

## **Making Representations/Objections (to an application for a Special Treatment Licence)**

PART II OF THE LONDON LOCAL AUTHORITIES ACT 1991

### **Who can make representations/objections to an application?**

1. It is open to 'any person' to make representations/objections to an application. That is:
  - ❖ An individual;
  - ❖ The representative of a group of individuals, such as a residents association\*
  - ❖ A body or business\*\*;
  - ❖ The representative of a group businesses, such as a trade association\*; or
  - ❖ A Local Councillor.

#### **Note:**

\* If you are making representations/objections on behalf of a group of individuals or businesses, you will need to be able to show? Evidence that the representations/objections you submit reflect the view(s) of the group. This can be achieved by having available a copy of the minutes of the meeting where the group's members decided to make representations/objections to the application.

\*\*A person involved in business is not necessarily confined to those engaged in trade and commerce. It could, for example, include charities, churches and medical practices.

2. Anonymous representations/objections will not be accepted. Therefore, the person making the representations must provide their name and address, and if made on behalf of a group of individuals or businesses, the name and address of the group.

### **When can representations/objections be made?**

3. Representations/objections to applications must be received during the 'consultation period'. The 'consultation period' runs for 28 days, commencing on the day the Council (Licensing Team) receives a 'full and proper' application.
4. Representations/objections received after the 'consultation period' has closed will not ordinarily be considered.

### **Are there restrictions as to what representations/objections can be about?**

5. Yes, to be 'relevant' representations/objections must relate to one, or more, of the grounds on which the Council may refuse an application. The grounds of refusal are:
  - ❖ the premises are not structurally suitable for the purpose;
  - ❖ there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;
  - ❖ the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence;
  - ❖ the persons giving the special treatment are not suitably qualified;

- ❖ the premises have been, or are being, improperly conducted;
- ❖ the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
- ❖ the means of heating the premises are not safe;
- ❖ proper precautions against fire on the premises are not being taken;
- ❖ they are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given;
- ❖ they are not satisfied as to the safety of the special treatment to be given;
- ❖ satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises;
- ❖ the applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act; or
- ❖ the applicant has failed to comply with the requirements of subsection (4) or (6) of section 7 of this Part II of the Act ( pay the fee and provide all the information required to make an application).

6. No regard will be had to irrelevant and/or anonymous representations.

**Can a petition be submitted?**

7. Yes, but only where:

- ❖ the names and address of the ‘petition organiser’ is provided; and
- ❖ the grounds of the petition relate to one of the grounds of refusal (as set out in 5 above).

8. Any petition submitted that fails to comply with 7 above will not be considered.

9. For a petition to carry the maximum weight it should have the grounds of the petition clearly set out at the top of each page; the name and address (in block capitals) of each person who signs it, followed by their signature and finally the date they signed the petition.

Petition			
We the undersigned object to the grant of a special treatments licence at XXXXXXXX on the following grounds XXXXXXXXXXXXXXXX XX XXXXXXXXXXXXXXXXXXXXXXXXXXXX			
Name	Address	Signature	Date
Page X of X			

10. here a petition is submitted the Licensing Team will only communicate with the ‘petition organiser’.

**Will the applicant be informed of any representations/objections?**

11. Yes, at the end of the 28 day ‘consultation period’ the applicant is provided with a copy of any representations/objections that have been made to the application. The name and address of the individual who has made the representations/objections will not be removed.

**Can an application be changed at this stage?**

12. Yes, having read the representations/objections the applicant may decide to amend their application in an attempt to resolve matters.

Note: Any amendment at this stage cannot extend the boundaries of the application. For example, an amendment to reduce the operating hours would be allowed; one to extend them would not.

13. Where an application is amended the Licensing Partnership will contact all persons who have made representations/objections to ascertain if having regard to the amendments they wish to continue with their representations/objections.
14. Any person who decides to withdraw their representations/objections following amendments to an application must do so in writing (letter or email).

### **What happens if representations/objections continue to be made?**

15. The application is referred to the Council's Licensing Sub Committee to determine. They do this by way of a public hearing. All persons who have made representations, and have not withdrawn them, will be invited to attend this hearing and address the Sub Committee.
16. A report is prepared for the hearing, which will include a copy of any representations/objections that are continuing to be made to an application. The report is a public document and this means that an individual's name and address will then be in the public domain; albeit house numbers, emails, telephone numbers and signatures will be redacted.
17. Guidance notes on the hearing procedure will be sent out at the time an individual is notified of the date and time.

### **What happens if I want to remain anonymous?**

18. You should contact your Ward Councillor to see if they are willing to make representations/objections on your behalf. If they agree there is no requirement that they reveal the name and address of any individual they represent.