

LICENSING ACT 2003

MAKING A COMPLAINT

If you wish to make a complaint about a licensed premises, or a premises which is providing licensable activities without a Licence, please contact the Licensing Department on 01473 433076, email us at licensingandenforcement@ipswich.gov.uk, or write to us at Licensing and Enforcement, 2nd Floor East, Grafton House, 15-17 Russell Road, Ipswich, IP1 2DE.

As the Licensing Authority, we have the power to enforce the various aspects of the Licensing Act 2003, including any requirements contained within the Premises Licence/Club Premises Certificate. For example, premises may be selling alcohol later than they should, playing music that they are not licensed for, or not adhering to a condition attached to the Premises Licence/Club Premises Certificate. We can also enforce any premises which do not have any authorisation to provide licensable activities, and which may be selling alcohol, for example.

If you believe that the premises are contravening their Premises Licence/Club Premises Certificate, you will be asked to provide your details and a description of the nature of the problem, including details of dates and times when the problem has occurred. This information will be passed, in confidence, to our Licensing Enforcement Officers to investigate, who may contact you if they require any additional information about your concerns.

It is important that we have your details when we take on a complaint, however we can assure you that your details will be kept confidential and may only be shared with a Responsible Authority for the purposes of investigating the matter. We will not disclose your details to the licensee.

How will we deal with your complaint?

- We will have regard to the Government's current Enforcement Concordat throughout the progress of your complaint.
- On receipt of your complaint, an assessment will be made as to who is the appropriate agency to investigate the matter for example, if your complaint were to relate to alleged under-age drinking, it would be passed to Trading Standards; crime and disorder or general public disturbance issues would be passed to the Police; noise nuisance issues would be passed to Environmental Protection. However, we may decide that a combined multi-agency approach is more suitable and will therefore take action in partnership with the relevant authorities.
- We may ask you to keep a diary of dates and times when you are affected by disturbances caused by the premises or persons using the premises. This diary should also include the nature of the disturbance and the effect it has on you and your family. Recording this information will assist our officers in identifying offences, and will assist you in providing evidence to support an Application for Review, should you decide to make one.
- If a complaint of a similar nature has not been previously dealt with in relation to the premises, an advisory visit or telephone call may be made to the licensee, to discuss the situation and possible remedies. We may also consider writing to the licensee and responsible persons at the premises, particularly if the problem is one that has investigated previously.
- We will keep you updated as to the progress and outcomes of any discussions we have with the licensee, and will liaise with you to monitor the problem until it has been resolved.

What action could we take?

- If the problem persists and relates to a contravention of the Premises Licence/Club Premises Certificate or other offence under the Licensing Act 2003, we can take formal enforcement action. We, in line with the Enforcement Concordat, may consider issuing a formal warning and/or commence prosecution proceedings.
- If the problem persists but is one that is not currently prohibited by the Premises Licence/Club Premises Certificate, it is likely that a review would be appropriate – the Premises Licence/Club Premises Certificate could be amended in such a way to prevent further problems occurring.

Issues that we may not be able to resolve:

- Problems relating to events authorised by a Temporary Events Notice: unless the problem relates to exceeding the hours authorised by the TEN, we may not be able to deal with such issues – TENs cannot currently have conditions attached to them, and they supersede any requirements contained within the Premises Licence/Club Premises Certificate.
- Problems relating to implementation of smoke-free legislation: members of the public congregate outside licensed premises while they smoke (sometimes consuming alcohol while they do so). Neither consumption of alcohol nor smoking

are licensable activities, therefore it is unlikely that we would be able to take enforcement action. Some Premises Licences/Club Premises Certificates do prohibit customers taking their drinks outside, therefore we may be able to enforce this aspect. Nevertheless, we cannot stop customers from going outside to smoke.

- Problems relating to general noise or disorder on the streets in the area of the premises: unless it can be demonstrated that it directly relates to bad management of the premises, we cannot seek to manage the behaviour of customers once they are beyond the direct management of the Licence Holder and their staff. However, we can seek to manage behaviour of those individuals under the licensee's direction when on the premises or in the immediate vicinity of the premises as they seek to enter or leave.
- Problems relating to the premises being open while it is not providing licensable activities: sometimes premises wish to open to the public at a time which is not covered by the Premises Licence/Club Premises Certificate, for example, to provide coffee with breakfasts. Provided that the premises is not providing any licensable activities, it is not an offence to open to the public, and we will not be able to take any action. However we may still conduct an initial investigation to consider if any offences have been committed.
- This is not an exhaustive list, and there are many instances of problems which do not fall neatly into the category of being enforceable under the Licensing Act 2003. If you are in any doubt whether an issue you are experiencing can be dealt with by us or one of our partner agencies, please contact us to discuss this further. We will always endeavour to mediate with licensees on an informal basis where possible.

Issues to consider when seeking a Review

- As a local resident, you have the right to apply for a Review of the Premises Licence/Club Premises Certificate. Responsible Authorities such as the Police are also able to apply for a review. It is important to remember that Licensing Officers cannot request a review, although evidence that we collect can be used in support of a review; it is therefore extremely important that residents liaise closely with Responsible Authorities and report all incidents to them.
- It is important that the request for a review can be backed up by hard evidence - e.g. completed log sheets, records of telephone calls made to Responsible Authorities such as the Police and Environmental Protection.
- It must be demonstrated that the disturbance caused has been over a period of time and that all other attempts at resolving the situation have failed.
- It is also important to demonstrate that the problems caused directly emanate from the particular premises for which the review is sought. If complaints relate to general noise or disorder on the streets in the area of the premises it will be necessary to show how it directly relates to bad management of the premises under review. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, however they can directly impact on the behaviour of those under the licensee's direction when on the premises, or in the immediate vicinity of the premises as they seek to enter or leave.
- No more than one request for a review can be made in any 12 month period except in compelling circumstances and not for repetitious grounds; this must be carefully considered when deciding to apply for a Review.
- The Licensing Committee could decide to:
 - Take no action
 - Modify or add conditions to the licence
 - Exclude a licensable activity from the licence
 - Remove the Designated Premises Supervisor (the named person in overall control of the premises)
 - Suspend the licence for a period (not exceeding three months)
 - Revoke the licence