



Licensing Act 2003: How to make a Licensing Representation.

Criteria for making a representation

Under the Licensing Act 2003, any person is able to make written representation in relation to certain types of applications. However, for a representation to be considered relevant, it must address the likely effect the granting of the application will have on the promotion of one or more of the following licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Representations must relate to the impact of licensable activities carried on from the premises on those objectives listed above. By way of an illustrative example: *"...a representation from a local business person about the commercial damage caused by competition from a new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant."*

Please also be aware that the Licensing Authority will not consider representations that are frivolous (ones that display a lack of seriousness in purpose or nature) or vexatious (ones that are intended to cause aggravation or annoyance whether to a competitor or other person, without reasonable cause).

Making a representation

Relevant representations must be in writing and submitted to the Licensing Authority within the 28-day notice period. Late representations will not be considered and will be returned.

Once a representation has been accepted by the Licensing Department it will ultimately become part of a hearing report, which is a public document. Unless there are any genuine and well-founded fears of intimidation representations will be published with names and addresses attached.

If you are unsure when the application was made, you can view the Council's website to access the list of current applications. Alternatively, you can look at the site notice posted at the premises which advertises the application. If you would like information about licences already in force there is a public register of licences on the Council's website or you can contact the Licensing Team at East Suffolk on 01394 444802.

Attached at the end of this guidance note there is a 'Representation Form' which can be used, if you wish, to assist you when making representations. The form is designed to help extract the type of information which is required to ensure the representation is relevant and therefore, can be accepted. Letters or emails are also acceptable but must contain all the relevant information.

Alternatives to making an individual representation

If you do not want to make your own representation, then you may wish to consider approaching a representative who may consent to make the representation on your behalf. For example, you may wish to ask a local Councillor or any other recognised body or association. If you are unsure about whom you can approach in your area, please contact the Licensing Team – we will be happy to offer advice.

If your chosen representative is willing to act on your behalf, you must submit a letter of authorisation to the Licensing Department as part of your representation. You must provide your chosen representative with your name, address and details of the grounds upon which your representation is made. They should then submit written representation to the Licensing Authority replicating the grounds upon which your representation is made.

Please note that all future dialogue and correspondence will be held with your representative, and the Licensing Authority will not be in a position to make direct contact with you. Consequently, the Notice of Hearing and any decision notice will also be sent to your representative.

Petitions

When organising/submitted a petition as part of your representation, there are some important factors to bear in mind:

- We ask that the instigator of the petition identifies themselves as a central point of contact, as we may need to make contact in order to verify certain matters and if we are unable to do so this could invalidate the petition.
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses for each signatory must be provided.
- All signatories must be made aware that where representations are made and not withdrawn, a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers.

The Licensing Authority will not write to each signatory separately but instead expects that the instigator of the petition will advise each signatory of the hearing date and the final outcome of the application. It is also expected that the instigator will represent signatories at the hearing and will speak for them.

Disclosure of personal details of persons making representation

Where a Notice of Hearing is given to an applicant, the Licensing Authority is required to provide that applicant with copies of the relevant representations that have been made. It is only in exceptional circumstances that personal details will be removed from representation correspondence.

We would refer you to Government Guidance on this matter, which states:

In exceptional circumstances, persons making representation to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches. For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.

The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

If the Licensing Authority decides that representations are relevant, it must hold a hearing to consider them. In the meantime, the Licensing Authority, the applicant and any person or body who has made representation can negotiate an agreeable way forward, and where written agreement is reached between all parties, the hearing may be cancelled.

The Licensing Authority strongly encourages all parties to mediate, and will assist, where possible, in the facilitation of mediation discussions.

Where agreement cannot be reached, the hearing will take place before a Licensing Sub-Committee, which is made up of three Elected Members from the Council's Licensing Committee.

The applicant, persons making representation, and any responsible authority will receive a Notice of Hearing. The Notice will set out the date, time and location and explains the procedure to be followed at the hearing. The Notice will be sent out within the prescribed statutory timescales. Please note that you are required to respond to this Notice.

All parties who have submitted a representation will be able to address the Sub-Committee. No new grounds of objection may be raised at this stage and parties are limited to speaking to matters outlined in their original representation and response to Notice of Hearing, although detail provided may be expanded upon.

Where you have chosen to use a representative, only they may speak on your behalf. However, Members may still wish to direct questions to applicants, even in cases where they are represented.

Please note that parties will all be given an equal amount of time in which to address the Sub-Committee, but that time period may be limited by the Chairman of the Sub-Committee – for example, where there are numerous objections, speaking time may be limited to 5 minutes, or the Chairman may request, where lots of similar representations have been made, that a spokesperson is nominated.

