

Spelthorne Borough Council

# Licensed Premises

## The Review Process



**A residents' guide to dealing with problems at  
Licensed Premises**

LICENSING ACT 2003

## **INTRODUCTION**

On 24 November 2005 the new licensing law came into full effect. Licensed Premises that applied for longer hours are now able to use them.

Licensed Premises means pubs, clubs, restaurants, off licences, supermarkets and shops which are licensed to sell alcohol, but it also includes late night take-aways, which sell hot food and drinks between 11pm and 5am.

This leaflet aims to:

- o Provide answers to frequently asked questions about problems you may be experiencing
- o Give you information about gathering the necessary evidence to support a Review of the premises

As Chairman of the Council's Licensing Committee, I am pleased that the Council has been able to work together with Residents' Associations, individual residents and members of the Licensed Trade to produce this guide.

Our aim is to help residents and businesses work together with the Licensed Trade to resolve any problems that may arise in the hope that they may be settled amicably with the Review process being seen as a last resort.

*Councillor Robin Sider  
December 2005*

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## ***Who do I contact if I have a problem?***

### **I am unhappy about some incidents at a Licensed Premises, what should I do?**

You have the following options: -

1. Try to resolve the problems in a neighbourly way by having a chat with the Manager about your concerns. Ask to speak to the Designated Premises Supervisor (DPS). The DPS is the person with responsibility under the Licensing Act for the day-to-day running of the premises. You will find the name of the DPS on the Premises Licence, which must be displayed at the premises. Alternatively contact Customer Services at the Council or visit our website (see further information page 14).

If your neighbours also have problems, you could ask the DPS to come to a residents' meeting. (Some licences have formal contact with local residents as a condition of their Licence).

Many pubs and clubs keep an Incident and/or Complaints book as a matter of course (for some maintaining an Incident Book is a condition on the licence). If so, ask staff at the pub to log your complaints in their book or record the details of the problem in a letter and ask for it to be included in the Incident Book. You may also ask to see the Incident Book to check that the pub itself is recording any problems.

2. If you feel uncomfortable about going into the premises and talking to either the DPS or the staff, ring the Council's Customer Services team to discuss the incident(s) and ask that the Council approach the DPS on your behalf.

3. Talk to your ward Councillor and ask him/her to speak to the DPS on your behalf.

### **The DPS was not helpful, what can I do next?**

- If the pub is owned by a brewery or by a large company, get in touch with the Head Office.
- Alternatively, either ring the Council's Customer Services team or complete a complaint form which can be found online at: [www.spelthorne.gov.uk/contact\\_us](http://www.spelthorne.gov.uk/contact_us)

### **I am concerned about criminal, drunken and anti-social behaviour**

- If you witness any criminal acts contact the police.
- Keep details of your call and ask for a reference number which you should then keep in your own logbook. You may also wish to tell the Council.
- If you have any concerns about anti-social behaviour contact the Council's Customer Services team and they will inform the anti-social behaviour officer who will contact and advise you.

### **I am fed up with the loud music coming from the pub.**

- Contact the Council's Customer Services team.
- If appropriate, the Council will get in touch with you and arrange for noise monitoring to be undertaken.
- Keep the details of your call in your own logbook. This information will be passed to the Council's Environmental Health Section who will discuss the incident with the DPS.

### **There is general noise nuisance on the streets late at night. What can I do?**

- If the noise is from people entering or leaving the licensed premises, contact the Council's Customer Services team and record it in your own logbook.
- If it is a general noise nuisance which does not relate to a specific premises this is not covered by the four licensing objectives, (see page 11) so you must use your discretion as to whether the incident requires police attention.

### **There seems to be lots more rubbish and broken glass around our street. What can I do?**

- Contact the Council's Customer Services team who will arrange for the litter to be removed if it is in a public place.
- If the litter can clearly be identified as coming from a Licensed Premises such as a pub or a late night take-away shop, record it in your own logbook.

### **People who use the pub are parking in our street and causing obstructions.**

- If you are suffering problems because someone is preventing access to your property, call the police, or
- If someone has wrongly parked on yellow lines, call the Council's Customer Services team.
- Parking is not one of the four licensing objectives, (see page 11) so you will not need to keep a record of the incident.

## **Rowdiness from inside the pub means my children don't sleep properly. What can I do?**

- Contact the Council's Customer Services team.
- Keep details of your call in your own logbook.
- Although this is not covered by the Licensing Objective of protection of children from harm (see page 12), you may have a valid complaint under the prevention of public nuisance.

## **I know that young people under the age of 18 are being sold alcohol. What can I do?**

- Contact the Council's Customer Services team who will record your complaint and pass it to either Surrey County Council's Trading Standards Department or the Police depending on the circumstances.
- The information you need to provide is:
  - the name and address of the premises;
  - the date and time of the alleged illegal sale;
  - a description of seller if possible.
- Keep details of your call in your own logbook.

