

## **REVIEWING OF A PREMISES LICENCE**

### **Who can apply for a review of a Premises Licence?**

- A Responsible Authority, i.e. Police, Fire, Environmental Health, Health and Safety Officers, Trading Standards, and Planning Authority
- Interested party living within the vicinity, i.e. resident or business

### **When can I ask for a review of a Premises Licence?**

At any stage following the grant of a Premises Licence.

### **What are the Licensing Objectives?**

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

### **What are the grounds for review?**

These must relate to the Licensing objectives. Examples are given below:

- Noise from the premises affecting nearby residences
- Criminal damage caused by customers on the premises
- The risk of children coming to harm at the premises
- Provisions made by the premises with regard to public safety
- Disorder caused by customers whilst on or leaving the premises

### **What steps do I have to take to apply for a review of a Premises Licence?**

You are recommended to follow the steps below:

- Bring the problems to the attention of the person responsible at the premises and try to come up with an agreement.
- Contact the Council's Environmental Health team to log a complaint if this is noise related.
- Keep a diary detailing rowdy behaviour or incidents and ensure you contact the Police if there are any serious incidents. Log everything as your representation for a review must be evidence based.
- Contact the Licensing Authority for a Premises Review Form. All reviews must be in writing on the prescribed form.
- Send your application for Review and all accompanying documentation (including photos) to each Responsible Authority and to the holder of the Premises Licence. Note that you must supply your name and address. This must be sent on the same day as the day on which you send the application for review to the Licensing Authority. Failure to do so will result in your application being rejected.

Finally, you must be willing to present your views to the Sub-Committee of the Licensing Authority. All reviews are made public and the licensing Authority is required to advertise the review, inviting representations by interested parties and Responsible Authorities.

### **Can my representation for a review be rejected?**

Yes, if the Licensing Authority consider it to be:

- Frivolous
- Vexatious
- Trivial
- Repetitive
- Irrelevant

You will be sent a formal letter informing you of the reasons for the rejection.

### **What does Frivolous, Vexatious, Trivial, Repetitive and Irrelevant mean?**

Frivolous – This means the complaints are categorised by a lack of seriousness.

Vexatious – This is when complaints could arise because of disputes between rival businesses or disagreements between parties.

Trivial – This means that the grounds for review are considered to be unimportant and of little consequence in relation to the overall picture.

Repetitive - These complaints are where they are identical or similar to a ground for review, specified in an earlier application for a review, or where a reasonable interval has not elapsed since that earlier application.

Irrelevant – This means that your representation:

- a) does not fall within one or more of the four Licensing Objectives, e.g. for commercial reasons
- b) you are not classified as an interested party or body living within the vicinity of the premises
- c) duplication of other legislation, e.g. Planning, Employment or environmental protection legislation
- d) covers a general area and not the specific licensed premises

### **Do I have a right to appeal against the Licensing Authority's decision when they decide my representation is frivolous, vexatious, repetitive or irrelevant?**

Yes. However, you may need to seek legal advice as this will involve challenging the Licensing Authority's decision by way of judicial review.

### **How does the Licensing Authority advertise the Review?**

The Licensing Authority will:

- a) Display prominently the prescribed notice at the premises where it can be conveniently read from the exterior of the premises by the public and where a premises covers more than 50 metres square, one further notice shall be displayed every 50 metres along the boundary of the exterior of the premises.
- b) Place the Notice in a conspicuous place in the Town Hall offices.
- c) Publish the Notice on the Council's web site.

This will give interested parties living within the vicinity of the premises and Responsible Authorities a further opportunity to make representations.

### **What happens next?**

The Licensing Authority will arrange for a Hearing of the Licensing Sub-Committee and you will be sent a Notice of Hearing to attend the hearing. You are strongly advised to attend this hearing to give evidence. This will strengthen your case.

**What will happen at the Hearing?**

All parties will be able to have their say. The Sub-Committee will decide on whether to:

- a) Modify the conditions of the Licence
- b) Exclude a licensable activity from the Licence
- c) Remove the Designated Premises Supervisor
- d) Suspend the Licence for a period not exceeding 3 months
- e) Revoke a Licence

**Can I appeal against the Sub-Committee's decision?**

Yes. An Appeal may be made by:

- a) The applicant for the review
- b) The holder of the Premises Licence
- c) Any other person who made relevant representations in relation to the application.

**Is there a time period when I have to appeal?**

An Appeal must be made to the Magistrates' Court within 21 days of when the Notification of Decision has been received. The Principles of Service apply.

**What are Principles of Service?**

This means that if you have sent the Notice of Appeal on the final day by post, the court will accept your Appeal up to 2 days after this date for first class, and 4 days for second class. If your Notice arrives outside this time period then it will be 'out of time' and therefore rejected.

**THIS IS NOT A LEGAL DOCUMENT AND IS DESIGNED MERELY TO ASSIST YOU, THEREFORE THE COUNCIL AND LICENSING AUTHORITY ARE NOT LIABLE. IF YOU REQUIRE LEGAL ADVICE ON ANY ASPECTS, IT IS RECOMMENDED YOU SEEK INDEPENDENT LEGAL ADVICE.**