

Premises Licences & Club Premises Certificates



Applying for the Review of a licence

General Information

An interested party or responsible authority can, at any time, apply to the licensing authority for a review of a premises licence or a club premises certificate on a ground relating to one or more of the licensing objectives (Preventing Crime & Disorder; Public Safety; Preventing Public Nuisance; Protecting Children from Harm). An application for the review of a premises licence or club premises certificate must be given in writing and be in the prescribed form.

The person or body requesting the review must notify the holder of the licence and each responsible authority of their request, by sending them a copy of the application for review, together with any accompanying documents, on the same day as the application is given to the relevant licensing authority. The licensing authority must advertise the application for the review and invite representations from responsible authorities and interested parties.

The licensing authority can reject any ground for a review if it considers it to be frivolous, vexatious or a repetition, or if the grounds cannot be attributed to the operation of the premises concerned. Additionally, an application may not be made anonymously, as we must be able to verify that the applicant is legally entitled to make such an application.

Making an application for review

Having completed the application form, with reference to the enclosed guidance notes, the form should be sent, along with any supporting evidence, to the Licensing Section, at the address below.

Copies of the application must also be sent to the holder of the licence of which you are requesting a review, and to each of the Responsible Authorities (addresses are given on the next page).

What happens next?

Once your application has been received, representations may be made in the next 28 days by the Responsible Authorities and other local residents and businesses in respect of the licensed premises in question. The licensing authority will advertise the application at our offices, at or near the premises and on our website, www.lambeth.gov.uk/licensing/

After this period has finished, the licence will be reviewed at a hearing of the Licensing Sub-Committee. The person who made the initial application, the licence-holder, and any other person or body who has made representation will be invited to the hearing to put their case forward.

Attachments

- Contact details for Responsible Authorities
- Guidance notes for interested parties on applying for a Review
- Application form for the Review of a Premises Licence or Club Premises Certificate

Contacts

Further information on Premises Licences is available from the DCMS website:

http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/

Or for information on the process or assistance in applying for a review, contact us:

By Post	Licensing Section London Borough of Lambeth, 2 Herne Hill Road, London, SE24 0AU		
In Person	At the above address – we are open 9:00am - 5:00pm Monday - Friday		
By Phone	0207 926 6108	Website	www.lambeth.gov.uk/licensing/
By Fax	0207 926 6130	Email	licensing@lambeth.gov.uk



Contact Addresses for Responsible Authorities

Licensing Act 2003

Police & Fire Authorities

**Metropolitan Police
Lambeth Licensing Unit**

Frank O'Neill House
43-59 Clapham Road
London
SW9 0JD

Tel: 020 8721 3545

Fax: 020 8721 3547

Email: Licensing-LX@met.police.uk

London Fire Brigade

Fire Safety Regulation: South West Area 4

169 Union Street
London
SE1 0LL

Tel: 020 8555 1200 ext 37639

Email:

FireSafetyRegulationSW@london-fire.gov.uk

Lambeth Council Departments

Town Planning

London Borough of Lambeth
Phoenix House
10 Wandsworth Road
London
SW8 2LL

Tel: 020 7926 1180

Email: tpac@lambeth.gov.uk

Environmental Health (Noise/Pollution)

London Borough of Lambeth
2 Herne Hill Road
London
SE24 0AU

Tel: 020 7926 6111

Email: noise@lambeth.gov.uk

**Food Safety (for food premises only) OR
Health & Safety (for non-food premises only)**

London Borough of Lambeth
2 Herne Hill Road
London
SE24 0AU

Tel: 020 7926 6110 (Food Safety)

Email: foodsafety@lambeth.gov.uk

Tel: 020 7926 6109 (Health & Safety)

Email: healthandsafety@lambeth.gov.uk

Lambeth Council Departments (cont.)

