

Consultation

New comments and representations guidance and proposed shortening of the comment period for the notice of application

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Executive summary

Ofgem intends to introduce new guidance to help stakeholders better understand when and how they can submit comments or representations on licence applications, and how we consider these as part of our assessment process. The guidance aims to support more effective engagement by explaining the types of information that are relevant to our decision-making and those that fall outside our statutory powers or assessment criteria.

At the same time, we are proposing to shorten the comment period for the notice of application from 28 calendar days to 15 working days. This would provide more time for active assessment within existing processing timescales, supporting earlier identification of issues, more efficient use of resources and potentially faster determination of applications.

1. Introduction

This section explains the context and purpose of the consultation, how to respond, how we will handle responses and personal data, and how to track its progress.

Purpose of this consultation

This consultation seeks views on two matters:

- The introduction of new guidance to improve transparency and understanding of how comments and representations on licence applications can be submitted and will be considered by Ofgem as part of its assessment processes.
- A proposal to shorten the non-statutory comment period for the notice of application from 28 calendar days to 15 working days to provide more time for active assessment within existing application processing timescales.

Context and related publications

We already publish guidance for stakeholders on [how to apply for a gas or electricity licence](#), which is regularly reviewed and updated. The proposed new guidance is to be read in conjunction with that existing guidance.

How to respond

We want to hear from anyone interested in this consultation. Please send your response to the person or team named on the front page of this document.

We welcome feedback on each of the consultation questions and encourage respondents to answer them as fully as possible. Responses should be submitted by the close of the consultation on 19 November 2026. We intend to publish all non-confidential responses on our website.

Your response, data, and confidentiality

You can ask us to keep your response, or parts of your response, confidential. We will respect this, subject to obligations to disclose information. For example, under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, statutory directions, court orders, government regulations, or where you give us explicit permission to disclose. If you do want us to keep your response confidential, please clearly mark this on your response and explain why.

If you wish us to keep part of your response confidential, please clearly mark those parts of your response that you do wish to be kept confidential and those that you do not wish to be kept confidential. Please put the confidential material in a separate

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appendix to your response. If necessary, we will contact you to discuss which parts of the information in your response should be kept confidential and which can be published. We might ask for reasons why.

If the information you give in your response contains personal data under the General Data Protection Regulation (Regulation (EU) 2016/679) as retained in domestic law following the United Kingdom's withdrawal from the European Union ("UK GDPR"), the Gas and Electricity Markets Authority will be the data controller for the purposes of GDPR. Ofgem uses the information in responses in performing its statutory functions and in accordance with section 105 of the Utilities Act 2000. Please refer to our Privacy Notice on consultations, see Appendix 2.

If you wish to respond confidentially, we will keep your response confidential, but we will publish the number, not the names, of confidential responses we receive. We will not link responses to respondents if we publish a summary of responses, and we will evaluate each response on its own merits without undermining your right to confidentiality.

How to track the progress of a consultation

1. Find the web page for the consultation you would like to receive updates on.
2. Click 'Get emails about this page', enter your email address and click 'Submit'.
3. You will receive an email to notify you when it has changed status.

A consultation has three stages: 'Open', 'Closed (awaiting decision)', and 'Closed (with decision)'.

2. Comments and Representations Guidance

We intend to introduce new guidance explaining how stakeholders can submit comments and representations on licence applications, how those submissions are considered, and how the relevant consultation and application processes operate.

Policy proposal

- 2.1 We intend to introduce guidance which helps stakeholders understand when and how they can submit comments or representations on licence applications.
- 2.2 The guidance explains the role comments and representations play in our assessment processes, as well as the types of comments and representations we can and cannot consider.
- 2.3 It also explains the statutory and non-statutory consultation processes that apply to different types of licence applications.
- 2.4 The new guidance is not intended to serve as a definitive explanation of our application processes or as a substitute for statute but is written to provide stakeholders assistance in understanding and engaging with our processes.

New Guidance

- 2.5 The draft guidance titled ‘Comments and Representations on Licence Applications’ accompanies this consultation document for review.
- 2.6 The document covers the following:
 - It begins by explaining Ofgem's role as the energy regulator and provides an overview of our licence application process. It explains when Ofgem invites public input and how comments and representations are considered as part of the assessment of licence applications.
 - The document sets out how stakeholders can submit comments or representations, any timescales for doing so, how these are acknowledged, and Ofgem's approach for responding to and publishing submissions.
 - A further section explains the types of comments and representations that Ofgem can consider: those relating to its regulatory responsibilities, the applicant's suitability and readiness, and any licence-specific requirements.
 - The guidance also explains the types of comments and representations that cannot be considered and the limited circumstances in which formal objections to licence applications may be made.

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- The appendices provide an overview of the different notice and consultation processes for licence applications, when comments, representations and objections can be made and the statutory basis.

2.7 We hope that introducing this guidance will provide greater clarity and transparency about how Ofgem considers public input on licence applications.

