

Your Legal Questions

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Q I am opening a new restaurant and want to make an application for a Premises Licence so that I can sell alcohol to diners. No-one in the vicinity objects but I understand that the law has recently changed widening the scope of those who can make representations. Is that true?

A I am afraid so. The Government has changed the law so that an objector no longer has to be someone who lives in or is involved in a business in the vicinity of the premises. The effect of this is that any person may make representations in relation to an application for the grant of a Premises Licence.

This inevitably opens the door to the prospect of representations from anywhere and anyone totally unconnected with and unaffected by the particular premises. The law provides that representations must relate to the licensing objectives and not be "frivolous or vexatious". Unfortunately, it is not difficult for the well informed person to frame an objection so that it looks, on its face, to relate to one of the four licensing objectives namely:-

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm

The Home Office Guidance states that the licensing authority should determine what is frivolous or vexatious on the basis of what might "ordinarily be considered to be vexatious or frivolous" which is not particularly helpful.

It then recommends that if there is any doubt about any aspect of the objection the benefit of the doubt should go in favour of the objector. As a single representation is all that is necessary to trigger a hearing before the local authority licensing committee this could result in considerable and arguably unnecessary expense for applicants.

If you suspect that an objection is vexatious or frivolous it is worth consulting a specialist licensing solicitor at an early stage to see if a hearing can be avoided.

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