



PREMISES / PERSONAL LICENCES SUB-COMMITTEE

DATE:	Friday, 12 February 2021
TIME:	10.00 am
VENUE:	MS Teams and Princes Theatre

MEMBERSHIP:

Councillor V Guglielmi
Councillor J Henderson

Councillor Winfield
Councillor Skeels (Stand-by Member)

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For further details and general enquiries about this meeting, contact Debbie Bunce on 01255 686573.

DATE OF PUBLICATION: Friday, 5 February 2021

AGENDA

1 Chairman for the Meeting

The Sub-Committee will elect its Chairman for the meeting.

2 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

3 Minutes of the Last Meeting (Pages 1 - 6)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on 3 December 2020.

4 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

5 Exclusion of Press and Public

To pass the following resolution:-

“That under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:

B.1 – Application for the Review of a Premises Licence.

6 Report of Acting Corporate Director (Operations and Delivery) - B.1 - Application for the Review of a Premises Licence (Pages 7 - 62)

To consider an application for the review of a Premises Licence.

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**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,
HELD ON THURSDAY, 3RD DECEMBER, 2020 AT 10.30 AM**

Present:	Councillors V Guglielmi, Casey and Winfield
Also Present:	Councillor I Henderson
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Karen Townshend (Licensing Manager), Keith Durran (Democratic Services Officer), Karen Harges (IT Training Officer) and Emma King (Licensing Officer)
Also in Attendance:	Mr Ray Dowsett, Mr Parker and Ms Pollard

14. CHAIRMAN FOR THE MEETING.

It was **RESOLVED** that Councillor V Guglielmi be elected Chairman for the meeting.

15. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor J Henderson sent her apologies.

16. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the previous meeting of the Personal/Premises Licences Sub-Committee held on Tuesday, 4 November 2020 be agreed as a correct record.

17. DECLARATIONS OF INTEREST

There were none.

18. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1 APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DCS ENTERPRISE LTD, 1 MIDLAND HOUSE HARWICH, CO12 3PS

The Chairman (Councillor V Guglielmi) welcomed everyone to the meeting, including the applicant, Ray Dowsett of DCS Enterprise Ltd and made introductory remarks.

The Council's Licensing Manager (Karen Townsend) gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in item A.1 of the Report of the Corporate Director (Operations and Delivery) an application for the grant of a premises licence for DCS Enterprise Solutions Ltd.

Section 2.2 of the written report set out the proposed opening hours for the premises which were:-

Mondays to Sundays 1200 to 0200

Section 3.0 of the written report set out the proposed licensable activities which were:-

Sale of Alcohol on and off the Premises Mondays to Sundays 1200 to 0200

Late Night Refreshment Mondays to Sundays 2300 to 0200

The applicant had stated the steps that they proposed to take to promote the statutory Licensing Objectives within the Operating Schedule and those steps were detailed in Sections 4.1 to 4.5 inclusive.

Members were further informed that three letters of objection had been received, two from residents and one from Councillor I Henderson, the local Ward Member in relation to this application.

No representations had been received from any of the Responsible Authorities.

Members also had before them the Application Form and supporting documentation, a location plan and copies of the representation/objection letters.

The Chairman then invited the applicants to give representations to the Sub-Committee.

Mr Dowsett, Director of DCS Enterprise Ltd, explained that they had owned the property for many years, and had let it out to an external contractor. The property had now returned to them and they were in the process of refurbishing it so they could operate it as a restaurant.

The Sub-Committee heard how he had worked on the application with Officers from the Council's Licensing Section and that the only objections he had received were the three objections that the Sub-Committee had also received.

Councillor Ivan Henderson then addressed the Sub-Committee as an objecting party in relation to the application and its opening hours, especially the selling of alcohol on and off the premises until 02:00. He explained that the premises was in his Ward and that it was close to a number of residential properties. He believed that the opening hours would attract a large foot fall of customers late at night after other establishments had closed and that would cause antisocial behaviour as there was limited public transport available to leave the area. He also mentioned that there was a flat above the premises and asked the Sub-Committee to consider the people living there when deliberating granting a licence.

Mr Parker, a member of the public, spoke as an objecting party in relation to the application and said he fully endorsed what Councillor Henderson had said but added that he didn't believe the signage on the premises, asking its customers to be respectful of the local area when leaving, would be adhered to by the customers after they had consumed alcohol. He also believed that the available car parking in the area was insufficient and that the lack of public transport, combined with the late hours of the premises could lead to increased drink driving.

