicants and those who have made relevant written representations in connection with the application, will be invited to attend and will have speaking rights.

2. On receiving the Notice of Hearing

What is the Notice of Hearing?

The Licensing Sub-committee hearing will normally be held within the period of 20 working days from when the consultation period ends. The Hillingdon Licensing Service will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are attached in the Appendix (parts 2&3).

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing and a procedural briefing to be held beforehand;
- This procedure note, the report from the Council's Licensing Officer with relevant representations attached;
- Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
- Confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the authority to be required, question another party to the hearing;
- The consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
- A note of any particular points on which the Hillingdon Licensing Service wants clarification.

Contact Information:

To give notice or any queries relating to the hearing please contact:

Clerk to the Committee

Tel: 01895 277655

Email: nwilliams@hillingdon.gov.uk

Write to: Clerk to the Committee, Cabinet Office, 3E/05, Civic Centre, Uxbridge, UB8 1UW

What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Clerk to the Committee – **normally no later than 2 working days before the hearing*** – whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- Wish to request that another person appear at the hearing (other than their representative) as a witness. If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the hearing.

*In the Appendix (part 4), full details are given of the deadline by which you should give your notice. All objectors and applicants are also reminded of their right to have a legal representative at the hearing.

If a party does not notify the above to the Clerk to the Committee before the relevant deadline they will not be entitled to speaking rights at the hearing.

IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE

If I want to withdraw my representations - how do I do this?

Any party may withdraw their representations by contacting the Clerk to the Committee by phone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.

What happens if I cannot attend the sub-committee hearing?

If you have made a representation and are unable to attend the sub-committee hearing, the sub-committee will only hear and consider any evidence and arguments put forward by or on behalf of the applicant and other parties present in relation to the written objections received. The sub-committee will take into account, in considering the importance to be attached to the objection, that the objector was not available to be questioned about their statements.

Can you accommodate any special needs I may have?

Yes, if any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) this should be brought to the attention of the Clerk to the Committee prior to the hearing in order that appropriate provision may be made.

Can the date of the hearing be changed?

Unfortunately, the Hillingdon Licensing Service cannot be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be heard.

3. Before the Hearing

You will have been notified of the date and time of the Licensing Sub-committee hearing. The hearings will normally take place at the Civic Centre, High Street, Uxbridge in one of the Committee Rooms.

How do I get to the Civic Centre?

Parking may be available via the entrance to the Civic Centre in the High Street by contacting the Clerk to the Committee in advance. Parking is also available in the nearby Chimes Shopping Centre Car Park. Bus routes 207, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away.

Please enter from the main reception where you will be directed to the relevant Committee Room. Please switch off your mobile phone when entering the room and note that Hillingdon Council operates a no-smoking policy in its offices.

Will the hearing be in public?

There may be other members of the public and press that attend the hearing to observe the proceedings, but they will not be allowed to speak. At any hearing, the applicant may attend in person or, if the application or objection is made by an organisation or corporate body, a duly authorised representative may be present, who is able to speak on their behalf can do so.

The hearing will take place in public. However, in exceptional circumstances, when the sub-committee considers that it is in the public interest, it may exclude the public from all or any part of a hearing. Hearings will normally take place during the day.

I have some new evidence - may I present it?

The sub-committee **will not** normally allow the production of new written evidence not previously submitted as relevant representations by any party. In the case where the sub-committee does allow new evidence, all other parties must give their consent before it is heard.

If new material is permitted, the hearing may need to be adjourned to allow time to consider it and for other parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for parties to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.

Will I be briefed on procedure before the hearing?

Yes, in the notice of hearing, you will have been asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Licensing Officer or Legal Advisor can outline the procedures to be followed at the hearing.

What if there are a number of objectors present?

At the briefing, in the event of a large number of representations, the Licensing Officer or Legal Advisor will ask that a spokesman is agreed amongst those present who have similar representations.

Who are the people on the Licensing sub-committee?

