

**Presentations to Licensing &
Regulatory Committee**

**A Guidance Note to Both Applicants
and Members of the Public Who
Wish the Committee to Hear Their
Views.**

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North Devon District Council

Licensing

If an application for the grant, renewal or variation of a Public Entertainment licence gives rise to objections, the application will be determined by a Sub-Committee of the Licensing & Regulatory Committee.

There are three such Sub-Committees, which tend to sit on a rota basis either morning, afternoon or evening.

The Sub-Committee is made up of 5 Members of the main Committee. A Chairman will preside over the meeting.

If the application is for the grant of a licence to premises which have not benefited from a licence in the past, then before determining the application, the Sub-Committee may carry out a site inspection to view the premises. A site inspection may also be required before determining other applications. A separate note, detailing the procedure for carrying out site inspections, is available from the address below.

Members of the Licensing & Regulatory Committee are commonly asked to take the views of both applicants and objectors into

consideration before deciding on matters put before them. These are most frequently applications, renewals or variations of Public Entertainment Licences, but other licensing and appeal considerations periodically arise.

Members seek to treat both applicants and objectors fairly and take their views and concerns into consideration, but ultimately, must work within a legal framework set by Central Government and also give due regard to the responses provided by Consultees, e.g.:

- Police;
- Fire and Rescue Service;
- Environmental Health;
- Building Control.

Whilst applicants must complete the application form, provide the necessary background information to support their application, advertise their application and submit the necessary fee, they can also provide additional written support if they think it will help their application or if the need arises to provide clarification on any issue. During the Committee or sub-Committee meeting, the applicant or their agent will be given the opportunity to speak in support of their application. Members may, additionally, wish to ask their own questions.

Objectors to an application should at the

earliest opportunity establish the timescale laid down for receipt of objections. Late objections cannot be included with the 'bundle of papers' sent to Sub-Committee Members in advance of the meeting and can only be heard on the day if Sub-Committee Members, having been made aware of a late objection, give their permission for the matter to be raised.

Please note:

Whilst every late objection is considered on its individual merits, Sub-Committee Members can use their discretion on whether a matter is heard. The detailing of exceptional or extenuating circumstances are matters Sub-Committee Members would have regard to in making their decision and it would be prudent to include such details at the time of submitting a late application.

Objections should in the first instance be made in writing because only those having expressed objection can make a verbal presentation to Sub-Committee Members on the day.

If an objector, or any other person, has put their views in writing to the Council, he may be invited to speak at

the discretion of the Chairman. That person should avoid raising any new issues at this stage. If new issues are raised, the applicant will be given the opportunity to address these at the meeting, or to ask for an adjournment if he feels it to be necessary.

Written objections and supporting evidence for applicants should be:-

- Brief;
- Concise;
- Clear;
- Detailed.

Brief

Members can only consider matters relevant to the case before them.

For example:

The current history of the premises or the applicant, under consideration;

The likely impact of the proposal on you, e.g. the location of your premises and those of near neighbours;

Other relevant but factual information.

Objectors are advised to get quickly to the point(s) they wish to make.

Concise

Be concise whether preparing for a written submission or to speak to the Committee.

It is a good idea to:

- Make notes;
- Put your thoughts/concerns under a series of clearly worded headings.

NB: This will assist you to cover all the points you wish to make but avoid repeating yourself.

If you wish to speak at a meeting and do not feel comfortable 'talking to' a series of headings, write your comments out in full and read them. Whichever method you feel comfortable with, you should try to limit the time you take to a maximum of 3 minutes, although this is at the discretion of the Chairman. A useful tip is to practice what you wish to say in advance of the meeting using a clock or watch (with a second hand). This will help you to gain confidence and give you the opportunity to make your presentations more concise, where necessary.

Clear

Members and officers understand that not everybody feels happy expressing their concerns to others. Whilst some are not as gifted as others in writing letters or speaking, every effort will be made to view both applicants and objectors fairly, but some things can be done to present your case in the best light and in doing so, assist the Members and officers of the Council.

In addition to the points made above, please consider the following:

Letters

Your letter will need to be photocopied in some cases to advise applicants and consultees of your points, but also to include it with the agenda and papers sent to Members in advance of the meeting. In short, in order to understand the points you wish to make, officers and Members need to be able to read it.

Use your clearest hand writing and try to minimise alterations.

Use black or dark ink. Do not use pencil or coloured inks because they do not always photocopy well.

If you or a friend can type or use a

computer, typed correspondence minimises the opportunity for misunderstanding (but this is not essential).

Clearly list the points you wish to make.

Keep a copy for yourself.

Where possible, avoid sharing letters with persons outside your household. If possible, ask them to write in separately using their own words. This not only carries greater weight, but the information provided may serve to expand on your case.

NB: Every letter received is considered on its own merits and the concerns of objections are not weighted by the number of letters received or not received.

Speaking

You do not have an automatic right to speak at Committee or sub-Committee meetings but you can do so with the permission of the Chairman.

Prepare what you want to say in advance of the meeting.

Arrive a few minutes early for the meeting and make yourself known to the Member Services co-ordinator (or in their absence seek direction from another officer of the Council) before the meeting starts.

If your item of concern is not the first on the list, use the opportunity to see how other applications are handled.

Applicants, officers, Councillors and objectors are allowed to speak in accordance with a previously agreed procedure and you will only be given one opportunity to speak.

When your turn comes, you will be invited to speak by the Chairman.

You can, if you wish, nominate a neighbour, friend or relative to speak on your behalf. This is always wise when a number of individuals wish to make similar points about the same application. On such occasions, the Chairman has the right to ask that a single individual be nominated or will ask objectors not to repeat issues that have already been raised.

NB: A more detailed procedure note is available on application from the District Council offices.

What Members may wish to know from Objectors?

Where do you live?

How close you live to the application site.

What are your concerns?

Is there a history of problems at the site?:-

Have you previously spoken to or written to:-

The applicant or his agent(s);

Your elected District Councillor;

An officer or department of the Council, e.g.

Environmental Health;
Planning;
Licensing.

A third party, e.g.:

Police;

Fire & Rescue Service.

NB: If you have a history of complaint, details should, where possible, be

provided:-

- Dates;
- Nature of complaint;
- Frequency of problem;
- How long does the problem last;
- Who has been called/visited you, e.g.;

Police (including details of Police log number);

Environmental Health Officer, etc.

The effect on you or your household.

NB: Personal disputes or disharmony between applicants and objectors are not the concern of the Committee. Whilst both Members and officers are aware that Public Entertainment Licence applications close to peoples' homes can be the source of considerable distress and anxiety. Your case is best served by the provision of fact and detached observations clearly given.

Members are the elected

representatives of the community and they will be seeking to make impartial judgements within a quasi-judicial framework, whilst taking into consideration the information provided by both applicants and objectors on a case-specific base.

The decision of the Sub-Committee will usually be taken in public, although members of the public, including the applicant and any objectors may be asked to leave for specified reasons.

If you have any questions, or if you want a copy of the procedure notes on site inspections or Sub-Committee meetings, please contact Environmental Health. Contact details are shown on the back cover of this Guidance Note.