



Review of premises licence or club premise certificates

A key feature of the licensing regime is to allow local communities a say in licensing decisions that affect them, as well as ensuring that professional such as the police, fire authorities, trading standards and environmental health officers are able to scrutinise applications and take action if problems occur.

The Licensing Act 2003 allows the view of local people and businesses to be taken into account when someone applies for a licence or certificate to carry out a licensable activity such as selling alcohol, providing regulated entertainment, and providing late night refreshment, and in addition responsible authorities and other persons can also ask the licensing authority to review a licence or certificate if problems occur which undermine the licensing objectives. The licensing objectives are:

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

Considerations before applying for a review

Before applying for a review, individuals 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 Lewes District Council's Licensing Team to talk to the licensee on your behalf;
- Ask your local MP or Councillor to speak to the licensee 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.

Filling in the form

In the opening statement you should give the name of the person applying for the review – eg. '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 – Application details

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 any other person to join it.

Responsible authorities are:

The Licensing Officer
Bexhill Police Station
Terminus Road
Bexhill on Sea
East Sussex
TN39 3NR
Telephone: 0845 6070999

The Head of Trading Standards
St Mary’s House
52 St Leonards Road
Eastbourne
East Sussex
BN21 3UL
Telephone: (01323) 418200

The Chief Officer
East Sussex Fire & Rescue Service
Fire Safety Department
Lewes Fire Station
North street
Lewes
East Sussex
BN7 2PE
Telephone: 01323 462132/462154

Head of Childrens Safeguards and
Quality Assurance
East Sussex County Council
PO Box 5, County Hall
St Annes Crescent
Lewes
East Sussex
BN7 1SW
Telephone: (01273) 481289

Planning Services
Lewes District Council
Southover House
Southover Road
Lewes, East Sussex
BN7 1AB
Telephone: (01273) 471600

Environmental Health
Lewes District Council
Southover House
Southover Road
Lewes, East Sussex
BN7 1AB
Telephone: (01273) 471600

Public Health
C Floor, East Block
County Hall
St Anne's Crescent
Lewes
BN7 1UE
Telephone (01273) 335012

Alcohol Licensing Team
Home Office Immigration Enforcement
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
E.mail: Alcohol@homeoffice.gsi.gov.uk

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.

How is the application considered?

Lewes District Council must first consider whether the reasons for review are relevant to one or more of the licensing objectives and that the application is not 'frivolous' or 'vexatious'.

If the application is deemed relevant, Lewes District Council will make arrangements for a notice to be displayed at the premises allowing a period of 28 days for representations to be made.

Copies of any representations received will be sent to the holder of the premises licence or club premises certificate in respect of which the application has been made and arrangements will be made for the Council's Licensing Sub-Committee to hear the application and representations within 20 working days beginning the day after the close of consultation.

Details of the date and time of the hearing together with details of the procedures to be followed will be sent to all those involved at least 10 working days before the day of the hearing.

The applicant for review, any responsible authorities and other persons must give notice to Lewes District Council at least 5 working days before the start of the hearing stating: -

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

What action is available to the licensing sub-committee?

The Licensing Sub-Committee can either make a decision at the end of hearing or have up to a maximum of 5 days from the day of the hearing, or the last day of the hearing, to come to a decision.

Following consideration of the application, the Sub-Committee 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.

Appeal process

If an applicant, licence holder, responsible authority or interested party is aggrieved by the decision of the Sub-Committee, they can appeal against the decision to the Magistrates Court within 21 days of receiving written notification of the Sub-Committee's decision. Any persons considering such action are advised to take professional advice prior to commencing such proceedings.

Fee

There is no fee entailed with the process of review.

Further information

Please contact the Licensing Section for further advice.

**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 ✓ yes

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

- 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)

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
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 ✓
- 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 2)

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

Please tick ✓ yes

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

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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, 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

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.