Three elected councillors of the London Borough of Hillingdon sit on a Licensing sub-committee and it is only they who can determine the application. Its minimum membership is two. Councillors who sit on the sub-committees have been trained in the new Licensing regulations and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call interested parties and responsible authorities to speak and ensure time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

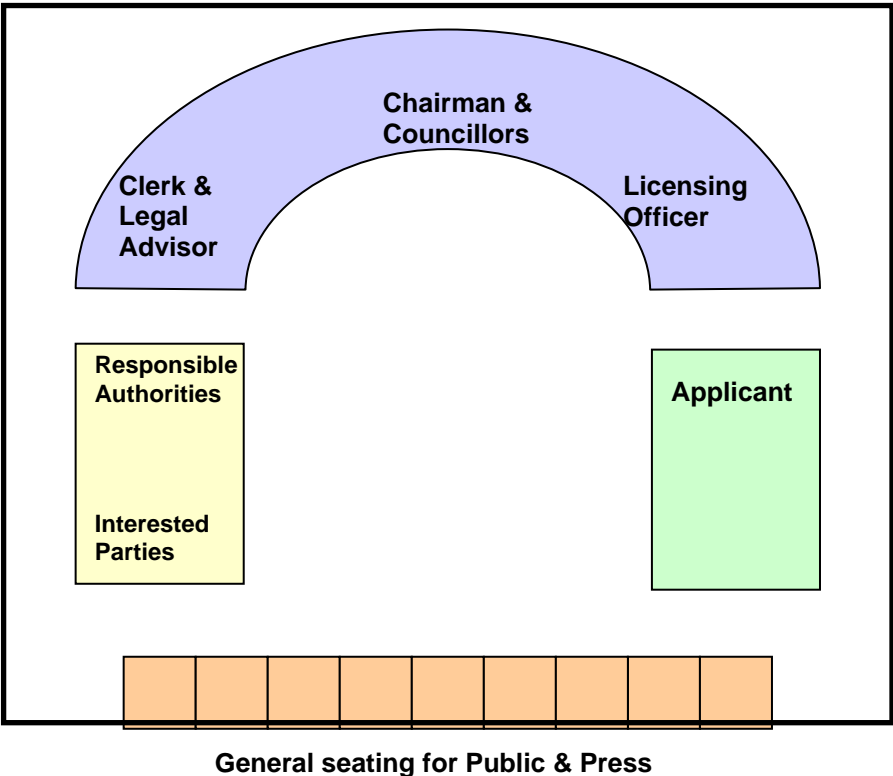
- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Adviser** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual cases and to provide help and assistance to members of the public attending such meetings.

4. During the Hearing

The procedure at the sub-committee hearing will, in general, be based on those used in a court of law. Although the strict rules of evidence will not apply, they will be observed to a great extent, because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the sub-committee councillors. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.

Where shall I sit at the hearing?

Once you have attended the procedural briefing, you will be directed into the relevant Committee Room. The set up of the room for those involved will generally be as shown below:



In general, how will the hearing be conducted?

