

Guide to requesting a Review of a Premises Licence

The process of reviewing a Licence represents a key protection for the community where problems associated with the Licensing objectives are occurring. At any stage, following the grant of a Premises Licence/Club Premises Certificate a responsible authority or interested party may ask the Licensing Authority to review the Licence due to a matter arising at the Premises in connection with any of the four Licensing objectives:

- Prevention of crime and disorder
- Protection of children from harm
- Prevention of public nuisance
- Public safety

The Licensing Authority cannot request its own review of a Premises Licence/Club Premises Certificate.

Guidance issued under section 182 of the Licensing Act 2003 states that it would be good practice for authorised persons and responsible authorities to give a Licence holders an early warning about their concerns over problems identified and their need for improvement.

Licensing Authorities are expected to be aware of the need to prevent attempts to review Licences merely as a second bite of the cherry following failure of representations to persuade the Licensing Authority on earlier occasions. It is for the Licensing Authority themselves to judge what should be regarded as a reasonable interval in these circumstances.

It is considered by the Secretary of State that an application for review made by the same person/body for the same premises should not be repeated within a period of twelve months unless there is a substantial change in circumstances or a closure order is issued in respect of the premises.

The Licensing Authority must then decide if an application for a review is frivolous, repetitious or vexatious. A repetitious representation is one that is identical or substantially similar to:

- A ground for review specified in an earlier application for review made in respect of the same premises licence, which has already been determined.
- Representations considered by the Licensing Authority when the Premises Licence was granted.

- Representations, which would have been made when the application for the Premises Licence was first made, which were excluded then by reason of the prior issue of provisional statement.
- In addition to the above grounds, a reasonable interval has not elapsed since the earlier review or the grant of the Licence.

Making a request for a review:

1. You must ensure that your request for Review is linked to one of the four Licensing objectives:
 - a. Protection of children from harm
 - b. Prevention of public nuisance
 - c. Public safety
 - d. Prevention of crime and disorder
2. Request review forms from the Licensing Department at North West Leicestershire District Council, contact details below or they can be obtained from www.culture.gov.uk
3. You must provide a full copy of your request for a review to the Licensee of the Premises and all responsible authorities on the same day as the application for review is given to the Licensing Authority.
4. The Licensing Authority will then advertise the intention to hold a review at or near the premises, in a conspicuous position at the Council Offices, Coalville and if the facility is available on the Councils web site, for no less than 28 days.
5. After the 28-day period above has ended a hearing will take place within 20 working days.
6. At a hearing the Licensing sub committee can make any of the following decisions regarding the Licence:
 - a. Exclude the activity
 - b. Suspend the Licence for up to three months
 - c. Revoke the Licence
 - d. Remove the Designated Premises Supervisor
 - e. Modify the conditions

The decision made by the Licensing sub-committee does not come into force immediately. It comes into force after 28 days of notification of the decision, which is the period allowed for appeal to Magistrates Court. If there is an appeal the amendment does not come into force until the appeal is heard.

If you require further information on the process of review, please contact the Licensing office on 01530 454844/528/838 or alternatively licensing@nwleicestershire.gov.uk