



## **Licensing Act 2003: How to call for a Review of a Premises Licence or Club Premises Certificate.**

### **Criteria for calling for a 'Review'**

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority or any other person may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives.

Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation. This is unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

Please also be aware that the Licensing Authority will not consider applications that are frivolous (ones that display a lack of seriousness in purpose or nature), vexatious (ones that are intended to cause aggravation or annoyance whether to a competitor or other person, without reasonable cause) or repetitious (ones that have been specified in an earlier review or at the time of grant).

### **Considerations before making an application**

Before making a review application you may want to consider whether your concerns could be effectively dealt with outside a formal review process:

Talking to the licence or certificate holder to explain your concerns; they may be willing to take steps to rectify the situation

Asking the licensing department to talk to the licensee on your behalf

Talking to the relevant 'Responsible Authority'; e.g. environmental health in relation to noise or the police in relation to crime and disorder to see if there is any other legislation that can help resolve the issue.

## **Making a review application**

An application for review should be made using the statutory form supplied with this guidance, and may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The Licensing Authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process.

The review application must be served on the holder of the licence or certificate together with any accompanying documents on the same day as it is given to the Local Authority Licensing Department. Copies also must be sent to the 'responsible authorities' named in the Licensing act 2003 (a list of these is provided at the end of this guidance).

When making your application you may wish to consider:

- Backing up your claims; you could do this by keeping a diary of events over a period of time
- Getting as much information as possible about any official responses; for instance, the police being called
- Having a good idea of how you would like the situation to be resolved
- Thinking about how to show that the particular premises in question is directly responsible for the problem; for instance, in the case of general noise nuisance on the street

## **Alternatives to making an individual application**

If you do not want to make your own application for a review, then you may wish to consider approaching a representative who may consent to make the application on your behalf. For example, you may wish to ask a local councillor or any other recognised body or association. If you are unsure about whom you can approach in your area, please contact the licensing team – we will be happy to offer advice.

If your chosen representative is willing to act on your behalf, you must submit a letter of authorisation to the Licensing Department as part of your application. You must provide your chosen representative with your name, address and details of the grounds upon which your application is made. They should then submit written representation to the licensing authority replicating the grounds upon which your representation is made.

Please note that all future dialogue and correspondence will be held with your representative, and the licensing authority will not be in a position to make direct contact with you. Consequently, the 'Notice of Hearing' and any decision notice will also be sent to your representative.

## **Petitions**

When organising/submitting a petition as part of your application, there are some important factors to bear in mind:

- We ask that the instigator of the petition identifies themselves as a central point of contact, as we may need to make contact in order to verify certain matters and if we are unable to do so this could invalidate the petition.
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses for each signatory must be provided.
- All signatories must be made aware that where representations are made and not withdrawn, a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers.

The Licensing Authority will not write to each signatory separately but instead expects that the instigator of the petition will advise each signatory of the hearing date and the final outcome of the application. It is also expected that the instigator will represent signatories at the hearing and will speak for them.

**What happens after a request for a review has been made?**

Once a review application has been accepted by the licensing department it will ultimately become part of a hearing report, which is a public document. Unless there are any genuine and well-founded fears of intimidation representations will be published with names and addresses attached.

The Licensing Department will advertise the review on the premises in question and on their web-pages for a period of 28 consecutive days. This allows other parties to make their own representations about the review.

The Licensing Authority will call a hearing for the application to be determined; you will be informed of the date and time and the procedure to be followed at the meeting.

**Hearings**

The hearing will take place before a Licensing Sub-Committee, which is made up of three Elected Members from the Council's Licensing Committee.

The applicant, persons making representation, and any responsible authority will receive a Notice of Hearing. The Notice will set out the date, time and location and explains the procedure to be followed at the hearing. The Notice will be sent out within the prescribed statutory timescales. Please note that you are required to respond to this Notice.

All parties who have submitted a representation will be able to address the Sub-Committee. No new grounds of objection may be raised at this stage and parties are limited to speaking to matters outlined in their original representation and response to Notice of Hearing, although detail provided may be expanded upon. Where you have chosen to use a representative, only they may speak on your behalf. However, Members may still wish to direct questions to applicants, even in cases where they are represented.

Please note that parties will all be given an equal amount of time in which to address the Sub-Committee, but that time period may be limited by the Chairman of the Sub-Committee – for example, where there are numerous objections, speaking time may be limited to 5 minutes, or the Chairman may request, where lots of similar representations have been made, that a spokesperson is nominated.

Please be assured that if for any reason you are unable to attend the hearing, the Sub-Committee will still consider your written representation.