Please be assured that if for any reason you are unable to attend the hearing, the Sub-Committee will still consider your written representation.

The Sub-Committee will normally announce their decision at the hearing, and written confirmation will be distributed to all parties following the hearing.

If any party is aggrieved by the decision, an appeal may be made to the Magistrates' Court. An appeal has to be commenced by the appellant giving notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

I wish to **object** to the following application ~~I wish to support the following application~~

NAME OF APPLICANT (if known):

Sonia Jakson _____

PREMISES NAME AND ADDRESS

Alba Chiara 91-93 UNDERCLIFF ROAD WEST, Felixstowe

POSTCODE IP11 2AF

Section 2: Your Details

[If you are acting as a representative, please go to Section 3]

TITLE Mr Mrs Miss Ms Other (please state) _____

SURNAME Mania **FORENAMES** _____

ADDRESS

POST CODE _____

[You must provide your full residential address /or business address if your objection relates to the impact of the licence upon your business premises]

SECTION 3: Representative Details

[If you represent residents or businesses, please complete the details below]

NAME OF REPRESENTATIVE/ORGANISATION

SIRMANI FOODS LTD / trading as Alba Chiara

POST CODE _____

I AM (tick as appropriate):

Representative of residents association

Representative of trade/business association

Ward Councillor Other (please specify)

MP

Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant).

You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation.

Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

Licensing Objective	Reason for Representation
<p style="text-align: center;">Prevention of Crime and Disorder</p>	<p>I just wanted to mention that since we have opened in February 2020, since then we have served over 60,000 guests without having any complaints regarding crimes or disorders caused or related to our premises. Though through the years we were a victim of aggression by other members of the public, we have always kept calm, reminding our staff that we are here to deliver Hospitality, which for us means restoring the well-being of our guests by providing good food and drinks within a familiar environment. actually, it was the applicant that has recently threatened to call the Police and demanded, in an unpolite manner to restrict our activities.</p>
<p style="text-align: center;">Prevention of Public Nuisance</p>	<p>Regarding the nuisance due to the outdoor background music, we are sorry if this gives discomfort to our neighbors. we suggest they install an air conditioning unit, as we and other residents above us have, so that they do not have to change their bedroom. My staff has been accused of antisocial behavior for having a drink at the end of the service and in my opinion is the contrary of that, as long as we keep a decent behaviour, the accusations were made on a Saturday night when on this street there are costumers of a night club, 4 bars, 2 other restaurants and a theater on a seafront promanade. We constantly allow members of the public to use our toilets, since the public ones are shut in the evening. Please also check the reviews of our restaurant on all platforms: Google, The Fork, Tripadvisor, Table agent, etc.</p> <p>The umbrellas were installed by us, 2 years ago, to protect the residents above from the nuisance but I would be more than happy if the landlord would want to install a veranda to offer a better protection.</p> <p>In the application there are false statements and breach of GDPR laws regarding our Lease contract and false allegations like:</p> <ul style="list-style-type: none"> -the complaint regarding improper waste storage attracting pests, including flies and rats Ref: 23/05272/FDADVI. At our first event of pests, during the lockdown of 2020, we have engaged a pest control company and since then we have continuously monitored our premises and the whole building without charging any expenses on the property management. - we have signs on both of our main exits with the following statement "please keep quiet when leaving the premises and avoid disturbing local residents" -allegations of using illegal or intoxicant substances. -I did offered to turn off the music outside as usual when we have no guests outside but under threat and abusive behaviour my staff might have forgotten my instructions, we have anyway an alarm in place to turn off the air conditioning units and the music before 11pm, as per our license and planning permission. <p>It is also wierd how there are no complaints during the winter period when we do not have guests outside though the business rates are charged for the entire premises. I understand safeguarding the residents but you must also consider that this company provides jobs and our activities affect also our staff.</p>

<p style="text-align: center;">Public Safety</p>	<p>As the CCTV system of the building dose not work we have installed our own as requested on our license.</p>
<p style="text-align: center;">Protection of Children from Harm</p>	

I Stefan Mania, hereby declare that all information I have submitted is true and correct

SIGNED _____

DATED 11/07/2023

Please send the completed form to:

Licensing Department
 East Suffolk Council
 Riverside
 Canning Road
 Lowestoft
 NR33 0EQ

Tel: 01394 444802

Email: licensing@eastsoffolk.gov.uk

This form must be returned within the statutory period which is generally 28 consecutive days from the date the Public Notice was displayed on the premises. Please contact the Licensing Team for confirmation of the date.