



Derby City Council

Guidance notes for the review of a premises licence or club premises certificate

A. Use of guidance notes

1. Who should use these guidance notes

1.1 These notes should be used by anyone wishing to ask for a review of a “Commercial Premises” or “Community Premises” that hold a premises licence or club premises certificate.

1.2 “Commercial Premises” are:

- Casinos
- Cinemas
- Hotels
- Off Licences
- Pubs
- Nightclubs
- Takeaways
- Theatres
- Restaurants
- Snooker Clubs
- Club premises
- or similar premises

1.3 “Community Premises” are:

- Village Halls
- Schools
- Church Halls
- Community Halls
- or similar premises

B. Background

2. What is a review

2.1 Occasionally, things may go wrong once a licence has been granted. In the first instance we recommend you talk to the manager or owner of the premises to try and arrange an informal resolution.

2.2 A review is where an other person (member of the public, or a person representing a body of people, such as residents’ associations) or responsible authority can apply to the relevant Licensing Authority for a premises licence or club premises certificate to be reviewed. The basis for a review must be how the activities at the premises are impacting on one or more of the licensing objectives.



2.3 If the review application does not explicitly link to one or more of the objectives, the application will be deemed invalid.

2.4 It will also assist if the review request is specific to the premises and evidence based. Other persons may wish to document problems, noting dates and times detailing specific issues, or even obtaining photographic evidence of any incidents, although this may be difficult. If the matter is presented to the elected Members on the Licensing Sub-Committee, the Councillors will need to be satisfied there is an evidential and causal link regarding the matters giving rise to the review request, and the effect on the licensing objectives.

2.5 The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

3. Who can ask for a review

3.1 Responsible authorities and other persons can ask for a review.

Responsible Authorities are:

- Police
- Fire Authority
- Food Team and Safety
- Environmental Protection
- Trading Standard
- Planning
- Derby Safeguarding Children Board
- Public Health
- Licensing Authority
- Home Office
- Any other person

3.2 The Council, as the Licensing Authority has the power itself to request a review of a licence. However, it will not do so in situations, where the review would be better made by one of the expert responsible authorities, who would hold the evidence. An example would be, the Licensing Authority would be unlikely to review a licence for issues relating to noise nuisance, this would be the role of the Council's Environmental Protection Team.

4. What is meant by frivolous or vexatious or repetitious?

4.1 A review must be relevant and not frivolous, vexatious or repetitious. A frivolous review would be one that clearly lacked seriousness, a vexatious review might arise due to disputes between rival



businesses and repetitive would be where a review is placed based on evidence already submitted to the local authority on a previous occasion.

C. Application procedure

5. Applicants

5.1 Applicants must be either a responsible authority or any other person.

5.2 The review application must be completed in writing on the prescribed form. The form is available on the Council's website. The applicant must ensure all areas on the form are completed..

5.3 Applicants must ensure a copy of the application is given to each one of the responsible authorities and the premises licence holder or the club holding the club premises certificate of the premises.

6. Application procedure

6.1 Once the review application and the supporting evidence e.g nuisance diary sheets have been received it is checked to ensure that the review is relevant to one or more of the licensing objectives and if received from another person, it is not vexatious, frivolous or repetitive.

6.2 Once the application is accepted the Licensing Authority must advertise the request for a review of a licence or certificate, this will be done by displaying the review request at the licensing authority offices for 28 consecutive days starting the day after the day on which the application was given to them. The licensing authority will also display a pale blue notice at or near the premises concerning the review for the same 28 consecutive days. Other persons and responsible authorities then have this period of 28 consecutive days starting the day after the day on which the review was given to make representations about the review.

6.3 At the end of the 28-day period if no agreement has been received between the premises licence holder and the other person or responsible authority then a review hearing is arranged where a decision will be made about the application.

7. Consultations

7.1 You will need to serve notice of application to the following responsible authorities at the below addresses and the premises licence holder or the club named on the club premises certificate for the review concerned. This should be done on the same day as you send or take your application to the Licensing Authority. Alternatively, if you submit your review application electronically to the Licensing Team, the Licensing Officers will ensure your review application is distributed to all the responsible authorities.



Organisation	Address
Derbyshire Constabulary	Derbyshire Constabulary c/o Licensing Officer St Mary's Wharf Prime Parkway Chester Green Derby DE1 3AB
Fire Authority	Fire Authority Derbyshire Fire and Rescue Service South Area Office Ascot Drive Fire Station Ascot Drive DE24 8GZ
Food and Safety Team	Food and Safety Team Derby City Council Communities Environment and Regulatory Services The Council House Corporation Street Derby DE1 2FS
Environmental Protection	Environmental Protection Derby City Council Communities Environment and Regulatory Services The Council House Corporation Street Derby DE1 2FS
Trading Standards	Trading Standards Derby City Council Communities Environment and Regulatory Services The Council House Corporation Street Derby DE1 2FS
Chief Planning Officer	Chief Planning Officer Derby City Council Development and Cultural Services The Council House Corporation Street Derby DE1 2FS
Derby Safeguarding Children Board	Derby Safeguarding Children Board Child Protection Manager Derby City Council The Council House Corporation Street Derby DE1 2FS
Public Health	Public Health



	Director for Public Health The Council House Corporation Street Derby DE1 2FS
Home Office	Home Office Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY
Licensing Authority	Licensing Authority Derby City Council Licensing Team The Council House Corporation Street Derby DE1 2FS

D. Committee hearings

8. The hearing

8.1 In the result of a review application for a premises licence being heard at a Licensing Sub Committee the decision could be not to change the premises licence, or the committee can take one of the following steps:

- Modify the conditions of the licence permanently or for a period of up to three months.
- Exclude a licensable activity from the licence permanently or temporarily for up to three months.
- Remove the designated premises supervisor (premises licence only).
- Suspend the licence for a period not exceeding three months.
- Revoke the licence.

8.2 In the result of a review application for a club premises certificate being heard at a Licensing Sub Committee the decision could be not to change the certificate or the committee can take one of the following steps:

- Modify the conditions of the certificate permanently or for a period of up to three months.
- Exclude a qualifying club activity from the licence permanently or temporarily for up to three months.
- Suspend the certificate for up to three months.
- Withdraw the certificate.

8.3 Notification of the Committee hearing decision is then given to the review applicant, licence holder, person(s) or responsible authorities who made relevant representations and the Chief Officer of Police.



9. Appeals

9.1 If your application is refused by the Licensing Sub-Committee you can appeal to the Magistrates Court by writing to:

The Magistrates' Court
Justices' Clerk Office
St Mary's Gate
Derby
DE1 3JR

9.2 An appeal must be lodged with the court within 21 days from the day on which you received notification of the decision.

F. Licensing Officer

10. Submission of application

10.1 Your completed application form and accompanying documents should be sent to:

The Licensing Officer
Communities Environment and Regulatory Services
The Council House
Corporation Street
Derby
DE1 2FS
Or by email to licensing@derby.gov.uk

10.2 Please remember to send copies to the responsible authorities (see paragraph 7), unless sending your application electronically.

11. Help and advice

11.1 If you need help or advice on submitting your application you can contact the Licensing Officer by writing to the address above or telephoning (01332) 641951, or by email to licensing@derby.gov.uk.

