

Licensing Act 2003

How to Request a Review of a Premises Licence

While many residents and visitors will enjoy liberalisation in drinking hours, there will be others for whom extra licensing hours bring unwelcome impacts. This is particularly true in residential areas where some premises have been granted late drinking licences.

The Green Party has been concerned that some residents' interests have not been given sufficient weight in the granting of late licences, where genuine concerns over noise and anti social behaviour have not been recognised.

There is provision within the Licensing Act 2003 that affords the opportunity to review a licence that has been granted. This review is carried out by a Licensing Panel of the Council. If the Panel feels applicants have a strong case, it can decide to alter the licence conditions.

The **only** reasons you can ask for a review is if the Licensing Objectives are not being met. They are:

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

Preparing your case

1. To have the best chance of success, applicants must provide evidence of how the Licensing Objectives are being breached. That means you will have a stronger case if you have reported nuisance to the relevant authorities

For noise call the Council's Environmental Health team on 01273 292929, or out of hours on 01273 292229. The Noise Team work from 10pm–3am Friday and Saturday nights (and Sunday nights Bank Holiday weekends); their contact number is 01273 293541

For prevention of crime and disorder or public safety call the Police on 0845 6070999

2. Keep a record of every complaint you make
3. Consider enlisting the help of your ward councillor (if you're not sure who that is call 01273 290000)
4. Discuss the review with the Licensing Team 01273 294429

Please note this information is only a general guide to the licence review system. It should not be taken as legal advice in any context. Objectors seeking a review of a premises licence should seek professional advice and/or assistance from the City Council's licensing department.

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**The following information is provided by
Brighton & Hove City Council's licensing team:**

Premises licences: Reviews – advice note

1) Who can apply for review?

Interested parties and responsible authorities may apply. Interested parties are people living or businesses operating in the vicinity or a body representing them.

Responsible authorities are the Police, Fire Services and various services within the Council, trading standards, environmental health for noise and safety, planning, children's social services.

2) Procedure

The Council will provide the form the government designed to apply for a review. The applicant will need to state the grounds which must relate to one or more of the licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm).

- The applicant must also give a copy of the review application to the licence holder and all responsible authorities (see above) on the day she or he applies to the licensing authority.
- The Council advertises the review by display of notice on the premises for 28 days minimum, at Council offices and on its website.
- The licence holder, a responsible authority, or interested party may make representations
- A hearing must be held within 20 working days after the closing date for representations.
- The Council must give five working days notice of the review hearing.

3) What are the reasons the Council might decide not to review a licence?

- The application does not relate to the licensing objectives.
- The ground is considered frivolous, vexatious or repetitious.
- There has not been a reasonable interval since the initial grant of the licence or an earlier application.
- Procedures have not been followed correctly.

The Council will notify an applicant if an application is rejected for being frivolous, vexatious or repetitious.

4) How is the application determined?

A hearing of the Licensing Panel of three Councillors will be held if appropriate procedures and advertisement has been followed.

The licence holder can make representations.

The applicant should not raise new issues outside those stated in the application.

5) What are the possible sanctions?

The Panel can:

Modify licence conditions

Exclude a licensable activity like sale of alcohol or provision of entertainment

Remove the Designated Premises Supervisor

Suspend the licence for up to three months

Revoke the licence

There are appeal rights to the Magistrates Court following a review hearing.

Other advice: Any action has to be reasonable and justified so it will be vital that there is evidence to support cases. Any problems should ideally first be reported to and then investigated by appropriate responsible authorities prior to an application for review being made.

Process: Dealing with Premises Licence and Club Premises Certificate Reviews

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LA 2003 Hearings Regulations 2005