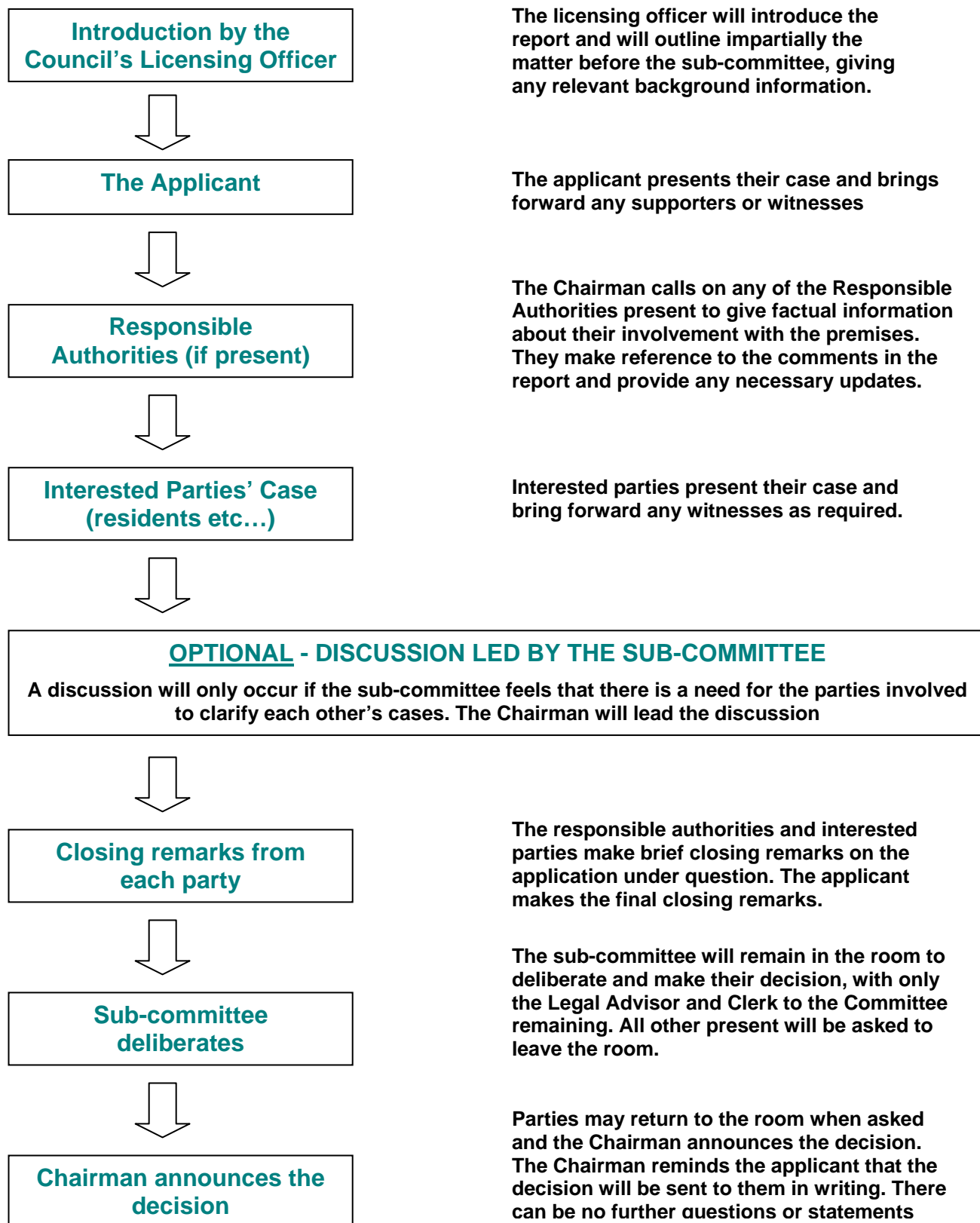
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will not normally be permitted. Evidence, discussion and address must be relevant to the four licensing objectives. Repetition should also be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.

If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing may be reconvened to deal with that issue. The sub-committee can also ask for procedural, technical or legal matter from officers present at any time during the proceedings.

What is the order of proceedings?

The Chairman of the sub-committee will open the hearing by introducing the Councillors explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing, which will have been prepared in advance by the Clerk to the Committee and will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:



Can a Councillor sit on a sub-committee if the application is in their ward?

Councillors who sit on a sub-committee are advised to take steps to minimise their involvement in any application prior to its consideration by the sub-committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the sub-committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the sub-committee for a particular application. In this instance, a substitute Councillor may need to be found from the main Licensing committee of the Council or the hearing may continue as long as two of the three Councillors are still present.

The agenda papers will show which ward each Councillor sits for and the reports from the Council's Licensing Officer will detail which ward the application is in.

Can a ward Councillor make a representation and or speak at a hearing?

If a ward Councillor, who does not sit on the sub-committee, wishes to make a formal objection to an application they may only do so if they make a written relevant representation as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in this protocol. If the ward Councillor believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Ward Councillors, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, for example on behalf of their constituents without notice. They may also speak as an advocate or witness on behalf of the applicant or an Interested Party, even if they believe they have a personal or prejudicial interest. However, for the purposes of transparency, at the hearing, the ward Councillor should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent, Interested Party or responsible authority beforehand or have visited the premises concerned.

Ward Councillors making either a written relevant representation or wish to speak at a hearing should not communicate about the application before the hearing with any Councillors who sit on the sub-committee. This is so the sub-committee makes their decision with an open mind.

What power does the Chairman have to control the meeting?

