

Blackpool Council

APPLYING FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003



Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

Contact

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www.blackpool.gov.uk/licensing

Guidance for Interested parties: Applying for a Review of a premises licence or club premises certificate, under the Licensing Act 2003.

General Information about licence reviews.

Application may be made to review a licence or certificate that is in force.

The 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 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 the 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.

Applications for review cannot be made anonymously.

This is because, for example, the licensing authority needs to be satisfied that the person who wants the review is not being vexatious. Similarly, it is important that the licence holder is also able to respond to an application for a review. If applicants 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, applicants 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 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 the 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 that the following information is included for each signatory: telephone number, signature, printed name and address. The grounds on which they are asking for a review collectively is essential and a spokesperson for the group should be identified. The person submitting the petition will be asked by the Council to arrange representation for those named on the petition and to act as a liaison point for correspondence and negotiations.
- 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 documented 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 single 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 on a prescribed application form, which is attached to this document.

Licensing Service
Blackpool Council
Municipal Buildings
PO Box 4
Blackpool
FY1 1NA

Telephone: 01253 478572 Fax: 01253 478372

Email: licensing.la2003@blackpool.gov.uk

Web Site: www.blackpool.gov.uk/licensing

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.

You must provide your name, address and daytime telephone number.

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 requests 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).

PART 3 – Reason for review

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.

PART 4 – Other relevant information

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.

The responsible authorities are:

- The Lancashire Constabulary Licensing Department
- The Lancashire Fire and Rescue Service
- Blackpool Council Health and Safety Department
- Blackpool Council Planning Department
- Blackpool Council Environmental Protection
- Blackpool Council Social Services Child Protection Licensing Officer.
- Blackpool Council Weights and Measures (Trading Standards Office)
- Public Health
- Home Office (Immigration Enforcement)

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. 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 to determine 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 prior to 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.

NB - 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 appropriate 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

If you have any queries about applying for the review of a licence, contact the Licensing Service:

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Blackpool Council
Municipal Buildings
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FY1 1NA

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Blackpool Council

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

LICENSING ACT 2003

***Review
requested by:***

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Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

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LS/F/009/14/3

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. You may wish to keep a copy of the completed form for your records.

I	
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[insert name of person requesting review]

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 Details

Postal address of premises or club premises if any, or if none the ordnance survey map reference or description.									
Premises Name and Address									
		Post Code							
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Premises Licence or Club Premises Certificate Reference Number (if known)									

Part 2 – Applicant details

I am:

Please tick

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) Individual Applicants (fill in as applicable)

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	Please tick			
							Yes	No		
Forenames						Surname				
Home address										
							Post Code			
							Mobile Number			
Telephone Number						Mobile Number				
E-Mail Address										

(B) Other Applicant or Representing Body

Name										
Address										
							Post Code			
Telephone No.										
Email Address										

(C) Responsible Authority applicant

Name										
Address										
							Post Code			
Telephone Number										
Email Address										

Part 3 – Reason for Review

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

	Please tick
1) the prevention of crime and disorder	<input type="checkbox"/>
2) public safety	<input type="checkbox"/>
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2 before completing)

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)

Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Please tick	
	Yes	No
	Day	Month
		Year
If yes please state the date of that application		

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

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 5 – 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 the behalf of the applicant please state in what capacity.**

Signed	
Print Name	
Capacity	
Date	

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)										
Title:	Mr	Mrs	Miss	Ms	Other:					
Forenames					Surname					
Address for correspondence associated with this application										
						Post Code				
						Mobile Number				
Telephone Number					Mobile Number					
E-Mail Address										

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 that we shall use to correspond with you about this application.