Introducing the guidance

2.8 We seek feedback from interested stakeholders on the draft guidance. Following consideration of that feedback, we intend to publish a response and, if appropriate, introduce the guidance with any necessary amendments.

2.9 To support the introduction of the ‘Comments and Representations on Licence Applications’ guidance, we also propose to update our guidance on [how to apply for a gas or electricity licence](#) to ensure consistency and signpost readers to the new guidance. These changes to paragraphs 3.12 and 3.13 are shown in Appendix 1 of this document and would be introduced at the same time.

Questions

Q1. Are there any changes, additions or areas for clarification that you think would improve the new guidance? Please provide reasons for your answer.

3. Shortening the notice of application comment period

We propose to shorten the non-statutory comment period for the notice of application from 28 calendar days to 15 working days while still providing sufficient opportunity to submit comments which we will consider as part of our assessment process.

Policy proposal

- 3.1 When a licence application is deemed duly made, the [Gas Act 1986](#), [Electricity Act 1989](#), [The Gas \(Applications for Licences and Extensions and Restrictions of Licences\) Regulations 2019](#), and [The Electricity \(Applications for Licences, Modifications of an Area and Extensions and Restrictions of Licences\) Regulations 2019](#) require a notice to be published within 10 working days.
- 3.2 There is no statutory requirement to deliver a notice of application consultation so the duration of any period for comments is within Ofgem's discretion. Currently, stakeholders are invited to submit comments for a period of 28 calendar days.
- 3.3 We propose to shorten the comment period from 28 calendar days to 15 working days. All other aspects of the process would remain the same, as set out in the proposed 'Comments and Representations on Licence Applications' guidance.

Reasoning and benefits

- 3.4 Shortening the notice of application comment period would allow earlier identification of potential issues and increase the amount of active assessment time within the existing processing timescale, benefiting applicants.
- 3.5 The proposed change would reduce the comment period by around one week on average, while continuing to provide interested parties with sufficient time to consider applications and submit comments.

Introducing these changes

- 3.6 We seek feedback from interested stakeholders on these proposals.
- 3.7 Following consideration of that feedback, we intend to publish a response and, if appropriate, introduce the proposed shortened notice of application comment period of 15 working days.

Questions

Q2. Do you agree with our proposal to shorten the non-statutory comment period for the notice of application from 28 calendar days to 15 working days? Please provide reasons for your answer. If you do not agree, please also provide illustrative examples of any concerns.

Send us your feedback

We believe that consultation is at the heart of good policy development. We are keen to receive your comments about this consultation. We would also like to get your answers to these questions:

- Do you have any comments about the quality of this document?
- Do you have any comments about its tone and content?
- Was it easy to read and understand? Or could it have been better written?
- Are its conclusions balanced?
- Did it make reasoned recommendations?
- Do you have any further comments?

Please send your feedback to stakeholders@ofgem.gov.uk.

Appendix 1. Revised Application Guidance

- 3.12 Where we receive representations~~comments~~ about a licence application in response to an ~~application~~ notice of application, we will consider whether they are ‘valid’ and relevant to our application assessment criteria.
- 3.13 ~~For a representation to be considered relevant, it must relate to matters that Ofgem has a remit to consider such as protection of consumers, suitability to hold a licence, financial resilience, the ability to comply with the licence, achieving net zero, or energy security. Representations should not be frivolous or vexatious and we cannot make decisions which are for other authorities, even if our decision may have some impact on these, such as planning permissions.~~
- 3.13 Further information on how comments are considered, including the types of matters that may be ‘valid’ and relevant to Ofgem's assessment, is available in our Comments and Representations on Licence Applications guidance.

Appendix 2. Privacy policy

Personal data

The following explains your rights and gives you the information you are entitled to under the General Data Protection Regulation (GDPR).

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the controller and contact details of our Data Protection Officer

The Gas and Electricity Markets Authority is the controller, (for ease of reference, “Ofgem”). The Data Protection Officer can be contacted at dpo@ofgem.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

As a public authority, the GDPR makes provision for Ofgem to process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

4. With whom we will be sharing your personal data

We will not disclose or share your personal data with any other organisations.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held only for as long as necessary for the purposes for which it was collected.

6. Your rights

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right to:

- know how we use your personal data
- access your personal data
- have personal data corrected if it is inaccurate or incomplete
- ask us to delete personal data when we no longer need it
- ask us to restrict how we process your data
- get your data from us and re-use it across other services

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- object to certain ways we use your data
- be safeguarded against risks where decisions based on your data are taken entirely automatically
- tell us if we can share your information with 3rd parties
- tell us your preferred frequency, content and format of our communications with you
 - to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> or telephone 0303 123 1113.

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making.

9. Your personal data will be stored in a secure government IT system.

10. More information For more information on how Ofgem processes your data, view our [Ofgem privacy policy](#).