Trading Standards

London Borough of Lambeth
2 Herne Hill Road
London
SE24 0AU

Tel: 020 7926 6102

Email: tradingstandards@lambeth.gov.uk

Children and Young People's Service

London Borough of Lambeth
International House
Canterbury Crescent
London
SW9 7QE

Tel: 020 7926 5555

Email: cypsdirectory@lambeth.gov.uk

Additional authorities for vessels only

Port of London Authority, London River House,
Royal Pier Road, Gravesend, Kent, DA12 2BG

Environment Agency

PO Box 544, Rotherham, S60 1BY

British Waterways Board

1 Sheldon Square, London, W2 6TT

Secretary of State for Culture, Media & Sport

DCMS, 2-4 Cockspur Street, London, SW1Y 5DH

Additional authority for Council buildings only

Health & Safety Executive, Rose Court,
2 Southwark Bridge, London, SE1 9HS

Tel: 020 7717 6000

Email: licensing.applications@hse.gsi.gov.uk

Licensing Section

London Borough of Lambeth
2 Herne Hill Road
London
SE24 0AU

Tel: 020 7926 6108

Fax: 020 7926 6130

Email: licensing@lambeth.gov.uk

Web: www.lambeth.gov.uk/licensing/

Guidance for Interested Parties: Applying for a Review

These guidance notes are taken from those published by the Department for Culture, Media and Sport in November 2005. The original document, together with a number of FAQs and information on the provisions of the Licensing Act 2003, is available from their website, http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/

This guidance describes how to apply for a review of a premises licence or club premises certificate, under the Licensing Act 2003. It also contains information about the hearings process that follows.

An “interested party” may apply for a review of a licence or certificate that is in force.

A licensing authority may reject the application for review if it is satisfied that the grounds for review are not relevant to one or more of the licensing objectives:

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

The licensing authority can reject any ground for review if it considers it to be “frivolous”, “vexatious” or a “repetition”.

What does “frivolous” and “vexatious” mean?

“Frivolous” or “vexatious” will bear their ordinary meaning. 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 frivolous if they clearly lacked seriousness.

What does “repetitious” mean?

A “repetitious” representation is one that is identical or substantially similar to:

- ❖ *A ground for review in an earlier application, which has already been determined (the licensing authority’s “register of licences” will include all applications for reviews made to them in the past)*
- ❖ *Representations considered by the licensing authority when the premises licence was first granted*
- ❖ *Representations made when the application for the premises licence was first made and were excluded because of the prior issue of a provisional statement*
- ❖ *In addition to the above grounds, a reasonable interval has not elapsed since any earlier review or the grant of the licence*

The review process is not intended to be used simply as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a “reasonable interval” in these circumstances. However, the Secretary of State (in her Guidance to Licensing Authorities) suggests that more than one review from an interested party should not be permitted within a period of twelve months on similar grounds, save in compelling circumstances (e.g. where new problems have arisen) or where it arises following a closure order.

Interested parties cannot apply for a review anonymously, even if somebody else (e.g. a local MP or councillor) is applying for a review on their behalf. This is because, for example, the licensing authority needs to be satisfied that the person who wants the review lives in the vicinity of the premises, and is not being vexatious. Similarly, it is important that the licence holder is also able to respond to an application for a review, for example, if they believe the applicant does not live in the vicinity. If interested parties are concerned about possible intimidation, they could consider asking the police, or another appropriate responsible authority to apply for a review on their behalf.

Before applying for a review, interested parties may want to consider whether their concern(s) could be effectively dealt with outside of the formal review process. This could involve, for example:

- ❖ Talking to the licence or certificate holder to determine whether there are any steps they may be willing to take to rectify the situation
- ❖ Asking the licensing department at your council to talk to the licensee on your behalf
- ❖ Ask your local MP or Councillor to speak to the licence or certificate holder on your behalf
- ❖ Talking to the relevant “responsible authority” (e.g. environmental health in relation to noise nuisance, or the police in relation to crime and disorder) to determine whether there is other legislation that could help resolve the issue

Things you may want to consider when seeking a review:

