

Premises Licence Reviews

Any Interested Party or Responsible Authority may, at any time, apply to the Council, for a review of a Premises Licence.

What grounds can be used for an objection or Review ?

The Licensing Act is based on four principles: prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm. Objections or Reviews must relate to these issues and not to other issues. For example the felling of trees subsequent to the grant of a licence would not be relevant. Representations must be in writing and may be amplified at the subsequent hearing.

However, only those original issues may be addressed at the hearing and additional representations, which do not amount to an amplification of the original representation, may not be made.

Frivolous, Vexatious, or Repetitious objections

The law requires that if a representation, or a request for a review, is considered by the Council to be frivolous or vexatious, then the objection or request will be denied. There is no appeal against such a decision. A request for a review can also be denied if it repeats the grounds of a previous Review. Reviews on similar grounds would not normally be permitted within 12 months of a previous review.

What happens to a valid objection?

The application, or Review request, is required to go before a sub-committee of three Councillors who will hear the matter and any representations. The Licensing Officers will usually give a background report on the premises and may make recommendations. Please note that the Licensing Officers are not able to work on behalf of objectors to help

them to prepare their representations or speak on their behalf.

If any licence application does not attract representations, then the Council must grant the application and cannot attach any conditions of its own to the licence.

Appeals

The applicant and anyone who lodged a representation may appeal against the decision of the Council, to the Magistrates Court.

Other Legislation

The licensing system is not the only way of regulating licensed premises and other legislation may apply. The Act does not seek to duplicate other legislation. Legislation to control noise pollution, health and safety at work, or fire safety may be more appropriate to deal with a particular problem.

This leaflet provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice.

For more information, please contact:

Dawn Morrison, Licensing Manager
Spelthorne Borough Council
Knowle Green, Staines TW18 1XB
environmental.health.commercial@spelthorne.gov.uk

Direct line: 01784 446293

Fax: 01784 446437

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Licensing Act 2003 Liquor and entertainment licensing: The New Law

Representations and Premises Licence Reviews



Licensing Act 2003 Representations and Premises Reviews

The Law is Changing!

This leaflet gives guidance on who can object to licence applications or request a review of a Premises Licence once it has been granted.

What needs licensing?

- Any retail sale, or supply in clubs, of alcohol,
- the provision of regulated entertainment,
- the provision of hot food after 11pm.

The Council, as the new Licensing Authority, will start to license these activities in February 2005 and will become solely responsible from November 2005.

What new licences will there be?

There will be a Premises Licence. If that permits the sale of alcohol then whoever sells the alcohol, will need a Personal Licence as well. The Premises Licence will be a single licence that will permit any or all of the licensable activities.

Who can object to applications?

The legislation defines those who can generally lodge representations as the following:

Interested Party

- A person living in the vicinity of the premises, or
- A body representing persons who live in the vicinity of the premises, or
- A person involved in a business in that vicinity, or A body representing persons involved in such businesses.

Local Members of Parliament or Councillors cannot object on behalf of constituents, although they can object in their own right if they fall into any of the above categories.

Responsible Authority includes Police, Surrey Fire and Rescue, Health and Safety enforcing authority, Planning Authority, the Council as Statutory nuisance control authority, and Child Protection Team.

The Licensing Authority has no power itself to submit representations in respect of any licence or variation application, or to call in a contentious application so that it can be considered by a licensing sub-committee. It cannot itself initiate a review of the Premises Licence. Other parts of the Council such as the Planning Division or the Environmental Health Division (acting in their Statutory nuisance control role) may be able to submit representations or request a Premises Review and they would then be treated as any interested party.

If any licence application is not objected to, then the Licensing Authority must grant the application and cannot attach any conditions of its own to the licence.

Converting existing licences

Liquor licences are currently granted by the Magistrates Court at Staines whilst the Council issues Public Entertainment licences. Existing licensees can apply after 7 February 2005 to convert their existing licences to new successor Premises Licences and Personal Licences, which will come into force on 7 November 2005. These licence conversions can only be objected to by the Police and no one else.

New Premises Licences

Any Interested Party or Responsible Authority can submit representations to an application to a new Premises Licence application.

Variations

Successor licences will be granted on a "like for like" basis and if the licensee wants to change anything then they have to apply for a variation of their licence. Similarly any changes to a new Premises Licence must be via a Variation application. Variations can be objected to by any Interested Party or Responsible Authority.

New Personal Licences

Only the Police can object to the grant of a Personal Licence if the applicant has a criminal conviction and the grant of the licence would undermine crime prevention.

Temporary Event Notices

A Temporary Event Notice is used to authorise events lasting not more than 4 days, which are for not more than 500 people. They are similar to occasional licences. Please see our separate leaflet on these. These Notices are served on the Council not less than 10 days before the event. Only the Police can object to such Notices. If they don't object, the Council must endorse the Notice and the function can go ahead. The Council cannot attach conditions to the Notice.

How will I know if an application has been made?

Applications are entered into a public register held at the Council Offices and have to be posted at the premises. We will put details of applications on our website but we would not normally write to neighbouring properties to advise them of applications in their area.