



APPLICANT NOTES

APPLICATION FOR A REVIEW OF A PREMISES LICENCE

LICENSING ACT 2003

Council Offices	Council Offices	Council Offices
Neuadd Brycheiniog	Y Gwalia	Neuadd Maldwyn
Cambrian Way	Ithon Road	Severn Road
Brecon	Llandrindod Wells	Welshpool
Powys	Powys	Powys
LD3 7HR	LD1 6AA	SY21 7AS

WHAT IS A REVIEW?

A review is the process for re-visiting a licence that has already been issued. It allows a responsible authority or other person such as a local resident to make an application to the Licensing Authority for a review of a premises licence or club premises certificate because of issues arising at the premises in connection with any of the four licensing objectives which are:

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

The review must relate to a particular premises for which a licence or certificate is in force. Review applications are usually a last resort where interventions or meetings with the premises licence holder to resolve the issue have failed. It is advisable that you discuss your concerns with a Licensing Officer in first instance; they will be able to advise and assist you in making a review application

WHO CAN APPLY FOR A REVIEW?

The Act specifies that responsible authorities or any other persons may seek a review of a premises licence and in the case of club premises certificate, this will also include members of the club. Repetitious, vexatious or frivolous applications may be rejected. As a general guide the Licensing Authority might find the representations were vexatious if they arise because of disputes between rival businesses or frivolous if they clearly lacked seriousness. A “repetitious” representation is one that is identical or substantially similar to an earlier application, which has already been determined. The Guidance suggests that more than one review from a person should not be permitted within a period of twelve months on similar grounds.

WHAT CAN A REVIEW ACHIEVE?

Review applications are determined by a licensing sub-committee at a hearing who will consider any evidence supplied by the applicant for the review in addition to any further relevant representations received during the consultation period of the review. The applicant for the review, the premises licence holder and any other objectors or supporters who make relevant representations within the consultation period are invited to make oral submissions at the hearing. The licensing sub-committee will take whatever action they believe is appropriate for the promotion of the licensing objectives and this could include:

- Decide that no action is necessary to promote the licensing objectives
- Modify or add conditions to the licence
- Exclude a licensable activity from the licence
- Remove the designated premises supervisor
- Suspend the licence for a period (not exceeding 3 months)
- Revoke the licence

If you are applying for a review it is a good idea to consider what you would like to achieve and indicate in your application what, in your opinion, needs to be changed about the licence.

DOCUMENTATION

- You will need to submit a completed and signed prescribed review application form (Form 24) to the licensing authority. Your application should identify which of the licensing objectives the review relates to, you should include evidence or data to back up your application. It also needs to relate to the specific premises.

- Alternatively an application can be submitted on-line via the GOV.UK website
- You will need to serve copies of the review application on the responsible authorities and the premises licence holder (check Council's website for and up to date list of responsible authorities) For applications served electronically then the licensing authority will serve electronic copies of the applications on the responsible authorities and the premises licence holder.

WHAT HAPPENS NEXT?

The licensing authority must be satisfied that the review is relevant to the licensing objectives and not repetitious, frivolous or vexatious. If accepted they will:

- Post notice of the review at the premises and
- Post notice of the review on the Council's website
- Consultation on the review lasts for 28 days during which period any of the responsible authorities or any other person can make relevant representations by writing to the licensing authority.
- After 28 days the authority has 20 working days in which to hold a hearing to consider the review.
- The review applicant, the premises licence holder and any other supporters or objectors who have made relevant representations will be invited to the hearing. They will all receive written notification of the hearing and the procedure that will be followed at the hearing. The premises licence holder will also receive copies of all the representations.
- A hearing is held and after considering all party's representations, both written and oral, the licensing the sub-committee will reach a decision which is delivered orally. The licensing sub-committee can consider the application and any representations in the absence of any party, although all relevant written submissions will be taken into account.
- The decision made at the hearing by the licensing sub-committee can be appealed at Magistrates Court by any party involved in the hearing who is aggrieved by the decision. Appeals must be made to the Magistrates Court within 21 days of receiving the written notice of the decision. The outcome of the review does not become effective until the end of the time for appeal, or if the matter is appealed, until the outcome of that appeal has been reached.

This guidance note has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements may have been omitted. Full details of what you must do are detailed in the legislation which can be found on the GOV.UK website along with further guidance. Alternatively contact the authority's Licensing Officers details below

CONTACT INFORMATION

licensingmont@powys.gov.uk
licensingradnor@powys.gov.uk
licensingbrecon@powys.gov.uk

Tel: 0845 6027037

