



Licensing Act 2003

Briefing Note 7 – Hearing to Consider an Application to Review a Premises Licence

Background

A premises licence remains in force in perpetuity (unless a time-limited licence has been granted). Where the way in which the premises are being run gives rise to concerns relevant to the licensing objectives it is possible for the licence to be re-examined by the Licensing Authority. The Licensing Authority cannot review a licence of its own volition but must do so in one of two circumstances:

- (a) where a review application has been accepted from a "responsible authority" or any other person; or
- (b) where the Magistrates' Court has triggered a review following a closure order.

Where a review application is made it is served on the licensee, Responsible Authorities and is advertised by the licensing authority. Responsible Authorities or anyone else can 'join in' on the review by making their own representations.

A hearing is required to determine whether the licence should be allowed to continue or to continue with modifications.

Section 182 Guidance (Apr 2018)

Particular reference should be made to Part 11 and Parts 15.55 – 15.56.

Local Statement of Licensing Policy (2016)

Particular reference should be made to Parts 4, 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 licensee's and objectors' civil rights. A decision to modify, suspend or revoke a premises licence will interfere with the licensee's property rights and Article 1 Protocol 1 will be engaged requiring such action to be in the public interest and to be a proportional response to meeting the four licensing objectives.

The Sub-committee's powers

Having heard from the review applicant and anyone else making "relevant representations" and the licensee, the sub-committee may:

- (a) take no action; or
- (b) issue an informal warning letter; or
- (c) modify the conditions of licence*; or
- (d) exclude a licensable activity from taking place on the premises; or
- (e) remove the designated premises supervisor; or
- (f) suspend a licence for up to 3 months; or
- (g) revoke the licence.

[* controls on live or recorded music that are suspended by the Live Music Act 2012 and SI 2014/3253 can also be reintroduced at a review.]

Rights of Appeal

An aggrieved licensee can appeal to Coventry Magistrates' Court against actions (c) – (g) above and anyone else can appeal against actions (a) – (f). Any decision taken by a sub-committee does not take effect until after the period for lodging an appeal has elapsed or, where an appeal has been lodged, until the appeal is disposed of by the magistrates' court.