- ❖ It may be helpful to get the backing of other people living, or businesses operating in the vicinity of the premises, or other “responsible authorities”.
- ❖ Look at your licensing authority’s official records about the premises, kept in their ‘licensing register’. This will show you if other people have made representations, or asked for a review of a premises in the past
- ❖ If you are thinking of raising a petition, it is important to ensure that the licensing authority can determine whether all the signatories are within the ‘vicinity’ of the premises. So, including their addresses and indicating clearly what grounds they are all asking for a review would be helpful. It would also help if a spokesperson could volunteer to receive details about the hearings etc. from the licensing authority and may be willing to speak on behalf of the petitioners at the hearing.
- ❖ If you want to ask another person such as an MP or local Councillor to represent you at the review, it is advisable to make such a request in writing so that the individual can demonstrate he or she was asked. It will be a matter for the MP or Councillor to decide whether they should agree to your request. They are not obliged to do so, however, most elected representatives are happy to help residents with this sort of issue, and there is no requirement for them to live in the vicinity of the premises in question for them to be able to make representations on behalf of residents that do. It should be noted that Councillors who are part of the licensing committee hearing the application will not be able to discuss the application with you outside the formal hearing, so it is suggested that you do not approach them to try to.
- ❖ For individual incidents, try to get as much information as possible about any official response (e.g. – police being called out) You may also be able to back up your application with data such as crime statistics. However, it should be noted that conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents, but can directly impact on the behaviour of those under the licensee’s direction when on his premises or in the immediate vicinity of the premises as they seek to enter or leave.
- ❖ If there is general noise nuisance on streets because of licensed premises, you will probably need to show how it relates to the specific premises.
- ❖ It is important to be able to back up your claims. You could do this by keeping a diary over a period of time, for example. Sound or video recordings may also be helpful. It may also be a while before any hearing, so it is good to keep a clear record.
- ❖ Residents or businesses applying for a review following a particular incident should be cautious, as a licensee may argue that this was a one off problem that can be rectified without a review.
- ❖ Have a good idea how you’d like the situation to be resolved.

Applying for a Review

An application for the review of a premises licence or club premises certificate must be given in writing and be in the prescribed form, which is available from the licensing authority, or from the DCMS website, at http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/

Filling in the form

In the opening statement you should give the name of the person applying for the review – e.g. ‘John Smith’. You should also indicate whether you are applying for the review of a “premises licence” or “club premises certificate” by deleting, as applicable.

PART 1 – Premises or club premises details

This section asks for the address and some other details of the premises concerned in the review. If the premises has no postal address you should describe the location of the premises or give the ordnance survey map reference.

You are also asked to give the name and number of the premises licence holder or club. This information should be available on the “Summary” of the licence or certificate, which will be displayed at the premises, concerned in the review, or may be available on request from the licensing department at your local authority.

PART 2 – Applicant details

This section asks you to indicate in what capacity you are applying for a review. As an “interested party” you must be able to tick at least one of the boxes under (1), then complete section (A) – Details of individual applicant, and if applicable, section (B) – Details of other applicant (e.g. – another resident).

An application for a review of a licence or certificate must be about the effect the licence is having on at least one of the four licensing objectives (see above). You should indicate which licensing objective(s) the application relates to.

You should state the ground(s) for review, and provide as much information as possible to support the application. You may use extra sheets of paper if necessary. Details may include, for example, dates that problems occurred and how the problem affected you.

You should state whether you have made an application for a review relating to this premises before, and give the further details of any representations you have made previously relating to this premises. This information will be used to determine whether the application for a review is “repetitious” (see above).

Checklist and declaration

The person or body requesting the review must notify the holder of the premises licence or club premises certificate and each “responsible authority” of their request, by sending them a copy of the application, together with any accompanying documents, on the same day as the application is given to the licensing authority. Responsible authorities can then, if they wish, join or back up your application for review, or use the opportunity to make their own application for a review on different grounds. The licensing authority also has to advertise the review to enable other “interested parties” to join it.

By ticking this list you are making a declaration that you have carried out the listed actions.

Responsible authorities include the following, for the area in which the premises are situated:

- ❖ The chief officer of police
- ❖ The fire authority
- ❖ The health and safety authority
- ❖ The local planning authority
- ❖ The environmental health authority
- ❖ The body recognised as being responsible for protection of children from harm
- ❖ Inspectors of Weights and Measures (trading standards officers)
- ❖ And – in respect of vessels only - i) The Environment Agency; ii) The British Waterways Board; iii) The Maritime and Coastguard Agency and if different from these, iv) the relevant navigation authority / authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

Contact details of the Responsible Authorities in the London Borough of Lambeth are given at the front of this bundle.