### ***What if my problem isn't resolved?***

If the problems persist you will need to gather your evidence together before a Review can be called.

### **What is a Review?**

The Review is a new safeguard introduced by the Licensing Act 2003. Local residents and businesses near a pub, club, restaurant, off licence, supermarket, shop or late night take-away, can ask the Council to Review any premises licence, if they have cause for concern.

The Council has a range of powers when deciding what to do at a Review hearing; these are explained below.

### **What are the possible outcomes from a Review?**

The Council may decide:

- That no action is necessary to promote the licensing objectives;
- To issue an informal warning to the licence holder; or
- To recommend improvement within a particular period of time.

Where the Council considers that action is necessary, it may take any of the following steps:

- To change the conditions of the premises licence, e.g. by reducing the hours of opening or by requiring door supervisors at particular times;

- To remove a licensable activity from the licence, e.g. performance of live music or playing of recorded music;
- To remove the Designated Premises Supervisor, e.g. problems are considered to be the result of poor management;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

Any of the above actions may be put in place either permanently or for a temporary period of up to three months.

### **When can a Review take place?**

A Review may be requested at any time, however the Government's Guidance tells us that no more than one Review in twelve months should be allowed on similar grounds unless there are compelling circumstances.

### **What sort of evidence would I need?**

- You will have to provide clear and factual evidence showing that incidents were not isolated and link directly to the premises.
- Keep your own log of any problems you notice at the premises. You should record the date, time and a description of what happens. Photographs, sound or video recordings may also be helpful.
- If you keep your log over a number of weeks, you will have some strong evidence to place before the Council.

- Your log, entries in the pub's Incident Book and any telephone reference numbers from calls made to the police will be relevant.
- The Council has to be fair to all parties. Whilst a single or one-off incident may be significant enough to trigger a Review, it is unlikely to be successful. A log detailing persistent problems is far more likely to help both your case and the outcome of any Review.
- The Council will also need to know if the problems have been referred to the Manager/DPS or the Brewery.

**The problems with this premises are much the same as they were last time there was a hearing. Can I do anything?**

- Yes. But, if your objections are similar to the ones you or someone else made last time, you will need to show that you have new and strong evidence of further incidents.
- Spelthorne is required to keep a Licensing Register which may contain information to help you. Contact the Council's Customer Services team for details.

**I want the licence Reviewed. What do I do?**

- Contact the Council's Customer Services team to ask for a form, or download the form from the Council's website. ([www.spelthorne.gov.uk/review\\_licence.doc](http://www.spelthorne.gov.uk/review_licence.doc))

- The form is an application for a Review of the licence. You will be asked to fill in details of the premises and your own name and address. You will also be asked if you are making the application as a local resident, a local business, or a body representing individuals or businesses.
- If you are thinking of raising a petition you must include all the signatories' names and addresses so that the Council can make sure that all live nearby the premises.
- It would be helpful if one person could volunteer to receive correspondence from the Council on behalf of all the petitioners.
- The form also asks you to give your grounds for objection under the relevant licensing objective(s), which are:
  1. Prevention of crime and disorder
  2. Public safety
  3. Prevention of public nuisance
  4. Protection of children from harm.

The Council will make its decision based on the evidence. If it is not satisfied that the grounds for Review relate to one or more of these Licensing Objectives, it may be rejected. This is where factual information will be essential in providing relevant and good quality evidence.

## ***What kind of complaints are relevant to call a Review?***

As stated above, your grounds for Review must relate to one or more of the licensing objectives.

### **Prevention of crime and disorder**

- Criminal behaviour on, or directly attributable to, the premises.
- Anti-social behaviour on, or directly attributable to, the premises.

### **Public safety**

- E.g. overcrowding, fire safety, emergency exits and anything related to the safety of the public within the premises.

### **Prevention of public nuisance**

- Noise coming from the premises as a result of doors or windows being left open
- Noise and vibration from live/recorded music
- Disturbance caused by customers leaving the premises
- Light pollution
- Litter originating from the premises e.g. glasses/bottles from pubs or food/drink containers from late night take-aways and fast food outlets.
- Noxious smells coming from the premises

### **Protection of children from harm.**

- The licensing objective on protection of children refers to the moral, psychological and physical safety of children **when they are on the premises**. This includes protection from too early an exposure to strong language and sexual expletives, in the context of film exhibitions, or where adult entertainment is provided.

**How much of the above information do I need to include in my representation?**

You will need to provide all the evidence which you intend to use if your call for Review is to be successful. In fairness, the Council must let the premises licence holder (who is usually the owner of the premises e.g. the brewery) know the basis for the Review.

