

Licensing Act 2003 Review Guidance

This guidance is to explain to **interested parties** what you can do if you are experiencing problems and need advice about the review process. Responsible Authorities such as the Police, Trading Standards etc can also apply for a review of a premises licence in the same way.

If you have a problem with a premises that has been granted a licence then in the first instance it is advisable to speak to the Manager of the premises and the Council's Licensing Officer to see if the situation can be resolved informally by way of a warning.

Where this is not successful and the complaint relates to one or more of the **four licensing objectives** a review of the licence may be required.

The Licensing Authority must advertise the application for review by displaying a pale blue A4 notice printed in black ink prominently

- At or near the premises the application relates to
- At the council offices in a prominent place
- On the council website

The notice must be displayed for 28 days starting on the day following the day the application is given to the Local Authority.

An interested party has a period of 28 days to make representations (In writing) to the Licensing Authority.

Relevant representations is an expression used in the act for comments including objections and it should related to the effect a grant or review of the licence would have on the promotion of the four licensing objectives.

The Licensing Authority can reject any grounds for a review if it considers it to be **frivolous, vexatious, repetitious** or if the grounds are not relevant.

If the review follows a closure order by the Magistrate's Court then an interested party of a responsible authority has a 7 day period to make a representation starting on the day following the day the review application is received.

The Licensing Act 2003 Fees Regulations 2005 does not prescribe a fee for making representations or for applying to review a Premises Licence or Club Premises Certificate.

If you have supporting information such as photos, diary of events or sound recordings etc you should inform the Licensing Authority before the hearing that you wish to use it as part of your evidence and agree to the applicant being given a copy.

Mediation will have taken place before the review but if an agreement can be reached once the review application has been made then the applicant can agree to withdraw their review application. An agreement in principle may be made to change conditions on the licence otherwise a hearing must be held.

The Licensing Authority has 20 working days from the close of representations to hold a panel hearing. Anyone making representations will be given notice of the date of the hearing 10 working days beforehand. A copy of the report will be made available 5 working days beforehand.

At the hearing you will be able to speak to the panel of Councillors on the Sub-Committee. The applicant for the licence will also be there at the meeting and it will also be open to the public. You may be represented by another person if you wish. The Sub-Committee will decide whether to modify the conditions on the licence, exclude a licensable activity, suspend the licence for a period not exceeding 3 months, revoke the licence or leave the licence as it is.

This decision will be notified to the licence holder, the applicant any person who made a relevant representation and the Chief Officer of Police.

If you are not happy with Sub-Committee's decision then you have a right to appeal at the Magistrates Court by lodging this within 21 days beginning on the day the appellant was notified of the decision.

Definitions

Four Licensing Objectives:

Crime and Disorder
Public Safety
Prevention of Public Nuisance
Protection of Children from Harm

Interested Parties

A person living in the **vicinity** of the premises
A body representing people that live in the **vicinity**
A person involved in a business in the **vicinity** of the premises
A body representing people involved in these businesses

Vicinity is not defined in the Act but the Licensing Panel will take each case on its own merits.

Frivolous, Vexatious, Repetitious an objection which may arise because of disputes with rival businesses, or lack seriousness. A repetitious review on the similar grounds or identical ones would be regarded as repetitious and should not be counted unless a reasonable interval has passed following a earlier review (for example a 12 month period).

Designated Premises Supervisor (the person responsible for the day to day running of the premises in relation to alcohol)