The Sub-Committee will normally announce their decision at the hearing, and written confirmation will be distributed to all parties following the hearing.

If any party is aggrieved by the decision, an appeal may be made to the Magistrates' Court. An appeal has to be commenced by the appellant giving notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

# Responsible Authorities

If submitting this form electronically we will share the review form with these responsible authorities on your behalf.

Responsible Authority	
The Police Licensing Team	<p><b>North Yorkshire Police</b>            Police Licensing            York Police Station            Fulford Road            York            YO10 4BY  <b>Email:</b> nyplicensing@northyorkshire.pnn.police.uk.</p>
Chief Fire Officer	<p><b>North Yorkshire Fire and Rescue Service</b>            Alverton Court            Crosby Road            Northallerton            DL6 1FE  <b>Email:</b> ElectronicConsultation@northyorksfire.gov.uk</p>
<p>The enforcing authority under the Health &amp; Safety at Work etc. Act 1974.</p> <p>The Local Authority exercising Statutory functions to minimise or prevent risk of pollution of the environment.</p>	<p><b>Environmental Health</b>            Craven District Council            1 Belle Vue Square            Broughton Road            Skipton            North Yorkshire            BD23 1FJ  <b>Email:</b> environmentalhealth@cravencd.gov.uk</p>
The Local Planning Authority	<p><b>Planning Team</b>            Craven District Council            1 Belle Vue Square            Broughton Road            Skipton            North Yorkshire            BD23 1FJ  <b>Email:</b> planning@cravencd.gov.uk</p>
Public Health	<p><b>North Yorkshire County Council</b>            County Hall            Northallerton            North Yorkshire            DL7 8AD  <b>Email:</b> nypublichealth@northyorks.gov.uk</p>
North Yorkshire Trading Standards	<p><b>North Yorkshire Trading Standards</b>            Unit 4/5            Thornfield Business Park            Standard Way            Northallerton            North Yorkshire            DL6 2XQ  <b>Email:</b> trading.standards@northyorks.gov.uk</p>

<p>The Home Office (Only for Section.17, 42,47,34 &amp; 52 applications)</p>	<p><b>Alcohol Licensing Team</b>  Lunar House  40 Wellesley Road  Croydon  CR9 2BY  <b>Email:</b> alcohol@homeoffice.gsi.gov.uk</p>
<p>Social Services</p>	<p><b>North Yorkshire  County Council</b>  Children &amp; Young People's Service  County Hall  Racecourse Lane  Northallerton  North Yorkshire  DL8 7AE  <b>Email:</b> licensingofficer.children@northyorks.gov.uk</p>

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**I David Noland,**  
*(Insert name of applicant)* .....  
**apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87 of the Licensing Act 2003~~ for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Ref & Whistle Ltd, 9 Court Lane.	
<b>Post town:</b> Skipton	<b>Post code (if known):</b> BD23 1DD

**Name of premises licence holder or club holding club premises certificate (if known)**

Simon Greaves
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**Number of premises licence or club premises certificate (if known)**

PL0848
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**Part 2 - Applicant details**

I am

Please tick

an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

a responsible authority (please complete (C) below)

a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr  Mrs  Miss  Ms  Other title  (for example, Rev)

**Surname**      **First names**

Cllr David Noland

**I am 18 years old or over**

Please tick




**Current postal address if different from premises address:**

c/o Craven District Council, Belle Vue Square, 1 Broughton Road, Skipton, BD23 1FJ

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address John Dawson Councillor, North Ward, Skipton Town Council, 	
Telephone number (if any)	
E-mail address (optional)	

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

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

**Please state the ground(s) for review** (please read guidance note 2)

Prevention of public nuisance, protection of public safety. I am aware of a number of issues that have caused issues and undermined the licensing objectives.

Local residents have brought to my attention a number of issues experienced by them and some of the complaints are below and are directly reproduced summaries of correspondence forwarded to me

**Complaint 24<sup>th</sup> April 2020**

Pouring commercial waste down the highway drains this was also reported to Environment Agency (Reference number: 1779866)

**Complaint 17<sup>th</sup> August 2020** – customers singing in the street on the pavement and taking alcohol on to the highway. This is a breach of licensing conditions and causing a nuisance to residents nearby and public using the highway





### **Complaint 19<sup>th</sup> September**

At 17:55 the bar appeared to be quite full inside with a few people standing together (the guidance is for table service only, I believe). Outside there was a group of at least 8 lads, at least one had brought his drink out with him (contrary to the landlord's own Noise Management Plan and planning conditions). There was little evidence of social distancing and the only entrance to the bar was being obstructed by customers. People entering or leaving the bar were having to push past them. Pedestrians were also having to walk into the road to get passed as the pavement was also being obstructed. I did also see someone drinking outside around 16:20 on Sunday.

