

Making Representations against Applications for Premises Licences and Club Premises Certificates

Introduction

Premises licences and club premises certificates can authorise the sale or supply of alcohol, various forms of entertainment and/or the provision of late night refreshment.

Responsible authorities (such as the Police and the Environmental Health Service) and any other persons (including local residents) are entitled to object to the grant of the licence if they believe that the proposed activities will have an adverse effect on at least one of the licensing objectives.

The licensing objectives are:

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

* Please note that the public safety objective concerns immediate physical harm rather than public health, which is addressed in other legislation.

Period for making representations

Once a valid application has been received, responsible authorities and other persons will have 28 days in which to object.

There is no obligation to specifically consult with local residents but, in order to allow public engagement in the process, a notice of the application must be displayed on the premises, published in a local newspaper and shown on the Council's website.

Formulating representations

Representations must be linked to one or more of the licensing objectives. They will carry more weight if they are evidence-based and relate specifically to the premises in question.

It might also be useful for the objector to describe how they believe the concerns could be overcome. If, for example, the concern relates to the proposed hours, what time would be acceptable? Could any additional licence conditions help to ease those concerns?

Representations must be made in writing and may be in any format but it might assist to use the forms provided by the Council in order to ensure that the relevant information is provided. The Council's forms can be downloaded at www.hambleton.gov.uk/representations and sent to licensingteam@hambleton.gov.uk.

Representations must be received within 28 days of the application date.

Assessing representations

The Licensing Authority can only consider matters relating to the licensing objectives.

It will not be possible to object to a licensing application simply on the basis that the proposed hours conflict with the planning permission. Where the hours on the planning permission differ from the hours on the licence, the earlier closing time would need to be observed (the Planning Authority will deal with any planning breaches and the Licensing Authority will deal with licensing breaches).

Business competition and commercial demand are not relevant considerations for the Licensing Authority.

A representation will not be considered if it is deemed to be frivolous (addressing only minor concerns where no remedial steps would be warranted) or vexatious (intended only to cause aggravation or annoyance).

Determining the application

If no relevant representations are lodged in relation to an application, the Licensing Authority must grant the licence in the terms sought.

If one or more relevant representations are received, a hearing will need to be held.

Hearing

Hearings will generally be held in public and should take the form of a discussion led by the Chair of the Council's Licensing and Appeals Hearings Panel (sometimes referred to as the Licensing Sub-Committee).

The Panel will consist of three elected Councillors.

All relevant documents, along with the procedure for the hearing, will be provided to the applicant and any objectors prior to the hearing. They will be invited to attend the hearing but they are under no obligation to do so.

The Panel will consider the evidence produced by all parties.

During the hearing, any objectors will be entitled to amplify and clarify the points raised within their representations. However, additional concerns (about matters not raised within the written representations) will not be considered. On that basis, any objectors would be strongly advised to ensure that their written representations address all of their relevant concerns. The Panel will disregard any information that it considers to be irrelevant.

Decision

The Panel will need to consider the likely effect that the proposed activities will have on the licensing objectives. Having regard to the evidence and any relevant legislation and guidance, the Panel will grant the licence (sometimes subject to conditions or amended hours if appropriate) or reject the application altogether.

Following the hearing, further information will be provided in writing in relation to the outcome and the rights of appeal of any party.

A record of the decision will be published on the Council's website and full reasons will be provided.

Contact details

Address: Licensing Team, Civic Centre, Stone Cross, Rotary Way,
Northallerton, North Yorkshire, DL6 2UU

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