



Licensing Act 2003

Representations Information For Residents

The Licensing Act 2003 allows the views of persons who live, or are involved in a business in the City of York Council area to be taken into account, in the form of a representation (objection) in the following circumstances:

- Where an application is made for a premises licence, club premises certificate, or provisional statement
- Where an application is made for the variation of an existing premises licence or club premises certificate
- Where an application is made to review an existing premises licence or club premises certificate

Awareness of new applications

Applications must be advertised as follows:

- By placing a notice at or on the premises. This notice should be A4 or larger and on pale blue paper. It should be placed prominently at or on the premises where it can be conveniently read from the exterior of the premises. This notice must be displayed for a 28 day period starting on the day after the application is submitted.
- By placing a notice once in a local newspaper within 10 working days of the application being submitted. (NB this only applies to applications for the grant or variation of a premises licence or club premises certificate, it does not apply to applications for review.)

Details of current applications are also advertised on our website at

<https://www.york.gov.uk/downloads/download/133/licensing-applications-register> .

Please note that applicants are not required to notify local residents individually.

You can view full details of any applications made by prior appointment during office hours at our receptions at West Offices, Station Rise, York

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or Hazel Court EcoDepot, James Street, York. Appointments can be made by phoning 01904 552422.

Making a representation

A representation must be made to the licensing section in writing and signed, explaining why you are making a representation. A representation can be made by email to licensing@york.gov.uk within the relevant representation period. Representations must include your home/premises address.

Your representation must be relevant to one or more of the licensing objectives; therefore it is important you link any representation specifically to these objectives. The licensing objectives are:

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

It is also helpful if your representation is evidence based. It is advisable to make detailed notes of any incidents at the premises and speak with the relevant authority responsible.

For example if a premises is causing a noise disturbance, it is advisable to speak with the Environmental Protection Unit or for concerns about child safeguarding issues, speak to the Child Safeguarding Section. If you are unsure as to who to contact about issues at a premises contact the Licensing Section for advice.

If your representation is not relevant to one or more of the objectives, or if it is considered to be frivolous or vexatious, your representation will not be considered valid and will be rejected.

Whether representations are frivolous or vexatious will be for the licensing authority to determine. For example, the licensing authority might find the representations were vexatious if they arise because of disputes between rival businesses, or they might be considered frivolous representations if they plainly lacked seriousness.

Who views your representation?

Once you have submitted your comments to us, your representation will become a public document.

It will be sent to the premises licence applicant and / or their solicitors.

It will be included in the report that is written for the Licensing Committee Hearing and printed on City of York Council website.

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You should be aware that local newspapers have occasionally quoted sections from the Licensing Committee Report in articles, and extracts from representations have been published. It is, therefore, advisable that you only provide details that you are happy to be published and viewed by other parties.

Anonymous representation

It is not usually possible to make representations anonymously except in exceptional circumstances. This is because we need to be certain that it is a serious representation.

However, if you fear there may be repercussions by submitting a representation to an application (for example a genuine and well-founded fear of intimidation or violence), you would need to contact the licensing section to discuss the situation.

In such exceptional situations we could look at alternative approaches to you submitting your comments. For example, you could consider asking your ward councillor or parish councillors to make a representation on your behalf.

We could also withhold some of your address details.

What happens when relevant representations have been made?

If the licensing authority considers that your representation is relevant, a hearing of the Licensing Sub-Committee will be arranged to consider any representations and determine the application, unless all parties can come to an agreement beforehand, and agree that a hearing is unnecessary. For example the licensing authority may offer to try and resolve matters via a negotiated agreement outside a formal hearing.

On occasion the applicant may wish to contact you to negotiate a compromise or explain further details of their application. This is normal practice. If no agreements are reached the application will be determined at a hearing.

The licensing authority will write to you to inform you of the date and time of the hearing and explain the format of the hearing and invite you to attend to put forward your concerns.

If an applicant withdraws their application after a hearing date has been arranged, the licensing authority will let you know that the hearing has been cancelled. You should be aware that if you make a representation about an application that is later withdrawn, and the applicant makes a new application, your representation will not be automatically taken

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forward. Any further application would need to be re-advertised as set out above. You will then have to decide whether to make a further representation to the new application.

Licensing Committee Meetings

Hearings will generally be held in public, unless the licensing authority decides it is in the public interest to hold part or all of the hearing in private. The licensing authority shall ensure that a record is taken of the hearing.

Hearings will normally take the form of a discussion and will be led by the licensing authority, which will consist of 3 elected councillors. They form the licensing sub-committee which is drawn from a full licensing committee of 15 councillors. The hearing report and details of the hearing procedure will be circulated to all representors prior to the hearing being held.

The hearing will determine whether the licence is granted in the terms applied for, refused or modified.

Licensing authorities must give notice of its decision within 5 working days (if it does not give a decision at the hearing) and include information on the right of the applicant or representor to appeal against the decision.

Further information

Further information relating to regulated entertainment can be found on the Department of Culture Media and Sport website at:

<https://www.gov.uk/government/organisations/department-for-culture-media-sport>

Further information relating to alcohol can be found on the Home Office website at:

<https://www.gov.uk/government/organisations/home-office>

Licensing Section Contact Details

City of York Council, Licensing Section, Hazel Court EcoDepot, James Street, York, YO10 3DS

Telephone: 01904 552422

Email: licensing@york.gov.uk

Website <https://www.york.gov.uk/BusinessLicences>