



Licensing Act 2003

Briefing Note 1 – Hearing to Consider a Premises Licence Application

Background

A Premises Licence is required before any licensable activity can take place on any land, vehicle or vessel and where that activity will not be covered by a Club Premises Certificate or a Temporary Event Notice. The application can be made by a living individual aged 18+ or by a corporation. The application must include an "operating schedule" and a plan of the premises. If it is intended to supply alcohol from the premises, the application must specify a "Designated Premises Supervisor" who will be the person having day-to-day responsibility for the premises. The "Operating Schedule" states the kinds of licensable activities that will be taking place on the premises, the proposed times of opening and the steps proposed to promote the four licensing objectives. Premises Licences remain in force indefinitely unless a time-limited licence has been requested.

A hearing is required because "relevant representations" (i.e. relevant to the licensing objectives) have been made by a "responsible authority" (i.e. police, fire or local government agencies) or any other person or both.

Section 182 Guidance (Apr 2018)

Particular reference should be made to Parts 9 and 10.

Local Statement of Licensing Policy (2016)

Particular reference should be made to Parts 4, 5, 6, 7

Human Rights Act

The hearing procedure and the availability of a statutory right of appeal comply with the Article 6 requirement to provide a fair hearing when determining the applicant's and objectors' civil rights. A decision to grant a licence will only be regarded as infringing the Article 8 rights of local residents/businesses if any noise/disturbance likely to be caused is of an extreme nature. Given the police powers to close premises in these circumstances this is unlikely to be an issue at application stage.

The Sub-committee's powers

Having heard from the applicant and the other parties the sub-committee may:

- (a) grant the application; or
- (b) grant the application with additional or modified conditions; or
- (c) exclude one or more licensable activities from taking place on the premises; or
- (d) where the Police have objected to the proposed DPS, refuse to agree to the proposed "designated premises supervisor"; or
- (e) reject the application outright

Rights of Appeal

An aggrieved applicant can appeal to Coventry Magistrates' Court against any decision made by the sub-committee that falls within (b) – (e) above. An aggrieved objector can also appeal against the grant of an application.

Monitoring/Enforcement

If an application is approved, monitoring and enforcement of Premises Licence conditions will be carried out in accordance with the Licensing Enforcement Policy.