



Applying for a Review under the Licensing Act 2003

This guidance describes how to apply for a review of a premises licence or club premises certificate, under the Licensing Act 2003. It also contains information about the hearings process that follows.

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives:

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

The licensing authority can reject any ground for review if it considers it to be “frivolous”, “vexatious” or a “repetition”.

What does “frivolous” and “vexatious” mean?

“Frivolous” or “vexatious” will bear their ordinary meaning. Whether representations are frivolous or vexatious will be for the licensing authority to determine. 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 or concerned issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

What does “repetitious” mean?

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 (the licensing authority’s licence register will include all applications for reviews made to them in the past);*
- *Representations considered by the licensing authority when the premises licence was first granted;*
- *Representations made when the application for the premises 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 the licence.*

The review process is not intended to be used simply as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a “reasonable interval” in these circumstances. However, the Secretary of suggests that more than one review should not be permitted 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.

Applications for review cannot be made anonymously. This is because, for example, the licensing authority needs to be satisfied that the person who wants the review is not being vexatious. Similarly, it is important that the licence holder is also able to respond to an application for a review. If a person is concerned about possible intimidation, they could consider asking the police, or another appropriate responsible authority, to apply for a review on their behalf.

Before applying for a review, a person may want to consider whether their concern(s) could be effectively dealt with outside of the formal review process. This could involve, for example:

- Talking to the licence or certificate holder to determine whether there are any steps they may be willing to take to rectify the situation;
- Asking a local MP or Councillor to speak to the licence or certificate holder on your behalf;
- Talking to the relevant responsible authority (e.g. environmental health in relation to noise nuisance, or the police in relation to crime and disorder) to determine whether there is other legislation that could help resolve the issue.

Things you may want to consider when seeking a review:

- a. It may be helpful to get the backing of other people living, or businesses operating in the vicinity of the premises, or other responsible authorities.
- b. You can ask the licensing authority whether other people have made representations, or asked for a review of a premises licence in the past.
- c. If you are thinking of raising a petition, you should include the addresses of all the signatories and indicate clearly on what grounds they are asking for a review. It would also help if a spokesperson could volunteer to receive details about the hearings etc. from the licensing authority and may be willing to speak on behalf of the petitioners at the hearing.
- d. If you want to ask another person such as an MP or local Councillor to represent you at the review, you should make such a request in writing so that the individual can demonstrate he or she was asked. It will be a matter for the MP or Councillor to decide whether they should agree to your request. They are not obliged to do so, but most elected representatives are happy to help residents with this sort of issue. It should be noted that Councillors who are part of the licensing committee hearing the application

will not be able to discuss the application with you outside the formal hearing, so it is suggested that you do not approach them to try to.

- e. There is no requirement for an interested party to produce a recorded history of a premises to support their representations. However, it is important to be able to back up your claims. You could do this by keeping a diary over a period of time, for example. Sound or video recordings may also be helpful. It may also be a while before any hearing, so it is good to keep a clear record.
- f. Try to get as much information as possible about any official response to any individual incidents (e.g. where the police have been called out).
- g. You may also be able to back up your application with data such as crime statistics. However, it should be noted that conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents, but can directly impact on the behaviour of those under the licensee's direction when on his premises or in the immediate vicinity of the premises as they seek to enter or leave.
- h. If there is general noise nuisance on streets because of licensed premises, you will probably need to show how it relates to the specific premises.
- i. Residents or businesses applying for a review following a particular incident should be cautious, as a licensee may argue that this was a one off problem that can be rectified without a review.
- j. Have a good idea how you'd like the situation to be resolved.

Applying for a Review

An application for the review of a premises licence or club premises certificate must be given in writing and be in the prescribed application form. The form is available on request from the licensing authority. Please see contact details at the end of this guidance.

Filling in the form

In the opening statement you should give the name of the person applying for the review – e.g. 'John Smith'. You should also indicate whether you are applying for the review of a "premises licence" or "club premises certificate" by deleting, as applicable.

