

Information for Residents living near Licensed Premises

The following is an extract from the guidance on the DCMS website (www.culture.gov.uk)

The Licensing Act 2003 enables thorough scrutiny of applications both by experts and by local residents and businesses. "Responsible Authorities" such as the police, environmental health and others, are notified of every application for a new premises licence, or variation of an existing licence. They have the opportunity to make representations to the Licensing Authority about the effect of the application on the promotion of the licensing objectives.

The Act also enables residents and businesses in the vicinity of the premises ("Interested Parties") to make relevant representations about any application. This gives the local community a greater say than ever before in licensing decisions.

For a representation to be relevant it must be about the likely effect of the application on the promotion of the four licensing objectives. It will not be relevant if the Licensing Authority considers it to be vexatious or frivolous.

In addition, Responsible Authorities and interested parties have the power to apply for a review by the Licensing Authority of existing licences, on grounds relating to the promotion of one or more of the licensing objectives. Such a review can result in the modification of the licence, its suspension, or ultimately, revocation.

Putting forward your views on applications

When applying for, or seeking to vary, a premises licence, an applicant must give notice of their application to each Responsible Authority by sending them a copy of the application, together with any accompanying documents, on the same day as the application is given to the relevant Licensing Authority. The applicant is also obliged to advertise the application in a local paper and place a notice of the proposed variation outside the premises for 28 days. Local residents and businesses operating in the vicinity of the premises can make representations to the Licensing Authority about the application, if they wish to do so. A representation may be an objection or a positive comment.

If no relevant representations are made, the licence or variation must be granted as applied for.

Representations can only be considered by the Licensing Authority if they are received within the 28-day consultation period (and the last date should be included in the advertisement). If the Licensing Authority considers that the representations are relevant it must hold a hearing to determine the application (unless all agree that this is unnecessary).

At the hearing, the Licensing Casework Sub-Committee (which is a panel of 3 councillors) may do one of the following:

- Decide to grant or vary the licence in the same terms as it was applied for
- Decide to grant or vary the licence, but to modify the conditions
- Decide to refuse to issue or vary the licence
- Decide to exclude one or more licensable activity from the licence

A similar approach is taken in respect of club premises certificates and provisional statements.

Requesting a review of a premises licence

An Interested Party or Responsible Authority can, at any time, apply to the Licensing Authority for a review of a premises licence on grounds relating to the licensing objectives. An application for the review of a premises licence or club premises certificate must be given in writing and be in the prescribed form.

The person or body requesting the review must notify the holder of the premises licence 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 relevant Licensing Authority. The Licensing Authority must advertise the application for the review and invite representations from Responsible Authorities and interested parties. An Interested Party or a Responsible Authority has a period of 28 days in which to make representations to the relevant Licensing Authority.

The Licensing Authority can reject any grounds for the review if it considers it to be frivolous, vexatious or a repetition. If not rejected, the Licensing Authority must hold a hearing to consider the application.

Frequently asked questions

What are the licensing objectives?

The Act provides four objectives. In carrying out its functions the licensing authorities must do so with a view to promoting the objectives. They are:

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

These licensing objectives have been formulated in order to ensure that the carrying on of licensable activities is done in the overall public interest. Any representations made in relation to an application for a provisional statement, a premises licence or club premises certificate (or a variation) or in respect of a review must be about the likely effect of granting the application on the promotion of the licensing objectives.

How are applications advertised?

The person making the application must display a pale blue A4 (or larger) notice, printed legibly in black ink or typed in black, in a size equal to 16 font (or larger), prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises. The notice must be displayed for 28 consecutive days, starting on the day after the application is given to the relevant Licensing Authority.

In addition to this, they must publish a notice in a local newspaper, or if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises, at least once during the 10 working days after the application is given to the relevant Licensing Authority.

Who can make representations about a licence application or ask for a review of the licence?

'Interested parties' or 'Responsible Authorities' can make representations.

Interested parties are any of the following:

- A person living in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing any of the above

Responsible Authorities mean any of the following:

- Police (re: prevention of crime & disorder)
- Environmental Protection (re: prevention of public nuisance)
- Health and safety (re: promotion of public safety)
- Fire & Rescue (re: promotion of public safety)
- Social & Health Care (re: protection of children from harm)
- Trading Standards
- Planning Authority

What are relevant representations?

For a representation to be relevant it must:

- Relate to the effect of the grant of the licence on the promotion of the licensing objectives
- Be made by an Interested Party or Responsible Authority
- Not have been withdrawn
- Not be 'frivolous or vexatious' or, in the case of a review, 'repetitious' if made by an Interested Party
- If it concerns the premises supervisor be made by a chief officer of police and include a statement explaining the reasons for the objection

How do I make representations to my Licensing Authority?

Representations should be made in writing to the Licensing Authority, Oxford City Council, Ramsay House, 10 St Ebbes, Oxford OX1 1PT. Alternatively you can email licensing@oxford.gov.uk. We cannot consider representations that do not relate to the four Licensing Objectives, so make sure that it is clear which one your comments relate to. For example, if your only concern is over issues relating to parking, we cannot lawfully take it into account.

How do I find out what premises are licensed for?

Most licences can be viewed electronically. Go to www.oxford.gov.uk/environment/licensing.cfm and follow the link to Public Access. You can search for the premises by address, or using the Premises Licence number (if you know it). If you have any difficulties, contact the Licensing Authority at the above address.

What is Regulated Entertainment?

As a guide, this is usually entertainment that you would go to the premises specifically to see and/or participate in, and there is usually an audience. Regulated Entertainment includes:

Plays, films, indoor sporting events (e.g. darts exhibition match), boxing or wrestling, live music, playing of recorded music (usually by a DJ), dance (performance or provision of facilities), entertainment of a similar description (karaoke, circus).

