

Licensing Act 2003 – A Guide to Reviews of Premises Licences / Club Premises Certificates



SECTION ONE - INTRODUCTION

On 24 November 2005 the Licensing Act 2003 came into force bringing with it a new licensing system for the following licensable activities

- The sale and supply of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment.

This new licensing system was introduced by the Government with several aims and objectives

- To simplify what was considered to be an unnecessarily bureaucratic licensing process;
- To provide better and more proportionate regulation to give business greater freedom and flexibility to meet customer expectations;
- To provide greater choice for customers, including tourists, about where, when and how they spend their leisure time;
- To encourage more family friendly premises where younger children can be free to go with the family;
- To further the development within our communities of our rich culture of live music, dancing and theatre both in rural areas and town centres;
- To regenerate areas that need increased investment and employment opportunities that a thriving and safe late night economy can bring; and
- To provide necessary protections for local residents whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting places of entertainment.

One of the new measures introduced by the Licensing Act 2003 as a protection to local residents against irresponsible business operation is the licence review.

This guidance note sets out to introduce licence reviews and explain the review process.

SECTION TWO – FREQUENTLY ASKED QUESTIONS

What is a licence review?

Every premises that provides one or more of the licensable activities listed at the beginning of this guidance note has to firstly obtain either a premises licence or a club premises certificate from the local licensing authority (which in Southwark is Southwark Council). That licence or certificate sets out the extent of the premises operation including the permitted times for the licensable activities and the established licence conditions. The licence is granted after consultation with a range of “responsible bodies” (including the Police, Fire Brigade, Environmental Health, Trading Standards, Social Services, Planning) and normally, following consultation within the local community.

Once granted the licence exists for the life of the business or operation concerned. There is no regular renewal of these licences. However, should any particular premises operation give rise to cause for concern then a review of the premises licence or club premises certificate can be sought.

Who can seek a licence review?

A licence review can be sought by any one of the “responsible bodies” under the Licensing Act 2003 or by any “other person”.

An “other person” is a person or a body that represents the interests of a person or group of people who are effected by the operation of the premises.

What can a licence review consider?

An application for a licence review must be based on concerns relating to one or more of the four licensing objectives under the Act. These are

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

However, the application for a licence review must not be “frivolous, vexatious or repetitious”. If it is it we will reject the application.

Who considers the licence review?

The licence review is heard by the Council’s Licensing Sub-Committee at a public hearing. The Licensing sub-Committee comprises of three elected members of the Council drawn from the pool of fifteen members who sit on the full Licensing Committee.

How do I apply to have a licence reviewed?

An application to have a premises licence or club premises certificate reviewed has to be made on the appropriate form which is available from the Council's Licensing Service. Our contact details are given at the end of this guidance note.

The application form asks you to provide

- Details of the premises concerned
- Your personal details
- The licensing objectives that the application relates to
- Your grounds for review
- Information in support of the application
- Details of any previous licence reviews sought

When submitting your application you must copy it to the licence holder of the premises licence or club premises certificate concerned and each of the responsible bodies.

If you are submitting an application for a review on behalf of a representative body you should provide the minutes of the meeting at which the decision to seek a licence review was made.

What type of supporting information must I provide?

This is, of course, up to you. However, evidence of your own experiences will carry most weight. Keep a note of any occasions when you need to complain to directly to the premises management or to any of the responsible authorities. Make a record of the date and time of each disturbance or nuisance you experience.

What happens to my application for a review once it has been submitted?

We will advertise the fact that an application for a review has been received. Notices will be displayed at the premises and on our web site. Further representations can be made by any other "responsible body" or "interested party" over the following 28 days. At the end of this period arrangements will be made for the review to be held and all parties involved will be given good notice of the meeting.

What happens at the review meeting?

The Council's Licensing Sub-Committee will consider submissions from all parties concerned. At the end of the meeting the Sub-Committee may

- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the "Designated Premises Supervisor" (DPS) from the licence where one exists. (The DPS is the named individual who normally has day to day responsibility for the running of the premises where alcohol is sold).
- To suspend the licence for a period of up to three months
- To revoke the licence

Should I seek a licence review as soon as I start experiencing problems with a local premises?

No. It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore, equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It would therefore be good practice for licence holders to be given early warning about any problems that are arising at their premises and the need for improvement. In many cases simply bringing matters to the licence holders attention directly may be enough to initiate tighter control over an emerging problem. Where this approach does not work or a direct approach can not be made, the relevant responsible body can be approached for assistance. Complaints will be investigated and warnings given. Failure to respond to warnings may properly lead to a decision to request a licence review.

Are there situations when a licence review is called immediately?

Yes. In the event that the Police find it necessary to enforce a temporary premises closure then a licence review meeting will be arranged and heard within a matter of days.

Who do I need to send a copy of the review application to?

You must send the original review application to the Licensing Unit at the address given below. You must also send a copy of the application to each of the responsible authorities (as listed below) and the licensee to whom the review application relates

The Licensing Unit

You can contact us in a number of ways

- a) Via our Customer Contact Service (which is available 24 hours a day, 7 days a week) on 020 7525 2000;
- b) By writing to us directly at

The Licensing Unit
Hub 1
3rd Floor
160 Tooley Street
SE1 2TZ

- c) By visiting us at the above office address during office hours (Monday to Friday 09.00 to 16.45) but by appointment only please;
- d) By e-mail at licensing@southwark.gov.uk;
- e) By fax transmission on 020 7525 5705; or
- f) By visiting our web site at www.southwark.gov.uk/businesscentre/licensing

Responsible Authorities:

Southwark Safeguarding Children Board

4th Floor Hub 2
160 Tooley Street
PO Box 64529
London
SE1 5LX

Southwark Police Licensing Office

c/o PC White / PC Clements
Southwark Police Station
323 Borough High Street
SE1 2ER

Fire Safety Regulation: South East Area 3

London Fire Brigade
169 Union Street
London
SE1 0LL

Ian Ogden

Planning Development Control

Strategic Services
PO Box 64529
London
SE1 2TZ

Environmental Protection Team

Hub 1
3rd Floor
160 Tooley Street
SE1 2TZ

The Licensing Unit

(Address as above)

Trading Standards Team

(Address as above)

Health and Safety Team

(Address as above)

November 2012