### **Complaint September 29<sup>th</sup> & 1<sup>st</sup> October**

The Premise was serving drunken persons, which according to the landlord's own Noise Management Plan (NMP) contravenes the Licencing Act 2003, and not politely asking them to quietly leave the premises, as per NMP.

Patrons being drunk and excessively noisy outside (in breach of NMP).

Music being played far higher than conversational speech (60dB) (in breach of NMP).

Patron consuming alcohol off the premises (in breach of NMP) whilst simultaneously urinating on a wall where the public often sit.

The patron who urinated on the wall outside our apartments had been drinking for over 7 hours at this point, well over 2 hours at the Ref & Whistle.

The incidents reported also contravened Covid-19 regulations:

Social distancing rules being frequently broken inside and outside the bar.

Patron confronting passing members of the public whilst singing loudly in the street outside the bar.

No masks worn whilst standing up, singing loudly, hugging, dancing, or moving about the bar. This also contravened CDC's own Covid-19 Premise Licensing Instructions.

Lights being turned off at the bar, pretending they had closed (3rd Oct) at the 22:00 Curfew but last customers did not leave until 22:30.

**Please provide as much information as possible to support the application** (please read guidance note 3)

Residents statement on 6/12/20:

“The events of 15th August, 29th September and 5th December alone show just how little regard the landlord of the Ref & Whistle has for the Covid-19 restrictions and also Licensing, Planning Conditions, and his residential neighbours.

Events at the Ref & Whistle since 25th September 2020 have included Covid-19 infringements, and breaches of Licensing and Planning Conditions.

A resident passed the bar at around 14:15 on Saturday (5th Dec) and saw that the bar was quite full with people drinking, little signs of social distancing and just one dirty plate to be seen. The resident did report this to the police.

photographs were taken from across the road at 15:35. Again the bar was busy with people drinking alcohol but I did not see anyone eating. You can see the size of plates on which ‘meals’ are being served (on the far left). The landlord was seen wandering through the bar without wearing a mask.

I passed the bar again at 16:10 and 16:50 and the situation was very much the same.

male patrons gathered closely together on the pavement, just outside the entrance to the bar, having quite a loud discussion. The patrons definitely sounded intoxicated and there was definitely no social distancing being observed as they were all huddled together. The patrons were picked up in a car shortly after so obviously they were not local.

Another resident has sent videos from around 22:00 on Saturday night. These show a group of females, again gathered closely together on the pavement immediately outside the entrance door, with no social distancing being observed. They were having a loud drunken conversation that did include swearing. One was also seen littering.

The same videos also show a female patron of the Ref & Whistle having to be manhandled out of the Tapas Bar next door (that she had just wandered/weaved into) so that the owner could close the restaurant. She ended up sitting on the pavement and appeared to be too drunk to get up herself. Her drunken partner and another patron outside the Ref & Whistle had to help her up and keep her standing. At around 10pm the landlord of the Ref & Whistle did come out but only to present the inebriated couple their bags that they had left in his bar.

The landlord’s own NMP highlights that it is an offence under the Licencing Act 2003 to continue to serve drunken people. This, therefore, is also a breach of his planning permission conditions, as well as licensing and Covid-19 regulation infringements. This was also the case with the events of September 29th.

Have you made an application for review relating to the premises before?

If Yes, please state the date of that application;

Day    Month    Year

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No

**If you have made representations before relating to the premises, please state what they were and when you made them**

No

**Please tick ✓**

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate. ✓

I understand that if I do not comply with the above requirements my application will be rejected. ✓

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures ( please read guidance note 4)**

**Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant, please state in what capacity.**

Signature          David Noland  
.....

Date          19 January 2021  
.....

Capacity      CDC Ward Councillor, Skipton North  
.....

Signature          John Dawson  
Councillor, North Ward, Skipton Town Council,  
.....

Date          19 January 2021  
.....

Capacity      Councillor, North Ward, Skipton Town Council,  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</b>	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**Please send the completed form to the local authority:**

**Licensing Department**

Craven District Council  
1 Belle Vue Square  
Broughton Road  
Skipton  
North Yorkshire  
BD23 1FJ

**Contact Details**

Email: [licensing@cravencd.gov.uk](mailto:licensing@cravencd.gov.uk)  
Telephone: 01756 706251