What is NOT Regulated Entertainment?

This list is not exhaustive! Examples include:

Games/sports (e.g. darts, Aunt Sally, pool, indoor skiing, which are participation sports rather than for entertainment of an audience), jukebox, background music, comedians, magicians, television (except that videos/DVDs are classed as film), sport on TV

Can the Licensing Authority itself make representations on a licence application or ask for a review of a licence?

No, we must rely on the Responsible Authorities and Interested Parties to do that. However, if conditions that have been placed on a licence are breached, the Licensing Authority can prosecute the licence holder.

If a local pub, club, restaurant etc. causes a disturbance is it possible to request a review of the licence?

Yes. At any stage, following the grant of a premises licence, a Responsible Authority such as the police or the fire authority, or an Interested Party, such as a resident in the vicinity of the premises, may apply to the Licensing Authority to review the licence if there are grounds relating to the licensing objectives.

If an Interested Party, for example, a local resident, residents' association, or local business applies for a review of the licence, the Licensing Authority must first consider whether the grounds they have put forward are relevant to the licensing objectives and that they are not vexatious, frivolous or repetitious. If the grounds comply with these tests, the Licensing Authority must arrange a hearing to consider them and any relevant representations made.

Before applying for a review, we recommend that you gather supporting evidence. Noise and/or disturbance should be reported to the relevant Responsible Authority (usually the Police or Environmental Protection) whenever it occurs, so that they have a record. Breaches of conditions should be reported in writing to the relevant Responsible Authority and copied to the Licensing Authority as soon as possible. It would also be helpful if you could keep a diary of events.

What if there's a noise problem that's not caused by Regulated Entertainment?

Existing laws still apply. Contact the Noise Team on 01865 252556 (daytime) or 01865 742138 (out of hours).

Is there anything that Premises Licence holders are NOT responsible for?

Yes. For the Premises Licence holder to be held accountable, the disturbance must relate directly to the premises concerned. That means noise from within the curtilage of the property or from departing patrons while they are in the immediate vicinity of the premises. It would not be possible in law to hold a licensee directly responsible for the behaviour of an individual, however antisocial, after s/he has left the immediate area – adults are responsible for their own behaviour.

Guidance paragraph 3.28 of the Licensing Act 2003 says "Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. To enable the general public to appreciate the breadth of the strategy for addressing these problems, statements of policy should also indicate the other mechanisms both within and outside the licensing regime that are available for addressing such issues." See Oxford City Council's Statement of Licensing Policy, which outlines all of the measures and controls that are in place.

How do I apply for a review of a premises licence?

To apply for the review of a premises licence or club premises certificate, complete the prescribed form, which can be downloaded from this website. You must notify the holder of the premises licence and each Responsible Authority of your 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 relevant Licensing Authority.

The Licensing Authority must then advertise the application for the review by displaying a pale blue A4 (or larger) notice at, on or near the premises, and at the offices of the Licensing Authority in a central and conspicuous place. The notice must be displayed for 28 consecutive days, starting on the day after the application is given to the relevant Licensing Authority. An Interested Party or a Responsible Authority may make representations to the relevant Licensing Authority during that time.

The Licensing Authority can reject any application for review if it considers it to be frivolous, vexatious or repetitious. If not rejected, the Licensing Authority must hold a hearing to consider the application.

Do I have to pay a fee?

No. The Licensing Act 2003 (Fees) Regulations 2005 does not prescribe a fee for making representations, or applying for the review of a premises licence or club premises certificate.

Can the Licensing Authority impose conditions on a premises licence?

Only if relevant representations are made during the application process, or following a review of the licence.

So what should I do when there's a disturbance?

While it's happening:

- If violence, especially weapons, call 999 and report it to the Police
- If vandalism, call the Police non-emergency line (01865 266000)
- If noise from within the premises, call the Noise Team on 01865 252556 (daytime) or 01865 742138 (out of hours)
- In all cases, make a note of the date/time/event

As soon as practicable:

- Write to the Responsible Authority concerned
- Send a copy to the Licensing Authority

What are the contact details for the Responsible Authorities?

| Responsible Authority | Address | Phone | Email and website |
|------------------------------|---|-----------------|--|
| The Licensing Authority | The Licensing Authority Oxford City Council Ramsay House 10 St Ebbe's St OXFORD OX1 1PT | 01865 252565 | licensing@oxford.gov.uk www.oxford.gov.uk/licensing |
| The Planning Authority | The Planning Authority Oxford City Council Ramsay House 10 St Ebbe's St OXFORD OX1 1PT | 01865 249811 | planning@oxford.gov.uk www.oxford.gov.uk |
| Environmental Protection | Environmental Protection Oxford City Council Ramsay House 10 St Ebbe's St OXFORD OX1 1PT | 01865 252296 | noise@oxford.gov.uk www.oxford.gov.uk |
| Health & Safety | Health & Safety Oxford City Council Ramsay House 10 St Ebbe's St OXFORD OX1 1PT | 01865 252557 | safety@oxford.gov.uk www.oxford.gov.uk |
| Thames Valley Police | Thames Valley Police Licensing Office St. Aldate's Police Station OXFORD OX1 1SZ | 01865 266109 | LicensingOxford@thamesvalley.pnn.police.uk |
| Fire & Rescue Service | Fire & Rescue Service Oxfordshire County Council, Rewley Road Fire Station OXFORD OX1 2EH | 01865 242223 | |
| Social & Health Care | Social & Health Care Oxfordshire County Council Yarnton House, Rutten Lane Yarnton, OXFORD OX5 1LP | | |
| Trading Standards | Trading Standards PO Box 618, County Hall, New Road OXFORD OX1 1DX | 01865 815205 | tom.edwards@oxfordshire.gov.uk |