Under the Licensing act 2003, the Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or may permit the person to return only on such conditions as he or she may specify.

How will the sub-committee make its final decision?

Once the sub-committee has heard from officers and the parties to the hearing and has had answers to its questions, the sub-committee will usually withdraw to make its decision on the application. The sub-committee must disregard any information given or evidence produced by

a party or witness, which is not relevant to the application, representations or notice or the promotion of the licensing objectives.

Members of the sub-committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the sub-committee must state in respect of premises licences why refusal or attachment of conditions is necessary in order to promote a particular licensing objective, and in respect of all other applications the reasons why applications are refused or revoked, taking into account the evidence presented by all parties during the hearing.

5. After the Hearing

When will we get formal notice of the decision?

The Chairman will normally announce the Sub-committee's decision in public at the end of the hearing and the reasons for the sub-committee's decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

The Council's Legal Advisor will send applicants a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the application. In addition, a letter will be sent to all those who made relevant written representations in connection with the application. This will confirm the decision made; any conditions attached to an approval or the reasons for refusal. Details of the respective appeal rights will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at:
www.hillingdon.gov.uk

Can we appeal against the decision?

Following the decision, the applicant or any person who has made a relevant representation in respect of a particular application can appeal to the Magistrates Court.

How can I find out about other applications in my area?

Applicants for new premises licences and club premises certificates; applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.

All applications once they are lodged will be available for viewing on Hillingdon Council's website at www.hillingdon.gov.uk and in the Civic Centre Offices by appointment with the Licensing Service during working hours.

1. Time limits for an interested party or a responsible authority to make representations

	Provision	Period of time within which representations must be made.
1.	(a) in the case of a review of a premises licence following a closure order	At any time up to and including seven days starting on the day after the day on which the authority received the notice under section 165(4) in relation to the closure order and any extension to it
2.	(b) In any other case for a premises licence / club certificate applications.	At any time during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.
3.	Chief officer of Police giving an objection notice in regard to a personal licence application.	Within 14 days beginning with the day he received notice under subsection (2)
4.	Chief officer of Police giving an objection notice in regard to an application to vary licence to specify individual as premises supervisor	Within 14 days beginning with the day he is notified of the application under subsection (4)
5.	Chief officer of Police giving a counter notice in regard to a temporary event or an interim authority notice	No later than 48 hours after the chief officer of police is given a copy of the notice.

2. Period within which hearings should be held

	Provision under which hearing is held.	Period of time within which hearing must be commenced.
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).

	Provision under which hearing is held.	Period of time within which hearing must be commenced.
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c).
9.	Section 85(3) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).
10.	Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).
13.	Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order).	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.

3. Hearing Notice Periods

	Provision under which hearing is held.	Notice of hearing shall be given
1.	Section 48(3)(a) (cancellation of interim authority notice following police objection),	No later than two working days before the day or the first day on which the hearing is to be held.
2.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	No later than two working days before the day or the first day on which the hearing is to be held
3.	Section 167(5)(a) (review of premises licence following closure order)	No later than five working days before the day or the first day on which the hearing is to be held
4.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	No later than five working days before the day or the first day on which the hearing is to be held
5.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	No later than five working days before the day or the first day on which the hearing is to be held
6.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence)	No later than five working days before the day or the first day on which the hearing is to be held

4. Action period following receipt of notice of hearing

Provision under which hearing is held.	Notice by a party shall be given
Section 48(3)(a) (cancellation of interim authority notice following police objection),	No later than one working day before the day or the first day on which the hearing is to be held.
Section 105(2)(a) (counter notice following police objection to temporary event notice)).	No later than one working day before the day or the first day on which the hearing is to be held.
Section 167(5)(a) (review of premises licence following closure order)	No later than two working days before the day or the first day on which the hearing is to be held.
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	No later than two working days before the day or the first day on which the hearing is to be held.
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	No later than two working days before the day or the first day on which the hearing is to be held.

Provision under which hearing is held.	Notice by a party shall be given
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence)	No later than two working days before the day or the first day on which the hearing is to be held.
In any other case	No later than five working days before the day or the first day on which the hearing is to be held.
A party who wishes to withdraw any representations they have made may do so	(a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or (b) orally at the hearing