

The Purpose of a Review

The review provisions were included in the Licensing Act 2003 to ensure that there is an appropriate element of balance. Operators are given greater freedom in the way they operate their premises, with, for example, the opportunity of increased drinking hours. The provision for reviews of Premises Licences and Club Premises Certificates allows residents and businesses in the area of such premises, together with responsible authorities, to voice their concerns should they feel that the premises are causing problems.

Who Can Call a Review?

An interested party for the purposes of the Licensing Act 2003 means any of the following:

- (a) a person living in the vicinity of the premises;
- (b) a body representing persons who live in that vicinity;
- (c) a person involved in a business in the vicinity of the premises;
- (d) a body representing persons involved in such a business.

The request for a review should show that the Premises has undermined at least one of the key licensing objectives under the Licensing Act 2003 namely:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The request for the review should not be frivolous, vexatious or repetitious. As a general guide:

Frivolous and vexatious

For example, 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.

Repetitious

A “repetitious” representation is one that is identical or substantially similar to:

- A ground for review in an earlier application, which has already been determined.
- Representations considered by the Licensing Authority when the premises licence was first granted.
- Representations made when the application for the licence was first made and were excluded because of the prior issue of a provisional statement.
- In addition to the above grounds, a reasonable interval has not elapsed since any earlier review or the grant of a licence.

How to make application for a review of a licence

To make an application for a Review, please complete the application form available on the website and return it to the Licensing Section, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL. On the same day you must give a copy of the application for a review to the premises licence, or club premises certificate holder and to each Responsible Authority detailed in the application form.

What happens after the Licensing Authority receives an application for a Review?

The Licensing Authority must first consider whether the reasons for the review are relevant to one or more of the licensing objectives. If the application for a review is considered relevant the Licensing Department must advertise the application and invite representations from other responsible authorities and interested parties. They will do this by displaying a notice at the premises for a period of 28 days.

Where should representations be sent?

Any representations from an interested party or responsible authority must be in writing and include details of the party's full name and address. They should be sent to:

Licensing Section, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL.

Representations must be received by the Licensing Section no later than the last date specified in the notice, as the Act does not allow the Licensing Authority to consider late representations.

The details of all representations (including any interested parties' names and addresses) will be included in a report that will be prepared by officers from the Licensing Section. These reports are public documents and the Council is required to publish them.

How is the application considered?

Following the display of the notices a hearing must be held at the Licensing and Regulatory Sub Committee at which all parties may put their case. At the hearing the Authority may take any of the following steps if they consider it necessary to promote the licensing objectives:-

- Modify the conditions of the licence
- Exclude a licensable activity from the Licence
- Remove the Designated Premises Supervisor from a Premises Licence
- Suspend the licence for a period not exceeding 3 months
- Revoke the Licence

Can an application or representations be withdrawn?

An application for review of a licence or any representations can be withdrawn by way of giving notice to the Licensing Section no later than 24 hours before the day of the hearing or in person on the day of the hearing.

For Further Information please contact:
Telephone: 01233 330578