

## POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

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|---------------------------|----------------------|
| <b>Committee</b>          | Licensing Committee  |
| <b>Officer Contact</b>    | Sharon Garner X 7230 |
| <b>Papers with report</b> | None                 |
| <b>Ward(s) affected</b>   | All                  |

### SUMMARY

To inform the Licensing Committee on the powers available when determining an application for a Review of a premises licence.

### RECOMMENDATION

**That the committee note the report.**

### INFORMATION

Members will be aware of the recent reviews and subsequent appeals that have taken place over the last 12 months.

This report is to inform Members of the powers available to them when determining the Review applications.

The Licensing Act 2003 provides a range of powers for the Licensing Authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

Para. 11.18 of Section 182 Guidance states;

Where a Licensing Authority considers that action under its statutory powers are appropriate/necessary, it may take any of the following steps;

- Modify conditions on the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), e.g. by reducing the operating hours or by requiring door supervisors at particular times;
- To exclude a licensable activity from the scope of the licence;
- To remove the existing DPS where there are concerns with poor management
- To suspend the licence for a period not exceeding three months
- Revoke the licence.

Para. 11.27 of the Guidance document states that 'Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.'

When a licence is revoked, the premises licence holder has 21 days from the day of receiving the decision notice to appeal the decision to the Magistrates Court.

In practice, one of the disadvantages of revocation is the length of time before an Appeal is heard by the Magistrates, depending to the workload capacity of the Court. Consequently, the premises licence holder can continue to sell alcohol until such times as the appeal is heard, or an application for a new premises licence to an independent operator is granted. This can take, in some cases, 9-12 months.

In some situations it may be more appropriate to offer a suspension of up to 3 months. The benefit of adopting this approach is that the premises licence holder is unable to trade during the suspension and if the length of the suspension is proportionate, they may also be less likely to appeal the decision to the Magistrates' Court. In any event, each application for review must be decided on the individual facts of the matter and the evidence put forward by the relevant responsible authorities.