

What are Responsible Authorities and who can make submission of representations in respect of Applications for variation and new licences.

The Licensing Act 2003 will permit premises licensed for the sale of alcohol and music and dancing to remain open for up to 24 hours every day throughout the year. Whether or not these, or lesser hours, are permitted in respect of any particular premises has to be decided by the appropriate Licensing Authority. For premises within Surrey Heath Borough Council, decisions are taken by the Council's Licensing Adjudication Sub-Committee. The full extent of the new licensing arrangements will not come into force until 24 November 2005, however in the meantime Licensing Authorities are considering under transitional arrangements applications from existing licence holders to vary licences which usually involves a request to extend existing licensing hours.

Applications for new licences and variations to existing hours have to be advertised in the public notices section of a local newspaper and a similar notice has to be displayed on the premises. The Licensing Act 2003 specifies those 'Responsible Authorities' and persons who are entitled to make representations in respect of applications within a 28 day statutory period running from the date of submission of the application.

The Act defines 'Responsible Authorities' as any of the following:

- (a) the chief officer of police for any police area in which the premises are situated,
- (b) the fire authority for any area in which the premises are situated,
- (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated,
- (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated,
- (e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
- (f) a body which -
 - (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
 - (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,
- (g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated,
- (h) in relation to a vessel –
 - (i) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities.
 - (ii) the Environment Agency,
 - (iii) the British Waterways Board, or
 - (iv) the Secretary of State,

(i) a person prescribed for the purposes of this subsection.

'Interested Parties' are defined in the Act as any of the following:

- (a) a person living in the vicinity of the premises,
- (b) a body representing persons who live in that vicinity,
- (c) a person involved in a business in that vicinity,
- (d) a body representing persons involved in such businesses.

Any person or organisation that does not come within one of these categories will not be entitled to have representations considered.

As stated in the Act an interested party must live within the vicinity of the premises which is the subject of the application. Whilst the location of the premises will of course have a bearing, this Licensing Authority takes 100m as a general yardstick. The definition of vicinity for these purposes follows that taken in a decided High Court Case.

Those representations which are made by an interested party will only be valid if they relate to one of the following licensing objectives as specified in the Licensing Act 2003:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

Representations which deal with other matters must be disregarded. Guidance cannot be given by the Council as "Licensing Authority" on how the way a person is affected may be related to the licensing objectives as the Council cannot be seen to influence persons wishing to make representations. 'Interested parties' may however wish to seek independent advice on this matter.

Any person considering submitting representations should therefore have regard to the following:

1. Before submitting representations ensure that you qualify as an 'Interested party' (i.e. you live or have a business interest in the vicinity of the premises which is the subject of the application). If you have received a letter from the Council's Environmental Services Section seeking your views on the application you will be an 'Interested party'.
2. Ensure that your representations relate to the licensing objectives and do not deal with extraneous matters.
3. Submit your representations in writing either by post or e-mail stating your name, address, telephone number and ensure that your letter is dated. (Please note your name, address and telephone number will not be revealed to the applicant or other interested parties without your permission.)
4. If you are submitting your representations as an interested party with a business interest in the vicinity of the premises give details of that business interest.
5. Place your representations under headings stating the licensing objective that you consider to be relevant to your representations and why.
6. Ensure that your representations are submitted before the last date quoted in the public notice. This notice will appear both in a local newspaper and on the outside of the premises to which the application relates.

If your representations are relevant and you do qualify as an interested party, you will receive notice from the Council giving you details of the date when a hearing will take place to determine the application and you will be invited to state whether

- (a) you will attend to make representations in person,
- (b) you consider a hearing to be necessary,
- (c) you will wish to be represented at such a hearing, and
- (d) you will wish to call any other person as a witness.

You will need to respond to this notice by the date that will be entered on the notice. All hearings will follow an agreed procedure. This procedure may be viewed on this website.

Please do not submit representations unless you are a person living or having a business interest in the vicinity of the premises that is the subject of the application as submissions from persons who do not qualify as interested parties will be rejected and not placed before a hearing.

If you are in any doubt about whether you qualify as an interested party, please contact the Licensing Section - telephone number 01276 707322/626, e-mail address

licensing@surreyheath.gov.uk The address for enquiries and the submission of representations - Licensing Section, Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley, Surrey GU15 3HD.