

Licensing Act 2003:

Guidance notes - How to make an application to review a premises licence or club certificate.

Licence reviews are a powerful tool for dealing with potentially problematic licensed premises. The power is generally to be used as a last resort, when other measures have failed to address concerns with the venue in question. If you are experiencing a problem with a premises, please contact licensing@runnymede.gov.uk to discuss your concerns before applying to review the licence.

Under the Licensing Act 2003, any person or responsible authority may apply to the Council to have a premises licence under the Act reviewed, if it is believed one or more of the licensing objectives is being undermined by the current use of that licence. The licensing objectives are as follows:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm

What powers do the council have in relation to a review?

Upon consideration of a review application, the Council have the following powers which they may exercise in relation to the licence under review:

- take no action;
- modify the conditions of the premises licence (either by adding new conditions, or changing or removing existing conditions);
- modify the hours of the premises:
- remove a licensable activity from the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence

Regulation

The application to review must be submitted on the prescribed statutory form and submitted to the Council where the premises is located. Please take time to ensure that you have completed all relevant sections of the application form, correctly. Failure to do this will result in your application being invalid and will delay the review procedure. If you are in doubt, please contact licensing@runnymede.gov.uk.

Applications to review may not be 'frivolous' (ones that display a lack of seriousness in purpose or nature) or 'vexatious' (ones that are intended to cause aggravation or annoyance whether to a competitor or other person, without reasonable cause) – this means that your the concerns must be valid, serious matters for consideration, and the review process cannot be used to deal with disputes which are not relevant to the licensing objectives.

Review applications must also not be 'repetitious' in nature. In practice, this means that a review which is lodged to a recently granted licence application in the same manner as the application was originally objected to, would be unlikely to be accepted. Multiple licence reviews on the same or similar grounds as previous reviews for the same venue within the last 12 months would also be unlikely to be accepted. Exceptional circumstances may result in reviews being accepted in the above scenarios, and each review application will be looked at on a case by case basis.

Considerations when seeking a review

When seeking a review, applicants may wish to consider what they actually require from the review process. Although there may be frustrations with the venue in question, ask if it is reasonable to seek a revocation of the licence? Are there other lesser steps which could resolve the issues which are being experienced? These are important questions to consider, as the committee will be guided to take steps which are proportional and necessary when determining the outcome of any review.

Try to provide as much evidence on the issues experienced as possible. Simply stating in the review that there are issues with the venue is not likely to result in a successful outcome. Look to get as much information of individual incidents as possible, along with any photos, recordings or any other items of evidence which can help in demonstrating the issues the review is seeking to address. It may even be worth speaking to other people and/or businesses neighbouring the premises to see if they have any problems as well.

To prepare for a review, the following steps are recommended:

1. Speak to the person responsible for the management of the premises that are causing the nuisance and explain to them why the premises are causing a problem to you. Keep a record of this discussion and the outcome.
2. Contact our licensing@runnymede.gov.uk or if the matter is noise related environmental@runnymede.gov.uk whenever the premises are causing a nuisance.
3. Keep a clear and factual record of when the activities in the premises cause a nuisance to you.
4. Detail such as: what is causing the nuisance, when it occurs, how often it occurs, how long the nuisance lasts for, how it affects you personally, and what you did to mitigate the circumstances.
5. Photographic evidence is also particularly useful. It is important that this information is precise, in that the problem you are experiencing relates to the premises. A one-off event would not normally be considered as reason for a review of a premises licence. Please be mindful of data protection and privacy when taking any photographs and do not put anyone, including yourself, at risk.
6. If after a reasonable period of time you can demonstrate a pattern to show that the premises have not promoted, or has worked against, one or more of the licensing objectives, although the premises have received informal warnings, then it is time to call the licence in for review.

Making a review application

Review applications must be submitted to licensing@runnymede.gov.uk using the <https://www.runnymede.gov.uk/downloads/file/551/statutory-application-form> this form is also included in these guidance notes.

As well as serving the review to the Licensing Authority, a copy must also be served on the premises licence holder for the venue in question. Copies of the review must also be submitted to all of the [Responsible authorities – Runnymede Borough Council](#)

Applications should also include all supporting evidence to go with the application, and any other documentation and/or information which the applicant believes necessary to support the case.

There is no charge for making a review application, and the Council bear responsibility for the advertisement of the application.

What happens next?

Once submitted, if the review application is accepted, a 28 day consultation begins. During this period, the Council will ensure a site notice is displayed at or near the premises advertising the application, and will also advertise the application on the council's website and noticeboard.

During this period the responsible authorities and any other person may write a representation either in support of, or against the review. If these representations are valid, they will be considered as part of the process.

Once the 28 day consultation has expired, the Council will arrange for a licensing-sub-committee to be held within 20 working days, to determine the application. A licensing committee usually consists of a panel of three councillors.

The panel will listen to evidence from the applicant, the premises, and any other responsible authorities and/or other persons who have submitted valid representations to the application who wish to speak. The panel will also consider any written evidence and submissions in relation to the case. Once all evidence has been reviewed, and all parties have had an opportunity to speak, the panel will deliberate in private, and in most cases make a decision on the day of the committee hearing. A written decision will follow to all parties to the application shortly thereafter.

If any party to the application feels aggrieved by the decision of the committee, the decision may be challenged by way of appeal at the Magistrates' Court. Any appeal must be lodged within 21 working days of the written decision notice having been received.

**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
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the 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, 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)	

The Council may be statutorily required to supply any information you provide, to other bodies exercising functions of a public nature, for the prevention and detection of fraud. For further information, please see www.runnymede.gov.uk/DataMatching

Data Protection and Privacy

Any data supplied by you on this form will be processed in accordance with the General Data Protection Regulations, in supplying it you consent to the Council processing the data for the purpose it is supplied. All personal information provided will be treated in the strictest confidence and will only be used by the Council or disclosed to others for a purpose permitted by law. Data is deleted in accordance with our data retention policy. Our privacy policy is published on our web site www.runnymede.gov.uk

For further information about the Licensing Act 2003 please contact:
The Licensing Department, Runnymede Borough Council, Runnymede Civic Centre, Station Road, Addlestone, Surrey, KT15 2AH. Tel: 01932 838383 Email: Licensing@runnymede.gov.uk

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.