

Licensing Policy Considerations

9.2 Review

- 9.2.1 A Responsible Authority and any other person can, at any time following the grant of a Premises Licence or Club Premises Certificate, apply to the Authority to review the licence/certificate because of concerns arising at the premises which may have an adverse impact on any of the licensing objectives. The Authority regards this as a valuable protection for residents and businesses. Applications for a review must be made in writing and will be considered by a Licensing sub-Committee at a hearing.
- 9.2.2 Any application for a review should be treated seriously. Responsible authorities will aim to give licensees early warning of any concerns identified at a premises, and talk to the licence or certificate holder to establish whether there are any steps they may be willing to take to rectify the situation. Similarly those seeking a review who are not a responsible authority are encouraged to take initial steps such as:
- asking the Authority to talk to the licence holder on their behalf
 - asking their local MP or Councillor to speak to the licence holder on their behalf
 - talking to the relevant responsible authority (e.g. Environmental Protection Team in relation to noise nuisance or the police in relation to crime and disorder) to establish whether there is other action that can be taken to resolve the problem.
- 9.2.3 The review process is not intended as a means of challenging the grant of a licence following the failure of representations to persuade the Authority on an earlier occasion. No more than one review from a person other than a Responsible Authority will be entertained in relation to a particular premises within a period of twelve months on similar grounds, save in compelling circumstances (e.g. where new problems have arisen) or where it arises following a closure order made under s.160 or s.161 of the Act.
- 9.2.4 When considering a review of a premises licence or club premises certificate, the Authority will expect the applicants for the review to provide evidence of previous infringements of licensing regulations, failure to comply with licence conditions and/or of failure to promote the licensing objectives. Further guidance on the review procedure is available from the Home Office (www.homeoffice.gov.uk) and the Council (www.teignbridge.gov.uk/licensingact2003).
- 9.2.5 Following a review, the Authority will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable and proportionate to the nature of the problems giving rise to the review. Options available to the Authority are:
- to modify the conditions of licence
 - to exclude a licensable activity from the scope of the licence
 - to remove the designated premises supervisor
 - to suspend the licence for a period of not more than three months
 - to revoke the licence

9.2.6 In cases where the crime and disorder objective has been undermined or where it can be demonstrated that a premises has a history of persistent offending, suspension or revocation of a licence, even in the first instance, may be seriously considered as a form of deterrence. (See also 10.6).

10.6 In the event of a review of a premises licence or club premises certificate for under age sales of alcohol, the Authority will take strong and appropriate action to ensure that children are protected. This may include, for example, removal of the Designated Premises Supervisor or suspension or revocation of the licence/club premises certificate.

9.2.7 Any person aggrieved by the decision of the Authority has the right of appeal to the Magistrates' Court. An appeal must be made within 21 days of the Authority's decision.

APPENDIX B