



Lewes District Council

Guidance to Applicants to review a Premises Licence

A Responsible Authority or “Interested Party” may apply to the Licensing Authority for a review of a premises licence.

A Responsible Authority is defined in the Act by section 157.

An “Interested Party” is defined in the Act by section 158 as, in the opinion of the relevant licensing authority, a person who;

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- (b) has business activities that might be affected by the authorised activities, or
- (c) represents persons who satisfy (a) or (b).

The Licensing Objectives are:

- (a) to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) to ensure that gambling is conducted in a fair and open way, and
- (c) to protect children and other vulnerable persons from being harmed or exploited by gambling.

Prior to making an application for a review, Interested Parties and Responsible Authorities may wish to consider whether their concern(s) could be effectively dealt with outside the formal review process. This could involve, for example:

- ◆ Talking to the premises licence holder to determine whether there are any steps that could be taken to rectify the situation.
- ◆ Asking their local MP or Councillor to speak to the premises licence holder on their behalf.
- ◆ Talking to the “relevant” Responsible Authority (e.g. the Police in relation to crime and disorder) to determine whether there is other legislation that may help to resolve the issue.

Things you may wish to consider when making an application for Review.

- ◆ It may be helpful to obtain the backing of other people living, or businesses operating, in the vicinity of the premises, or other “Responsible Authorities” such as the Police, Fire, Council and Customs and Excise. A list of these Responsible Authorities can be found in Nottingham City Council’s Gambling Policy at Appendix 1.

- ◆ If you wish to ask another person to represent you at the review it is advisable to make such a request in writing so that the individual can demonstrate that they were asked. It will then be a matter for that individual to decide whether they should agree to your request.
- ◆ You need to be able to back up your application with information supporting it, for example crime statistics.
- ◆ You could also back up your claims by keeping a diary over a period of time. It could be some time before the review hearing so it is advisable to keep a clear record.
- ◆ Have a good idea as to how you would like the situation to be resolved.

How to make an application for a Review.

An application for a review must be made to the relevant Licensing Authority, that is, the authority within whose area the premises are situated. To make an application for the review of a premises licence, you must:

- ◆ Complete a prescribed application form and submit it to the Licensing Authority stating the reasons why a review is being requested, together with supporting information and documents.
- ◆ Send a notice of the application to the premises licence holder and all Responsible Authorities, within 7 days of making your application to the Licensing Authority.

If the notice is not served correctly the Licensing Authority may not grant a review application until the notice requirements have been adhered to and the licence holder and Responsible Authorities have been given a period of 28 days from the relevant date in which to make representations to the Licensing Authority.

What happens if your Application is rejected?

The review application may only be rejected if the Licensing Authority is satisfied that it is sought on grounds that;

- (a) are not relevant to the principles that must be applied by the Licensing Authority in accordance with section 153 of the Gambling Act 2005. This means that if the application raises issues that are not relevant to the Commission guidance/codes of practice, the licensing authority policy statement, or the licensing objectives it may be rejected.
- (b) are frivolous.
- (c) are vexatious.
- (d) will not cause the authority to revoke or suspend a licence for less than 3 months, or remove, attach or amend any conditions on the licence.
- (e) are substantially the same grounds cited in a previous application relating to the premises. The licensing authority will take into consideration the time period that has elapsed since that previous application.

- (f) are substantially the same as representations made at the time the application for a premises licence was considered. The Licensing Authority will take into consideration the time period that has elapsed since that previous application.

What do “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 are vexatious if they arise because of disputes between rival businesses, or frivolous if the representations clearly lack seriousness.

Review Application accepted by the Licensing Authority

Once the Licensing Authority has made the decision that the application for review is acceptable it shall:

- ◆ Publish a Notice of Intention to hold a review hearing on the Licensing Authority website, www.lewes.gov.uk for a period of 28 days.
- ◆ Ensure a Notice of Intention to hold a review hearing is displayed where it can be conveniently read by members of the public, as near as reasonably practicable to the premises concerned for a period of 28 days.

This will allow for representations to be made by the licence holder for the premises, any of the Responsible Authorities or an Interested Party during the 28 day period.

In the event that the Licensing Authority itself decides to initiate the review of a premises licence, then the Licensing Authority shall give Notice of Intention to hold a review hearing to the premises licence holder, all Responsible Authorities and any Interested Parties.

