

Licensing Act 2003

Making a representation about an application



Anyone wishing to make representation about an application must do so in writing, by the closing date given, to:

The Licensing Officer
Richmondshire District Council
Mercury House
Station Road
Richmond
DL10 4JX

Alternatively you can email licensing@richmondshire.gov.uk.

Please note: It is an offence knowingly or recklessly to make a false statement in connection with an application and that the maximum fine for which a person is liable on summary conviction for the offence is £5,000.

To contact the Licensing team call **01748 829100** or email licensing@richmondshire.gov.uk

1. Overview

Operators of theatres, cinemas, off-licences, public bars, clubs, restaurants, late night cafes and takeaways can apply for a new premises licence or club registration certificate and for variations to their licensable activities.

Local residents or nearby businesses may notice that there will be a number of light-blue or white signs appearing outside such businesses or public notices in the local press.

These will be advertising licensing reviews, new applications or proposed changes in the operation of existing premises i.e. requests for variations in licensed hours.

2. Making representations

If local councillors, neighbouring residents or businesses (the interested parties to an application) believe they will be adversely affected by the licensable activities at the premises, then they will be able to make written representations to the council during the **first 28 days of any application**.

The police, fire service, planning and environmental health and trading standards services will receive copies of all new applications and variations to existing licences. They have similar powers to make representations about applications.

You can view Richmondshire's Licensing Policy at

<https://www.richmondshire.gov.uk/media/8631/statement-of-licensing-act-2003-policy.pdf>

Reference copies of the policy are available also at all libraries and information centres.

All licensable activities have to be managed to support the four licensing objectives:

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

Anyone wishing to make a representation to the council about an application must show that:

- the proposed licensable activity does not support those objectives in some way (preferably with supporting evidence)
- those issues are reasonably within the control of the licensee

For example:

- the details of crime and disorder at a licensed premises (preferably supported by police incident / crime numbers)
- the occurrence of unacceptable levels of noise (preferably supported by complaints to the Environmental Health Service)
- littering e.g. chip wrappers / takeaway containers thrown into gardens would not be relevant to an application for a public house
- unruly behaviour some distance from licensed premises would not be within the control of the licensee
- fighting on or outside licensed premises is within the control of the licensee
- underage sales of alcohol are within the control of the licensee

A form for submitting your relevant representation can be found at the end of his guidance

3. Consideration of representations

All written representations will be checked for relevance to the application, the premises and the licensing objectives. If your representation is deemed to be irrelevant we will give you a written explanation as to why that decision has been made.

If a relevant representation is received the applicant will be informed and given the opportunity to address the concerns raised by the representation. This may result in the interested party withdrawing their representation.

If such an agreement does not occur then the application must go to before a licensing committee consisting of 3 councillors. They will consider the application and the representation(s) made by the interested parties and responsible authorities. The application will be tested against the licensing objectives. The councillors will have 1 of 3 options open to them.

They may:

- grant the licence / variation
- grant the licence / variation with conditions
- refuse the application

Should the committee's decision be unacceptable to the applicant or the interested party they will have the right of appeal to the Magistrates' Court.

4. After making a representation

Your representation will be published in the report available to the Licensing Sub-Committee and applicant/licence holder. It will also be publicly available on our website for six years following the hearing.

Names and addresses will only be withheld from the Sub-Committee report at your request and in exceptional and justified circumstances. Signatures, email addresses and contact telephone numbers will not be publicly available.

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Relevant representation submission form



Name of premises:

Address of Premises:

Please note:

Any objection to an application must relate to at least one of the licensing objectives and evidence of the submissions must also be provided.

An example of a relevant submission would be: Public Nuisance – Continuous noise emanating from the premises. Evidence -'Complaints made to Environmental Health on dd/md/yyyy and dd/md/yyyy

Your Details Name Address Telephone Email	
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Please give details of your representation in the appropriate box below

H&E785v1 Crime and Disorder Evidence	
Public Safety Evidence	

Public Nuisance Evidence	
Protection of Children from harm Evidence	

Signed:

Date:

Please note, your representation will be published in the report available to the Licensing Sub-Committee, which will also be publicly available on the Council's website. Names and addresses will only be withheld from the SubCommittee report at your request. Signatures, email addresses and contact telephone numbers will not be publicly available.

Send completed form to: Licensing Section, Licensing, Mercury House, Station Road, Richmond, DL10 4JX

Calling for a review

Residents, local councillors and the owners of businesses, living and operating nearby, can apply for a review of a premises licence or club premises certificate if they believe there are problems relating to the four licencing objectives:

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

These problems should be brought to the management of the pub or club in question in the first instance and try to reach an agreement. You should keep a record of any meeting or correspondence resulting from this first contact.

If this fails, you should:

- contact our Environmental Health Service and your local ward councillor(s) with the details of any noise or safety issues
- keep a diary detailing any rowdy behaviour and contact North Yorkshire Police for serious incidents
- be willing to present your views to our licensing committee