

East Lindsey District Council – Licensing Authority



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

(Form Last Revised August 2019)

Licensing Act 2003

Please read the following instructions, guidance notes at the end of the form and any guidance leaflets enclosed with this application before completing your application form.

1. If you are completing the form by hand please write legibly in **BLOCK CAPITALS** and write in **BLACK INK**.
2. In all cases ensure that your answers are inside the boxes. Use additional sheets as necessary.
3. Incomplete or inadequate applications will be rejected and will be required to be resubmitted to the Licensing Authority and all Responsible Authorities.
4. The application must be returned to:

The Licensing Team
East Lindsey District Council
Tedder Hall
Manby Park
LOUTH
Lincolnshire
LN11 8UP

With a copy (together with all accompanying documents) to all the Responsible Authorities (detailed later in this form) and the premises licence holder (or club holding the club premises certificate).

5. Please contact the Licensing Team (telephone: 01507 601111) for information regarding the current premises licence holder (or club premises certificate holder).
6. In line with legal requirements, we will advertise the review application by displaying a public notice:
 - At, on or near, the site of the premises (subject of the review) where it can be conveniently read from the exterior of the premises.
 - At the Council's Tedder Hall Offices.
 - On our website (www.e-lindsey.gov.uk).

In addition, limited premises review information will be made available in the public register of Licence Applications and Premises Reviews - which the Licensing Act 2003 requires us to maintain.

Requesting a Review of a Premises Licence

A resident, organisation, business or Responsible Authority (e.g. Lincolnshire Police, Lincolnshire Trading Standards) can, at any time, apply to the Licensing Authority for a review of a premises licence (or a club premises certificate) on a ground relating to one or more of the licensing objectives (crime and disorder, public safety, public nuisance and the protection of children from harm)

An application for the review of a premises licence (or club premises certificate) must be given in writing and used the prescribed form (this form). The form must be fully completed.

It is important to note that an application for review cannot be made anonymously.

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 for review, together with any accompanying documents, on the same day as the application is given to the Licensing Authority. The Licensing Authority must then advertise the application for review for a period of 28 days and invite representations from Responsible Authorities and interested parties.

The Licensing Authority can reject any application for a review if it considers it to be frivolous, vexatious or a repetition. If not rejected, the Licensing Authority must hold a Licensing Sub-Committee hearing (consisting of Councillors) to consider the review application.

The Statutory Guidance issued by the Home Office (in accordance with the Licensing Act 2003) considers that the review procedures represent a key protection for a community where problems with a licensed premises are occurring.

It should be noted that the Guidance recognises that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and Responsible Authorities in pursuit of common aims. It is considered good practice for authorised persons and Responsible Authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.

Similarly, in the case of interested parties, consideration should be given to whether their concerns could be effectively dealt with outside of the formal review process. Such steps could include:

- Talking with the licence holder to establish whether there are any steps they may be willing to take to rectify the situation.
- Asking the Licensing Section to talk to the licence holder on your behalf.
- Ask your local MP or Councillor to speak to the licence holder on your behalf.
- Talking to the relevant "Responsible Authority" (e.g. the Council's Environmental Health Team in relation to noise nuisance or Lincolnshire Police in relation to crime and disorder) to establish whether there is other action that can be taken to resolve the problem.

Who Can Make an Application for a Review?

The Licensing Act 2003 specifies that Responsible Authorities or interested parties may seek a review of a premises licence (and in the case of club premises certificate, this will also include members of the club).

The Responsible Authorities are:

- Lincolnshire Police;
- Lincolnshire Fire and Rescue;
- The Council's Health & Safety Team;
- The Council's Environmental Health Team;
- Lincolnshire Trading Standards;
- The Council's Planning Department;
- Lincolnshire Safeguarding Children Board;
- Lincolnshire Public Health Directorate;
- Home Office (Immigration Enforcement).

An interested party can be:

- An individual (resident), body (organisation) or business.

What is a Frivolous, Vexatious or a Repetitive Review Application?