**WHAT ABOUT?**

**I think this premises licence goes against planning guidelines. Can the Council consider this?**

Yes, but not as part of the Licensing Objectives. You will need to talk to someone in the Planning Department. Contact the Council's Customer Services team.

**I think that extended opening hours at my local pub are causing a drop in the value of my property. Will the Council consider this?**

No. Property values are not part of the licensing objectives.

**Activities on the premises and from people leaving are affecting the environment of a conservation area. Can this be considered?**

The conservation area is not relevant, but if people are causing a disturbance you may have a valid complaint under prevention of public nuisance.

**The question I want to ask has not been dealt with in this leaflet.**

Please contact the Council's Customer Services team.

**FURTHER INFORMATION:**

**Council Customer Services**

Tel: (01784) 451499

Minicom: (01784) 446423

Opening hours: 8am to 6pm (Mon to Thurs)  
8am to 5pm (Friday)

E-mail: [customer.services@spelthorne.gov.uk](mailto:customer.services@spelthorne.gov.uk)

When you contact the Council's Customer Services team you will be asked a series of questions in order to identify the nature of your complaint. This information will be passed to the appropriate agency either for further investigation on your behalf or for a reply and will be kept for future reference.

**Surrey Police**

Tel: 999 (Emergency only)

**Surrey Police Contact Centre**

Tel: (0845) 125 2222 (for anything other than an emergency)

**Useful links:**

- Names of the Designated Premises Supervisor (DPS) at each licensed premises in the Borough [http://www.spelthorne.gov.uk/licensing\\_pubs.pdf](http://www.spelthorne.gov.uk/licensing_pubs.pdf)
- Information about the opening hours and permitted activities for
  - Pubs and restaurants at [http://www.spelthorne.gov.uk/licensing\\_premises.pdf](http://www.spelthorne.gov.uk/licensing_premises.pdf)
  - Clubs at [http://www.spelthorne.gov.uk/licensing\\_clubs.pdf](http://www.spelthorne.gov.uk/licensing_clubs.pdf)
- Information about the opening hours for take-aways [www.spelthorne.gov.uk/takeaway\\_licences.pdf](http://www.spelthorne.gov.uk/takeaway_licences.pdf)
- Locations of off-licences (including shops, supermarkets, garages) [www.spelthorne.gov.uk/off-licence\\_details.pdf](http://www.spelthorne.gov.uk/off-licence_details.pdf)
- Complaint form - [www.spelthorne.gov.uk/contact\\_us](http://www.spelthorne.gov.uk/contact_us)
- Review form - [www.spelthorne.gov.uk/review\\_licence.doc](http://www.spelthorne.gov.uk/review_licence.doc)
- Spelthorne Borough Council Statement of Licensing Policy [http://www.spelthorne.gov.uk/licensing\\_policy2005\\_2008.pdf](http://www.spelthorne.gov.uk/licensing_policy2005_2008.pdf)
- Government Guidance [http://www.culture.gov.uk/alcohol\\_and\\_entertainment/QuickLinks/publications/?properties=archive\\_2004](http://www.culture.gov.uk/alcohol_and_entertainment/QuickLinks/publications/?properties=archive_2004)

**Example of completed log**

**Premises: The Wayfarers Inn**

| <b>Date</b>        | <b>Time</b>    | <b>Description of event</b>  | <b>Notified to</b>   | <b>Reference Number</b> |
|--------------------|----------------|--|--|-------------------------|
| <i>13 Jan 2006</i> | <i>10.45pm</i> | <i>Amplified music from inside pub heard in house and disturbed sleep</i>            | <i>Spoke to DPS 14<br/>Jan Council 16 Jan</i>                                |                         |
| <i>13 Jan 2006</i> | <i>11.15pm</i> | <i>Shouting, swearing, cars revving in pub car park</i>                              | <i>Letter to DPS 21<br/>Jan Tel. Council 23<br/>Jan</i>                      |                         |
| <i>13 Jan 2006</i> | <i>12.25am</i> | <i>Youths vandalising cars in road along street from pub</i>                         | <i>Police 4 Feb<br/>Council 6 Feb</i>  | <i>CNO583/9</i>         |
| <i>13 Jan 2006</i> | <i>9.45am</i>  | <i>Broken beer glasses on pavement outside pub</i>                                   | <i>Police 4 Feb<br/>Council 6 Feb</i>  |                         |
| <i>13 Jan 2006</i> | <i>11.30pm</i> | <i>Loud party inside pub and drunk customers making a lot of noise as they leave</i> | <i>Council 20 Mar</i>  |                         |
| <i>13 Jan 2006</i> | <i>10.30pm</i> | <i>Two men left pub shouting and started fighting outside</i>                        | <i>Police 2 Apr<br/>Council 3 Apr<br/>Spoke to Ward<br/>Councillor 4 Apr</i> | <i>CNO634/9</i>         |