**"I want to complain about Licensed Premises. What should I do?"**

If you have a complaint, it might be enough for you to tell the Board's Licensing Standards Officer, Grace Cullen:

tel. 01294-324366 (Direct Line)

email: gcullen@north-ayrshire.gov.uk

She can raise your concerns with the Licensee, and doing this often leads to a negotiated solution without the need for formal Board involvement.

If that does not work, you can yourself make a "Review Application" to the Board, under Section 36 of the Licensing (Scotland) Act 2005.

**"What should I tell the Board?"**

There is a legal requirement known as 'fair notice', which means that a person accused should know what is alleged, so that he can himself gather evidence, e.g. interview witnesses. Therefore the Board will expect the complainer to give as much detail as possible of the allegations.

You should give us a written account or diary, detailing the complaints to ensure that the Board have the fullest information. An example you can use is detailed on page 3 below.

The Police are not automatically involved in a Review Application, but if you are referring to their involvement then the Board might ask them for some information.

You should use a signed letter. If you use an email first, you can print a copy, sign it, and give it to us. Whatever you do, do it soon. We have to give the licensee at least 7 days' notice of the Review Hearing, but we try to give more (this helps avoid the situation where the licensee's lawyer says that he's only just been instructed, so he needs an adjournment to prepare).

The Licensing system is based on five principles ("Licensing Objectives") set out in Section 4. Your letter might be something like:

*"I wish to make a "Review Application" under Section 36 of the Licensing (Scotland) Act 2005 relating to the Premises at [NAME, ADDRESS]. The Grounds for Review are that the operation of the Premises is not consistent with the following Licensing Objective(s):*

*[EDIT LIST AS APPROPRIATE]*

*(a) preventing crime and disorder,*

*(b) securing public safety,*

*(c) preventing public nuisance,*

*(d) protecting and improving public health, and*

*(e) protecting children from harm.*

*In support of these grounds I attach a summary of events.*

*Yours faithfully [SIGN, DATE]"*

**"I have sent in a Review Application. What happens next?"**

Your Application will be considered by the Board at one of their scheduled Hearings. If they decide to have a Review Hearing, this will be in public. The legislation does not permit the hearing to be in private. People who have made complaints are expected to attend the Hearing, and be asked questions by Councillors and the Licence-Holder or his Solicitor.

The Board then decide whether or not the Review should be upheld.

**"What can the Board do?"**

If the Board uphold the Review, they have a number of options:

(a) revoke the Licence entirely

(b) suspend it for a fixed time (so that the Premises close for that time)

(c) vary the licence (e.g. change the operating hours)

(d) issue a written warning

The Board can also continue the Review hearing to a later date (the Board usually meet every month or two) without doing any of these, e.g. if the Premises are to be managed differently, the Board might want to monitor the changes.

**"Can I appeal against the Board decision?"**

In some cases the Sheriff Court can deal with an Appeal (See Section 131 and Schedule 5). You would need to take independent legal advice, as the Board's staff cannot advise you. There is a time limit on appeals, so if you want to appeal you should consult an independent Solicitor soon.

**North Ayrshire Licensing Board/North Ayrshire Council - ASB Diary**

*This form is used to give details of alleged incidents of AntiSocial Behaviour ("ASB") involving Licensed Premises (or rented houses).*

*This form uses "Council" to cover two situations:*

*(a) the Licensing of Public Houses and other Premises selling alcohol is regulated by the "Licensing Board".*

*(b) the "Landlord Registration" system is regulated by the "Licensing Committee" of NAC.*

*These are legally separate but the same Councillors sit on both bodies. A single form is used because ASB complaints can arise in both situations.*

*This form may be shown to the Licensee, Landlord or anyone else involved in the case, and may be discussed at a Council public meeting.*

*You should only include information here if you are willing for it to be seen by anyone else.*

*If you are invited to attend a Council Hearing in this case, you will be expected to attend and to answer questions:*

*- from Councillors and*

*- from the person you are complaining about (or his/her representative).*

*If you need to use other pages to describe your complaint, please start the page with*

*- the page number*

*- your name*

*- the incident's day, date and time,*

*so that it is clear what incident you are describing.*

*If you have any letters or emails to or from the Licensee or Landlord, or any other documents you think are relevant, please give us copies.*

**About you**

|  |  |
| --- | --- |
| Name |  |
| Address |  |
| Occupation |  |
| Age |  |
| Telephone |  |
| Email |  |
| Who else lives in your house? |  |

Give as much detail as you can for each incident.

**1. Description**

(a) When? [day, date, time]

(b) Who was involved?

(c) What happened? [describe]

(d) Where did it happen?

*[Do not just give the name and address of the Licensed Premises or the rented house. Distinguish events which happen inside Premises and outside - the Council might not hold the Licensee of Licensed Premises, or the Landlord of a rented house, responsible for the conduct of people after they have left. ]*

(e) Did anyone else witness the incident?

(f) If so, give their names and ages.

**2. Responsible Persons**

(a) Did the staff of the Licensed Premises (or the Landlord of the rented house) know of the incident?

(b) If so, when did they learn of it? [day, date, time]

(c) If so, what did they do?

(d) Did you speak to any of them?

(e) If so, who?

(f) If so, when? [day, date, time]

(g) If so, what did they say or do?

(h) If you did not speak to anyone, why not?

**3. Official action**

(a) Was any official body involved (such as the Police or the Council's Anti-Social Behaviour Investigation Team (A.S.I.S.T.)?

(b) If so, which body?

(c) If so, when did you call them? [day, date, time]

(d) If so, what did they say/do (e.g. attend)?

(e) give any reference you have, such as a Police Crime Reference.

(f) If you did not speak to anyone, why not?

**If there are other incidents, give the same details for each one.**