As a general guide:

Frivolous and vexatious will bear their ordinary meaning. 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.

Repetitious - 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.
- Representations considered by the Licensing Authority when the premises licence was first granted.
- In addition to the above grounds, a reasonable interval has not elapsed since any earlier review or the grant of a 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 the Licensing Authority to judge what should be regarded as a "reasonable interval" in these circumstances. However, the Home Office Guidance 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.

How is the Review Application Considered?

Licensing hearings will take place in public, although the Licensing Sub-Committee may, in certain instances, decide that it is in the best interest of the public to hold the hearings (or part of the hearings) in private.

The details of all representations (including any interested parties' names) will be included in a Report that will be prepared by Officers from the Council's Licensing Section. These Reports are public documents and the Council is required to publish them. Copies of the Report and accompanying documentation (including the details of all parties to the review application) will be placed on the Council's website.

The applicant for the review, the holder of the licence, any Responsible Authorities and/or interested parties will be invited to attend the hearing. Any party to the proceedings will be able to be assisted or represented by any person at the hearing, regardless of whether or not that person is legally qualified.

What Action is Available to the Licensing Sub-Committee?

The 2003 Act sets out what steps the Sub-Committee can take in relation to an application for review of a premises licence.

The Sub-Committee can either make a decision at the end of the hearing or have up to a maximum of 5 days from the day of the hearing, or the last day of the hearing, to come to a decision.

Following consideration of the application, the Sub-Committee may:

- Decide that no action is necessary to promote the licensing objectives;
- Modify or add conditions to the licence;
- Exclude a licensable activity from the licence;
- Remove the Designated Premises Supervisor (DPS);
- Suspend the licence for a period (not exceeding 3 months);
- Revoke the licence.

Alternatively the Sub-Committee could decide to give the licence holder a warning regarding future conduct.

If an applicant, licence holder, Responsible Authority or interested party is aggrieved by the decision of the Sub-Committee, they can appeal against the decision to the Magistrates Court within 21 days of receiving written notification of the Sub-Committee's decision.

Any persons considering such action are advised to take professional advice prior to commencing such proceedings.

TO: The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP

I refer to the application for the review of a premises licence or club premises certificate under the Licensing Act 2003 and would confirm that a copy of the application has been forwarded to the following responsible authorities and the licence holder (or club premises certificate holder):

- Licensing (Alcohol), Lincolnshire Police, Myle Cross Centre, Macaulay Drive, St. Giles, Lincoln, LN2 4EL
- Health & Safety Team, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP (Or the Health and Safety Executive (HSE) if the HSE are the relevant responsible authority in respect of the particular premise).
- Environmental Health Team, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP
- Development Control Team, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP
- CFP, Lincolnshire Fire & Rescue, Harlaxton Road, Grantham, NG31 7SG
- Lincolnshire Safeguarding Children Board, Lincolnshire County Council, Room 131, County Offices, Newland, Lincoln, LN1 1YL
- Trading Standards Service, Lincolnshire County Council, Myle Cross Centre, Macaulay Drive, St Giles, Lincoln, LN2 4EL
- Programme Officer (Substance Abuse), Public Health Directorate, Lincolnshire County Council, Room 3A, Orchard House, Lincoln, LN1 1BA
- Alcohol Licensing Team, Home Office (Immigration Enforcement Section), Lunar House, 40 Wellesley Road, Croydon, CR9 2BY
- The relevant licence holder (or club premises certificate holder):

Signature:

Name:

Date:

The above copies must be sent to the Responsible Authorities and licence holder (or club premises certificate holder) on the same day the application is made to the Licensing Authority.

For further information:

The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, LN11 8UP

Tel: 01507 601111

www.e-lindsey.gov.uk



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

(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)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

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)

Have you made an application for review relating to the premises before

Please tick ✓ yes

If yes please state the date of that application

Day Month Year

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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)	

TO BE RETURNED TO: The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire LN11 8UP.

Copy to all the Responsible Authorities and the licence holder (or club premises certificate holder).

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.