PART 1 – Premises or club premises details

This section asks for the address and some other details of the premises concerned in the review. If the premises has no postal address you should describe the location of the premises or give the ordnance survey map reference.

You are also asked to give the name and number of the premises licence holder or club. This information should be available on the "Summary" of the licence or certificate, which will be displayed at the premises concerned in the review. This information is also available on request from the licensing authority. Please see contact details at the end of this guidance.

PART 2 – Applicant details

This section asks you to indicate in what capacity you are applying for a review. As an individual, body or business which is not a responsible authority you should tick the box under (1), and complete either (A) or (B) as appropriate.

An application for a review of a licence or certificate must be about the effect the licence is having on at least one of the four licensing objectives (see above). You should indicate which licensing objective(s) the application relates to.

You should state the ground(s) for review, and provide as much information as possible to support the application. You may use extra sheets of paper if necessary. Details may include, for example, dates that problems occurred and how the problem affected you.

You should state whether you have made an application for a review relating to this premises before, and give details of any representations you have made previously relating to this premises. This information will be used to determine whether the application for a review is “repetitious” (see above).

Checklist and declaration

The person or body requesting the review must notify the holder of the premises licence or club premises certificate and each responsible authority of their request, by sending them a copy of the application, together with any accompanying documents, on the same day as the application is given to the licensing authority. Responsible authorities can then, if they wish, join or back up your application for review, or use the opportunity to make their own application for a review on different grounds.

A list of the responsible authorities for Manchester are included with this guidance.

By ticking this list you are making a declaration that you have carried out the listed actions.

Signatures

The application form must be signed. An applicant’s agent (for example a solicitor) may sign the form on their behalf, provided they have authority to do so. Where there is more than one applicant, both applicants, or their respective agents, must sign the form.

What happens after a request for a review has been made?

The licensing authority must advertise requests for a review of a licence or certificate. We will do this by displaying a notice at the premises that is subject to review, and at the Town Hall, for 28 consecutive days starting the day after the day on which the application is given to us. We will also advertise the review on our website at -

www.manchester.gov.uk/info/200063/licences_and_permissions/562/licensing_applications

Other interested parties and responsible authorities then have this period of 28 consecutive days, starting the day after the day on which the application was given, to make representations about the review.

If the request for a review is not rejected then the licensing authority must hold a hearing to consider the application, unless all parties agree that this is unnecessary. For example, the authority may offer to try to resolve matters via a negotiated agreement outside a formal hearing. You will need to decide if this is appropriate for you but you can, of course, insist upon the hearing.

The licensing authority will write to you with the date and time of the hearing and will inform you of the procedure to be followed at the hearing.

As the person or body requesting the review, you are required to give notice to the licensing authority at least 5 working days before the start of the hearing, stating:

- a. Whether you will attend the hearing in person;
- b. Whether you will be represented by someone else (e.g. councillor / MP / solicitor);
- c. Whether you think that a hearing is unnecessary (if, for example you have come to an agreement before the formal hearing);
- d. Any request for another person to attend the hearing, including how they may be able to assist the authority in relation to the application.

You must let the licensing authority know as soon as possible (by written notice no later than 24 hours before the start of a hearing, or orally at the hearing) if you want to withdraw your application.

Hearings

Hearings will generally be held in public, unless the Licensing Sub-Committee decides it is in the public interest to hold all, or part, of the hearing in private. The Sub-Committee shall ensure that a record is taken of the hearing.

Hearings will normally take the form of a discussion and will be led by the Sub-Committee, which will consist of three local authority elected councillors (the licensing sub-committee is drawn from a full licensing committee of 15 councillors).

The Sub-Committee will explain the procedure to be followed. It will determine any request for additional persons to appear at the hearing. It will consider evidence produced in support before the hearing and can consider evidence produced by a party at the hearing, but only if all parties agree. Further evidence can also be produced if this was sought for clarification of an issue by the authority before the hearing.

