

Reviews – Guidance Notes

The Review Process

The Licensing Act 2003 gives provisions to review a premises licence or club premises certificate if problems relating to one or more of the licensing objectives occur after the grant or variation of the licence.

The licensing objectives are:

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

Where responsible authorities and/or any other person has concerns about problems identified at licensed premises, it is good practice for them to give the licence holder early warnings of their concerns and raise awareness that there is a need for improvement. Sufficient time should be given to the premises to allow them to implement any steps necessary to address the concerns raised. Co-operation between all parties at this stage is encouraged and reviews should not be used until all alternative avenues to resolve the issues have been explored.

If an application to review a licence is made by a member of the public, residents' association, local business etc. the licensing authority must ensure that the application is relevant to the licensing objectives and is not frivolous, vexatious or repetitious.

The application procedure:

- The application form must be submitted to the Licensing Authority and all of the Responsible Authorities on the same day.
- Include any relevant documentation you wish to support your application

What happens next?

The application form will be checked to determine that it relates to one or more of the licensing objectives and it is not frivolous, vexatious or repetitious. The applicant will be notified if the application is rejected for any of the above reasons.

Upon acceptance the Licensing Authority will display a notice for 28 consecutive days following the date of the application:

- In at least one place on the site of the premises, where it can be conveniently read from the exterior of the premises
- At the Council's offices
- On the Council's website

The notice displayed on the premises will be:

- A4 size or larger
- Blue in colour
- Printed legibly in ink or in large black type (at least font size 16)

The notice will contain:

- The postal address of the premises
- The grounds of the review
- The postal address or web address where the Council keeps the register and where the grounds of the review may be inspected
- The dates between which an interested party or responsible authority may make representations to the Council
- A statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence

Representations must be received within the 28 day period if they are to be considered. The Licensing Panel will hold a hearing to determine the application; the applicant will be notified of the date and time of the hearing to enable them to attend in support of their application.

At the hearing the Licensing Panel will have regard to the application and any relevant representations and will then decide what steps, if any, are needed for the promotion of the licensing objectives.

The Licensing Panel will then decide whether it should:

- Make no changes to the licence
- Remove, add or change any conditions on the licence
- Exclude a licensable activity from the licence
- Remove the designated premises supervisor
- Suspend a licence (for a period not exceeding three months)
- Revoke a licence

If an applicant, licence holder, responsible authority or interested party is aggrieved by the decision of the Licensing Panel they can appeal to the Magistrates' Court within 21 days of receiving written notification of the Licensing Panel's decision.

Reviews following closure orders

The licensing authority must review a licence or certificate if the premises to which it relates is made the subject of a closure order by the police based on nuisance or disorder and the Magistrates' Court has sent the authority the relevant notice of its determination, or the police have made an application for a Summary Review on the basis that the premises are associated with serious crime and/or disorder.

Where a closure order has been made and the Council is notified of the decision by the Magistrates' Court it must review the premises licence within **28** days of that notice.

The procedure is similar to ordinary reviews but the time scales are shorter.

The Council must give notice of the review to the holder of the Premises Licence and all of the Responsible Authorities within **1** working day of being notified by the Magistrates.

The Council will advertise the review by displaying a notice for **7** consecutive days following the date of the application.

Representations must be received within that **7** day period if they are to be considered.

The Licensing Panel will hold a hearing to determine the application. Notification will be given of the date and time of the hearing.

The Licensing Panel will then decide whether it should:

- Make no changes to the licence
- Remove, add or change any conditions on the licence (either permanently or for a period of up to 3 months)
- Exclude a licensable activity from the licence
- Remove the designated premises supervisor
- Suspend the licence for up to 3 months
- Revoke the licence

If any party is aggrieved by the decision of the Licensing Panel they can appeal to the Magistrates' Court within 21 days of receiving written notification of the Licensing Panel's decision.