Once the 28 day representation period has passed the Licensing Authority shall, as soon as reasonably practicable, hold a review hearing. The applicant, together with the licence holder and anyone who has made relevant representations, will be notified of the date and time of the hearing and informed of the hearing procedure that must be followed.

If the Notice is not published by the Licensing Authority it may not grant a review application until the notice requirements have been adhered to and an Interested Party has been given 28 days in which to respond.

A hearing must be held unless the applicant for the review, and each person who has made representations, has consented to the conduct of the review without a hearing.

Purpose of a Review Hearing

The purpose of a review hearing is to determine whether the Licensing Authority should take any action in relation to the licence for the premises. If action is justified the Licensing Authority may:

- ◆ add, remove or amend a condition imposed by the Licensing Authority.
- ◆ exclude, a default condition imposed by the Secretary of State (relating to opening hours) or remove or amend an exclusion.
- ◆ suspend the premises licence for a period not exceeding three months, or
- ◆ revoke the premises licence.

After the Review Hearing

Once a decision has been made a Notice of Decision and reasons for the decision made at the hearing will be issued to the premises licence holder, the applicant, any party making a representation, the Gambling Commission, the Police and Customs and Excise.

Application for a review of a premises licence under the Gambling Act 2005

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Part 1 – Applicant Details

1. Name of Applicant:

[Where the applicant is an individual please give your first name(s) as well as your surname]

2. Applicant's address (home or business *[check or tick appropriate box]*)

Postcode:

3(a) Are you making the application as a responsible authority? Yes No

3(b) If the answer to question 3(a) is yes, indicate the type of responsible authority:

4(a) If the answer to question 3(a) is no, please confirm by ticking or checking the box that you are applying as an interested party

4(b) If you have ticked or checked the box in answer to question 4(a), please indicate on what basis you qualify as an interested party:

[Where there are further applicants, the information required by questions 1 to 4(b) should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants"]

Part 2 – Premises Details

5. Give the trading name used at the licensed premises to which the application for a review relates:

6. Give the address of the premises or, if not known, give a description of the premises and its location. Where the premises are a vessel, then (if known) give the place indicated in the premises licence as the place in the licensing authority's area where the vessel is wholly or partly situated. If possible, any address should include a postcode:

Postcode:

7. Type of premises:

Casino

Bingo Hall

Adult Gaming Centre

(arcade restricted to those who are 18 or over)

Betting (track)

Betting (other)

Family entertainment centre

(arcade which admits both over and under 18s)

8. Premises licence (if known):

9. Give the name of the person(s) or organisation(s) in whose name the licence is held.

[Where an individual is the licence holder please give their first name(s) as well as their surname.]

Part 3 – Details of grounds on which a review is being sought

10(a) Please give details of the grounds on which a review is being sought.

10(b) Indicate any specific actions you consider the licensing authority should take following the review, including the reasons why you consider those actions are appropriate:

Part 4 – Supporting Documents

11. List any supporting documents which you are submitting with the application:

Part 5 – Declarations and Checklist

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/We understand that it is now necessary to give notice to the licence holder and the responsible authorities in relation to the premises

Part 6 – Signatures

12. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date:

(dd/mm/yyyy)

Capacity:

[Where there is more than one applicant, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include, for each additional applicant, all the information requested in paragraph 12.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 7 – Contact Details

13(a) Please give the name of a person who can be contacted about the application:

13(b) Please give one or more telephone numbers at which the person identified in question 13(a) can be contacted:

14. Postal address for correspondence associated with this application:

Postcode:

15. If you are happy for correspondence in relation to the application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

NOTICE OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER THE GAMBLING ACT 2005

An application has been made under section 197 of the Gambling Act 2005 for a review of the premises licence which is in force in respect of the following premises:

[Give the trading name used at the premises, and the address of the premises (or, if not known, give a description of the premises and their location)]

The following type of premises licence applies to the premises:

A review is being sought on the following grounds:

An application has been made on:

[Insert the date on which the application has been made]

The licence holder or a responsible authority may make representations in writing about the application, as may any of the following persons:

- A person who lives sufficiently close to the premises likely to be affected by the authorised activities
- A person who has business interests that might be affected by the authorised activities
- A person who represents someone in any of the above two categories

Any representations are to be made to the following licensing authority:

Lewes District Council

[Insert name of the licensing authority]

and may be made during the period of 28 consecutive days beginning 7 days after the date on which the application was made. That period ends on:

[Insert last day on which representations may be made in relation to the application.]

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with the Act information which is false or misleading.