Cross-examination of another party during a hearing is not allowed, unless the Sub-Committee thinks it necessary. The parties are entitled to address the Sub-Committee and will be allowed equal time to do so and, if they have been given permission by the Sub-Committee to do so, they will be given equal time to ask any questions of any other party. The Sub-Committee will disregard any information it considers to be irrelevant.

It is important that you consider what you are going to say at the hearing, as the licence or certificate holder and the Sub-Committee will have seen your application for review, and may get the chance to question what you are saying.

NB - A hearing can still go ahead in the absence of any party (e.g. the applicant or any other interested party).

What happens after a hearing?

If no decision is made at the hearing, the Sub-Committee has a maximum of 5 days from the day or the last day of the hearing to come to a decision.

Following a review, the Sub-Committee Unit may:

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

Premises Licensing Contact Details:




Email: premises.licensing@manchester.gov.uk

Website: www.manchester.gov.uk/licensing

Home Office: <https://www.gov.uk/alcohol-licensing>

Responsible Authorities

Greater Manchester Police


GMP Licensing		www.gmp.police.uk
Partnership Team		centrallicensing@gmp.police.uk
Level 1		0161 856 3363

Town Hall Extension
Lloyd Street
Manchester
M2 5DB

Greater Manchester Fire Authority

North Manchester:


If the premises have a postcode within the ranges M1-M4, M8-M9, M11-M13, M18, M25.

The Fire Safety Manager		www.manchesterfire.gov.uk/authority/
Greater Manchester Fire & Rescue Service		n/a
Manchester Central Fire Station		0161 608 5310

Thompson Street
Manchester
M4 5FP

South Manchester:




If the premises has a postcode within the ranges M14-M16, M19-M23, M40, M90.

The Fire Safety Manager		www.manchesterfire.gov.uk/authority/
Greater Manchester Fire & Rescue Service		n/a
Withington Central Fire Station		0161 908 5410

Wilmslow Road
Withington
Manchester
M20 4AW

Health and Safety

Local Authority premises, Hospital premises and some University premises

Health and Safety Executive		n/a
Grove House		n/a
Skerton Road		0161 952 8200

Manchester
M16 0RB

All other premises

Environmental Health (Premises Licences)		www.manchester.gov.uk/envhealth/
1 Hammerstone Road		EnvH.Licensing@manchester.gov.uk
Gorton		0161 234 4854

Manchester
M18 8EQ

Licensing & Out of Hours Compliance

Licensing & Out of Hours Compliance
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA



www.manchester.gov.uk/envhealth/
EnvH.Licensing@manchester.gov.uk
0161 234 5004

Planning

Manchester Local Planning Authority
(Premises Licences)
PO Box 463
Town Hall
Manchester
M60 3NY



www.manchester.gov.uk/planning
planning@manchester.gov.uk
0161 234 4516

Trading Standards

Trading Standards Service
1 Hammerstone Road
Gorton
Manchester
M18 8EQ



www.tradingstandards.gov.uk/manchester/trading_standards@manchester.gov.uk
0161 234 1555

Manchester Safeguarding Children Board

Manchester Safeguarding Children Board
Manchester City Council
Level 4, Town Hall Extension
P.O. Box 532
Town Hall
Manchester
M60 2LA



n/a
mascb@manchester.gov.uk
0161 234 3330

Licensing Authority

Premises Licensing
Manchester City Council
Level 1 Town Hall Extension
Albert Square
PO Box 532, M60 2LA



www.manchester.gov.uk/licensing
premises.licensing@manchester.gov.uk
0161 234 5004 (call centre)

Public Health Authority

Public Health Manchester
PO Box 532
Town Hall
Manchester
M60 2LA



n/a
dast@manchester.gov.uk
0161 234 3436