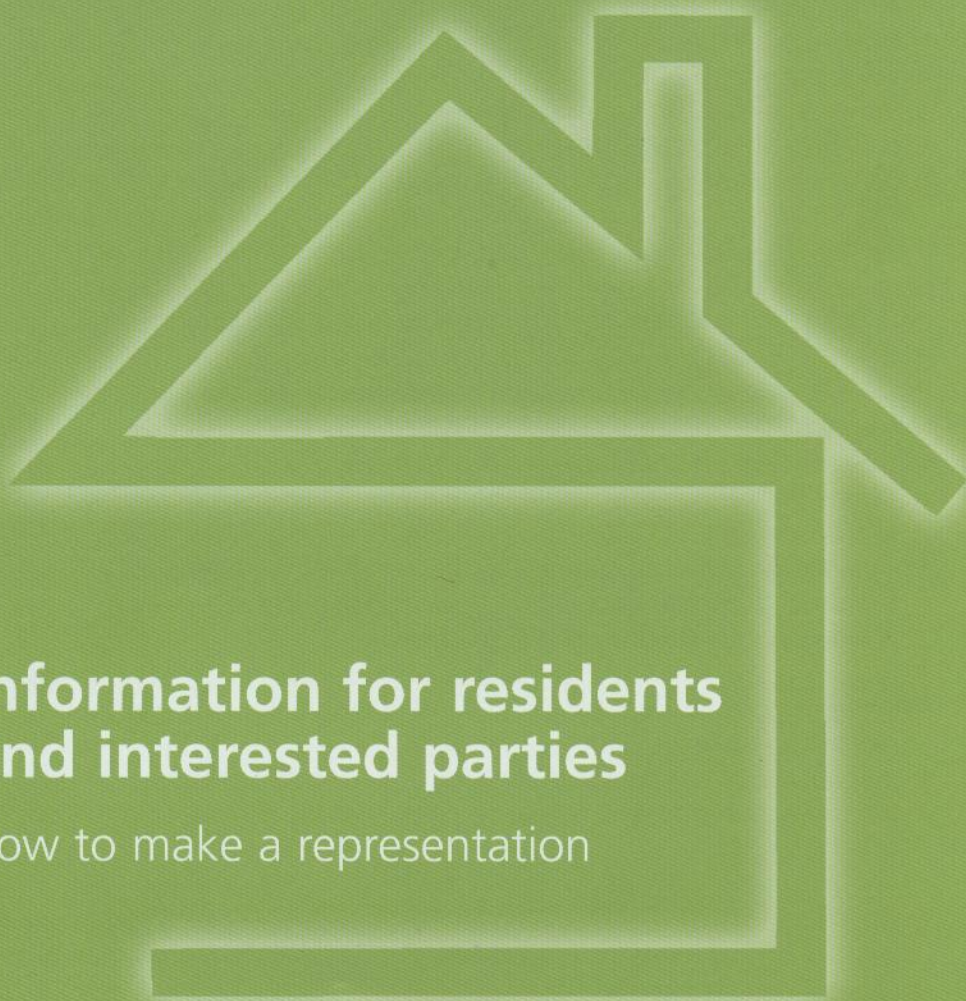


Alcohol and Entertainment Licensing Act 2003



Information for residents and interested parties

How to make a representation

The Licensing Act 2003 could affect you

Under the Licensing Act 2003 that came into force in November 2005, pubs, clubs, off licences, takeaways, restaurants, cinemas and theatres involved in any of the following activities must apply for a Premises License or Club Premises Certificate:

- the sale or supply of alcohol;
- the provision of regulated entertainment;
- performance of a play;
- performance of live music;
- playing of recorded music;
- exhibition of a film;
- performance of dance;
- indoor sporting event;
- boxing or wrestling;
- provision of facilities for making music;
- provision of facilities for dancing;
- the provision of hot food or drink between 11pm and 5am.

If you are a resident or local business owner, and live within the vicinity of a premises applying for a new or altered Premises Licence or Club Premises Certificate, you have the right to raise a representation (objection).

To have your say, you must be an 'interested party' for the premises concerned. This means you must be either:

- a person living in the vicinity of the premises;
- a body (e.g. a residents' association) representing people that live in the vicinity;
- a person involved in a business in the vicinity of the premises;
- a body (e.g. a trade association) representing people involved in businesses in the vicinity of the premises.

The purpose of the Licensing Act 2003 is to ensure licensed premises meet the following objectives:

1. the prevention of crime and disorder;
2. public safety;
3. the prevention of public nuisance;
4. the protection of children from harm.

If you believe granting or changing an existing licence or certificate would undermine any of these four objectives, you can make a representation to Newham Council's Licensing Team.

How will you know an application has been made?

A premises applying for a new or changed license must advertise their application by placing a blue notice prominently on the exterior of the premises and publish a notice in one edition of a local newspaper.

You can also contact Newham Council's Licensing Team, Monday to Friday from 10am to 4pm on 020 8430 6509/6511/4424 for more details.

How to make a representation

You must write to Newham Council's Licensing Team, providing:

- your name and address;
- the letter of representation must be signed and dated;
- the name and address of the premises;
- the licensing objective(s) you believe won't be met if the application is granted and the problems you believe will be caused if the licence were granted;
- the reason(s) for your view and any evidence in support;
- your daytime telephone number (if possible) so that Council Officers can discuss the matter with you if necessary;
- the date by which your representation must be received will be given in the blue premises notice or in the local paper. If your representation is received after this date it cannot be considered. The licence applicant will be given a copy of all valid representations received. The Licensing Act 2003 encourages discussion between applicants and objectors to try to resolve issues of concern;
- if you wish to submit a petition we recommend that you contact the Licensing Team regarding the format. Phone 020 8430 6509 or post to Licensing Team, 2-12 West Ham Lane, Stratford E15 4SF.

What happens if you make a representation?

Newham Council will check that your representation can be accepted under the Licensing Act 2003. If it cannot, you will be notified why.

If it is not possible to resolve the matter between the applicant and those raising the relevant representations, the council will call a hearing to determine the application. Notice of the hearing will be given and those raising relevant representations will be invited to attend the Licensing Sub-Committee.

Information about the procedures at the Licensing Sub-Committee can be obtained by contacting the Council's member services on 020 8430 3401 or 020 8430 3397.

Can I appeal against a decision to grant an application?

Yes. If you made a relevant representation you can appeal to the Magistrates' Court about the council's decision. However, you should note that unlike the hearing at the council, the magistrates are able to award costs against the unsuccessful party.

The applicant can also appeal to the Magistrates' Court if the application is refused or additional conditions are attached. If this happens and you made representation against the application, you may also need to attend the new hearing at the Magistrates' Court.

What happens if there is a problem at a licensed premises?

Any problems relating to crime and disorder should be reported to the police. Complaints about noise can be directed to the Initial Response Team on (daytime) 020 8430 4431 or (evening) 020 8472 9624. Other complaints regarding licensed premises or premises you believe require a licence should be made to the Licensing team.

Where can I get more information about the Licensing Act 2003?

You can contact Newham Council's Licensing Team on 020 8430 6509.

The Department for Culture, Media and Sport website (www.culture.gov.uk) has further information, including links to the legislation and regulations, their newsletter 'Licensing Countdown' and a section with Frequently Asked Questions.