

Reviews

Reviews of Premise Licences/Club Premises Certificates represent a key protection for the community where problems associated with disorder, public safety or disturbances are occurring. If relevant representations* are made about a current licence the Licensing Authority will hold a hearing to consider them unless the Licensing Authority, the applicant and everyone who has made representations agreed that the hearing is not necessary.

A request to the Licensing Authority can be applied for at any time after a licence has been issued although it would be necessary for the licence to have been in operation for a reasonable period to allow the licensee to sort out any initial problems and also allow for the gathering of sufficient evidence by the person wishing to request the review. Government guidelines suggest a 12 month period is reasonable. This allows for seasonal changes should this be a relevant factor.

Before considering a request for a review it is suggested that a contact be made with the Premises Licence Holder/Designated Premises Supervisor or, in the case of a Club, the secretary, chairman or other committee member. It may be that the problem(s) could be sorted out amicably.

***Relevant Representations**

'Relevant representations' are representations:

- a) About the effect of the Premise Licence/Club Premises Certificate on the promotion of the licensing objectives;
- b) Are made by an a responsible authority or 'other persons', have not been withdrawn and, in the case of representations made by an 'other persons' they are not in the Licensing Authority's opinion frivolous or vexatious

A Licence review will normally follow any action by the Police to close down the premises for up to 24 hours on grounds of disorder or public nuisance.

Appeals

Entitlements to appeal for parties aggrieved by decisions of the Licensing Authority are set out in Schedule 5 of the 2003 Act.

An appeal against a decision by the Licensing Authority in the case of Premises Licences, Club Premises Certificates or Temporary Event Notices has to be made to the Magistrates' Court for the area in which the premises is situated. In the case of personal licenses, the appeal must be made to the Magistrates' Court for the area in which the licensing authority (or any part of it) is situated.

An appeal may be initiated by the giving of a notice of appeal by the Appellant to the Justices' Chief Executive for the Magistrates' Court within a period of 21 days beginning with the day on which the Appellant was notified by the Licensing Authority of the decision appealed against.

The Licensing Authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant against the representations of a responsible authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a Respondent.

On determining an appeal the court may:

- a) dismiss the appeal;
- b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

The court may make such order as to costs as it thinks fit.

Giving reasons for decisions

The Licensing Authority will maintain comprehensive records recording the reasons for its decisions. On making findings of fact in its reasons, the Licensing Authority will also ensure that they address the standard of proof and the burden of proof that they have adopted. The Licensing Authority will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance issued by the Home Office under section 182 of the Act.

(The above information has been taken from Gloucester City Council Statement of Licensing Policy 2016 – 2021)

Implementing the determination of the Magistrates' Courts

Upon notification of the Court's decision the Licensing Authority will seek to action that determination without undue delay, unless ordered by a higher court to suspend such action (for example, as a result of an on-going judicial review). The Act provides for no further appeal against the determination of the Magistrates' Courts.