Signatures

The application form must be signed. An applicant’s agent (for example a solicitor) may sign the form on their behalf, provided they have authority to do so. Where there is more than one applicant, both applicants, or their respective agents, must sign the form.

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

The licensing authority must advertise requests for a review of a licence or certificate. They will do this by displaying a notice at the premises that is subject to review, and at the licensing authority offices, for 28

consecutive days starting the day after the day on which the application is given to them. The licensing authority may also advertise the review on their website. Other interested parties and responsible authorities then have this period of 28 consecutive days starting the day after the day on which the application was given to make representations about the review.

If the request for a review is not rejected then the licensing authority must hold a hearing at the licensing authority to consider the application, unless all parties agree that this is unnecessary. For example, the licensing authority may offer to try to resolve matters via a negotiated agreement outside a formal hearing. You will need to decide if this is appropriate for you but you can, of course, insist upon the hearing.

The licensing authority will write to you with the date and time of the hearing and will inform you of the procedure to be followed at the hearing.

As the person or body requesting the review, you are required to give notice to the licensing authority at least 5 working days before the start of the hearing, stating:

- Whether you will attend the hearing in person;
- Whether you will be represented by someone else (e.g. councillor / MP / lawyer);
- Whether you think that a hearing is unnecessary (if, for example they have come to an agreement before the formal hearing);
- Any request for another person to attend the hearing, including how they may be able to assist the authority in relation to the application

You must let the licensing authority know as soon as possible (by written notice no later than 24 hours before the start of a hearing, or orally at the hearing) if you want to withdraw your application.

Hearings

Hearings will generally be held in public, unless the licensing authority decides it is in the public interest to hold all, or part 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 three local authority elected councillors (this will be the licensing sub-committee drawn from a full licensing committee of 15 councillors). The licensing authority will explain the procedure to be followed. It will determine any request for additional persons to appear at the hearing. It will consider evidence produced in support before the hearing and can consider evidence produced by a party at the hearing, but only if all parties agree. Further evidence can also be produced if this was sought for clarification of an issue by the authority before the hearing. Cross-examination of another party during a hearing is not allowed, unless the licensing authority thinks it necessary. The parties are entitled to address the authority and will be allowed equal time to address the authority and, if they have been given permission by the authority to do so, they will be given equal time to ask any questions of any other party. The authority will disregard any information it considers to be irrelevant.

It is important that you consider what you are going to say at the hearing, as the licence or certificate holder and the committee will have seen your application for review, and may get the chance to question what you are saying.

N.B. - A hearing can still go ahead in the absence of any party (e.g. - applicant or interested party)

What happens after a hearing?

If no decision is made at the hearing, the committee has a maximum of 5 days from the day or the last day of the hearing to come to a decision. Following a review, a licensing authority may:

- ❖ Decide that no action is necessary to promote the licensing objectives
- ❖ Modify or add conditions to the licence
- ❖ Exclude a licensable activity from the licence
- ❖ Remove the designated premises supervisor
- ❖ Suspend the licence for a period (not exceeding 3 months)
- ❖ Revoke the licence



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
(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

Postal address of premises or, if none, ordnance survey map reference or description			
Post town		Post code (if known)	

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

Number of premises licence or club premises certificate (if known)

Part 2 – Applicant details

I am:

Please tick ✓

- 1) an interested party **(please complete (A) or (B) below)**
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority **(please complete (C) below)**
- 3) a member of the club to which this application relates **(please complete (A) below)**

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

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname		First names		
I am 18 years old or over				<input type="checkbox"/> Please tick ✓
Current address				
Post Town		Postcode		
Daytime contact telephone number				
E-mail address (optional)				

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review *(please read guidance note 1)*

Please provide as much information as possible to support the application
(please read guidance note 2)

Have you made an application for review relating to this premises before? **Please tick yes ✓**

If yes please state the date of that application:

Day	Month	Year

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

Please tick ✓ yes

- 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

Signature of applicant or applicant’s solicitor or other duly authorised agent *(please read guidance note 4)*. **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application <i>(please read guidance note 5)</i>			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

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