GUIDANCE NOTES – LICENSING ACT 2003

REVIEW OF PREMISES LICENCE/CLUB PREMISES CERTIFICATE

Introduction
Where the operation of a Premises Licence or Club Premises Certificate is undermining the Licensing Objectives, a responsible authority or any other person may apply to the Council, as Licensing Authority for a review of the licence or certificate.

Who may apply
Anyone can apply for a review.

How to make application
An application for a review must be made on the prescribed form available in hard copy from the Licensing Section or via the website at www.cheshireeast.gov.uk

When completing the application form a ground for review must be provided (for details see below).

A copy of the application must be sent to the Licensing Section at the address below. Copies should also be sent (together with any accompanying documents) to each of the responsible authorities (see below for details).

A copy of the review application also needs to be sent to the holder of the premises licence or club holding the club premises certificate

Advertisement of review
Where an application for a review is made the Licensing Authority will advertise the review by:

(a) displaying a site notice at or near the site of the premises
(b) publishing a notice on the Council’s website

for 28 days starting on the day after the application was given to the Licensing Section.

Grounds for review
The ground for review must be relevant to at least one of the licensing objectives, ie:

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

The application form requests any additional information or details, for example dates of problems included in the ground for review.
In the case of an application made by any person, the application will be rejected if the ground is frivolous, vexatious or is a repetition.

A ground for review is a repetition if:

(a) it is identical or similar to
   (i) a ground for review specified in an earlier application for review made in respect of the same premises that has already been determined;
   (ii) representations that have already been considered by the licensing authority when the application for a premises licence was originally determined; or

(b) a reasonable interval has not elapsed since an earlier application for review or the grant of the licence (as the case may be).

Determination of application
Where an application for review is made which complies with the above requirements, a hearing of the Licensing Act 2003 Sub-Committee will be called to determine the application.

The Sub-Committee may, if it considers appropriate for the promotion of the Licensing Objectives, consider the following steps:

(a) modify the conditions of the licence
(b) exclude a licensable activity from the scope of the licence
(c) remove the designated premises supervisor
(d) suspend the licence for a period not exceeding three months
(e) revoke the licence

The decision of the Sub-Committee will not take effect (a) until the end of the period given for appealing the decision; or (b) if the decision is appealed against, until the appeal is disposed of.

For further information in relation to review applications please contact the Licensing Section.

Licensing Section
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