



Elmbridge Borough Council

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Licensing Act 2003 Guidance on the Assessment of Premises Licence Representations*

Under the Licensing Act 2003 the Council as the Licensing Authority must consider whether or not to accept representations made either in support of or against an application. In addition to the criteria for assessment contained within the Act, there are other sources of information and guidance which are required to be followed including statutory guidance and case law.

Listed below are the relevant matters – if, following assessment, your representation is not accepted this detail may offer further explanation as to why. Please note that not all of the points will necessarily be relevant to your individual representation.

- The Licensing Act 2003 refers to ‘relevant representations’ and explains that they mean representations, which are about the likely effect of the grant of the premises licence on the promotion of the four licensing objectives namely;
 - (i) the prevention of crime and disorder
 - (ii) public safety
 - (iii) the prevention of public nuisance
 - (iv) the protection of children from harm

Any concerns should be expressly identified and must be clearly linked to a relevant objective. It should be noted that representations relating simply to interference with commercial freedoms e.g. demand for a premises in a particular area or commercial competition must be considered irrelevant. Further, if the link to objectives is merely implied or unclear, it is not possible for the Licensing Authority to speculate as to what objectives may be relevant.

- According to legislation, representations must not be ‘frivolous’. Frivolous representations are essentially categorised by a lack of seriousness or those which carry little or no weight (having taken into account the circumstances of each individual application). Frivolous representations generally concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- According to legislation, representations must not be ‘vexatious’. Vexatious representations are those, which appear to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause.

* Please note this information is produced for guidance only and does not necessarily form an accurate statement of the law