Your information will be processed in accordance with the law, in particular the Data Protection Act 1998. The information that you provide will only be used for Council purposes unless there is a legal authority to do otherwise.

Data Protection Notice – Application under the Licensing Act 2003 for the Review of a Premises Licence or a Club Premises Certificate

East Lindsey District Council is a Data Controller and can be contacted at:

Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP
Tel: 01507 601111

The Data Protection Officer for this Authority can be contacted at the same address.

We are collecting your personal data in order to process your premises licence or club premises certificate review application, under the Licensing Act 2003, as we are the Licensing Authority.

The Council will share personal information with the Police and the other Responsible Authorities as part of the review process. Any information sharing will be managed in accordance with relevant privacy and data protection legislation and the requirements of the Licensing Act 2003.

The types of personal information collected by the statutory premises review application form includes:

- Basic information including name, address and contact details;
- Information relating to expressed opinions in respect of the specific licensing related matter;
- Any other information you provide to us during the review process.

Your review information will be used to:

- Enable investigation into alleged breaches of the licensing objectives;
- To fulfil our legal obligations around our Statutory Duties, and,
- Where appropriate to enable effective enforcement proceedings and prosecutions.

The legal basis for processing your data is Article 6.1(e) of the General Data Protection Regulations - in that the Council acts in the public interest or in the exercise of official authority.

Your personal data will be shared in the following ways as part of this review application:

- In line with the requirements of the Licensing Act 2003, a complete copy of the review application must be sent to the Responsible Authorities (a list of the Responsible Authorities can be found at the end of this notice) and the licence holder (or club premises certificate holder) on the same day the review application is made to the Licensing Authority.
- Your data will be shared with Lincolnshire Legal Services (who act on behalf of this Authority in legal matters).
- Review hearings will take place in public, although the Licensing Committee may, in certain limited instances, decide that it is in the best interest of the public to hold the hearings (or part of the hearings) in private.
- The details of all representations (including review applicant's names) will be included in a Report that will be prepared by Officers from the Council's Licensing Section. These Reports are public documents and the Council is required to publish them. Copies of the Report and accompanying documentation (including the details of

all parties to the review application) will be placed on the Council's website.

Your data will not be shared with third parties (outside of the review process) but may be used for Council purposes, in order to prevent or detect crime, to protect public funds or where we are required or permitted to share data under other legislation.

In line with legal requirements, we will advertise the review application by displaying a public notice:

- At, on or near, the site of the premises (subject of the review) where it can be conveniently read from the exterior of the premises.
- At the Council's Tedder Hall Offices.
- On our website (www.e-lindsey.gov.uk).

In addition, limited premises review information will be made available to the public in the Register of Licence Applications and Premises Reviews – which the Licensing Act 2003 requires us to maintain.

The Public Register and Public Notice of Review will indicate that the review has been made by an Interested Party – in the case of this Authority such notices will not give the name of the Interested Party.

In line with our retention policy your data will be kept for a period of six years from the resolution of the review application or the resolution of legal or appeal proceedings. The data will then be deleted / destroyed.

You have the right to access your data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances. Please contact the Data Protection Officer for further information or go to our website where your rights are explained in more detail. If you would like to receive an explanation of your rights in paper format please contact the Data Protection Officer.

Any complaints regarding your data should be addressed to the Data Protection Officer in the first instance. If the matter is not resolved you can contact the Information Commissioner's Office at:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 0303 123 1113

If you do not provide the information required on the form then we will not be able to process your review application.

For further information on our Data Protection Policies please go to our website: www.e-lindsey.gov.uk

Responsible Authorities under the Licensing Act 2003

- Lincolnshire Police;
- Lincolnshire Fire and Rescue;
- The Council's Health & Safety Team;
- The Council's Environmental Health Team;
- Lincolnshire Trading Standards;
- The Council's Planning Department;
- Lincolnshire Safeguarding Children Board;
- Lincolnshire Public Health Directorate;
- Home Office (Immigration Enforcement).

If you would like this information in a different format, please contact us on 01507 601111.