Ms Pollard a member of the public, spoke as an objecting party in relation to the application agreed with what Mr Parker had said in relation to parking but added that she believed the customers leaving the local Weatherspoon's would cause a nuisance on their way to that premises.

In response, Mr Dowsett explained that the Company had managed multiple premises though out Colchester and Tendring with no noise complaints and whilst he didn't believe parking was legally an objection for a licence, he assured the Sub-Committee that there was adequate parking on site as they owned the flats above the shops and all 3 retail units that were connected together.

The Chairman asked Mr Dowsett what time did these other premises close. In response Mr Dowsett stated that these premises usually closed around midnight. He further stated that he was willing to compromise on the 02:00 closing time and assured the Sub-Committee that it would not be an establishment in which they would have customers turning up at midnight for a drink.

The Members asked if the premises was big enough for a restaurant and when would it ready to open. Mr Dowsett confirmed that it would be big enough and that they were also 'knocking through' to the unit next door and that the establishment was a week away from opening.

Ms Pollard informed the Sub-Committee that she didn't agree with the comments from Mr Dowsett in relation to parking in the area.

Councillor I Henderson asked that the opening hours be reviewed as he didn't believe that they were conducive to the residential amenity of the local area.

Mr Parker reiterated his belief that the car parking provision was insufficient.

Councillor Casey stated his concern about the opening hours and the possibility of a noise problem as he thought a night club would be an issue in that location.

Mr Dowsett assured the Sub-Committee in response that the venue was not a night club and that he had procedures in place to control the premises. He also said that the parking on site was suitable but that he was unsure how that was legally applicable to the licence application. Mr Dowsett reconfirmed that he was willing to compromise on the opening hours.

Members asked Karen Townsend (Licensing Manager) for a list of other venues in the locality and their opening times. She explained that the demographic in the area was more towards local pubs with Friday-Saturday opening until 01:30 and Monday till Thursday until 00:30. Another one of Mr Dowsett's premises was open until 01:00 and the local Weatherspoons was open until 01:00 on the weekend and 00:00 on weekdays. Take-aways with refreshment were open until around 00:00 with the exception of the McDonalds which was open 24hrs, Dominoes which was open for 23 hours and Tasty Take Away which was open until 02:00.

Councillor I Henderson informed the Sub-Committee that he was a member of the Harwich Tourism Group and that the last thing he would want was to push new businesses away as they tried to increase footfall into the town. However, he believed that businesses also had to have the wellbeing of the local residents in mind and he reiterated that his principal concern was in relation to the late opening times.

Mr Dowsett thanked Karen Townsend (Licensing Manager) for the list of opening hours and said that he would be more than happy to reduce the permitted opening hours by an hour so as to fall in line with the other local businesses.

Ms Pollard once again mentioned that she did not believe the parking in the area was sufficient.

The Sub-Committee, the Council's Solicitor and the Committee Services Officer then withdrew from the meeting in order for the Sub-Committee to consider the application and reach a decision.

19. ADJOURNMENT OF MEETING

**20. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.1
APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DCS ENTERPRISE LTD, 1 MIDLAND HOUSE HARWICH, CO12 3PS**

After some discussion the Sub-Committee returned with its decision and the meeting resumed. The Sub-Committee's decision was as follows:-

"The conclusion we've come to for application number 20/00510 is to grant a premises licence in respect of DCS Enterprise Solutions Ltd. 1 Midland House, Harwich.

The Sub-Committee has given careful consideration to this application and in reaching our decision we have taken into account the views expressed by the applicant, the representations received by residents, along with the guidance issued by the Secretary of State and other matters set out in the Licensing Authority's own statement of licencing policy.

The decision of this Sub-Committee is to grant this application in part. Having heard Mr Ray Dowsett on behalf of the applicant, Councillor Ivan Henderson, the ward Councillor, as well as Philip Parker and Lesley Pollard, the Sub-Committee has decided to grant the application for the sale of alcohol, on and off the premises, and late night refreshments. The Sub-Committee has decided to grant the licence as follows: Monday to Thursday until 00:00, Friday & Saturday until 01:30 and Sunday until 00:00.

In reaching this decision the Sub-Committee has paid attention to the issues raised around the opening hours and the issues that may arise from the opening of various premises and has been advised of the hours of other premises, of a similar nature, in and around the area, the type of area this premises is situated in and the nature of the business as well as the manner in which they are run.

If there are any particular issues with any premises then in the first instance, they would normally be raised with the managers of the premises themselves, and depending upon the nature of the issues, potentially with the relevant authorities.

It is understood that Mr Dowsett already runs a number of other establishments in the area and he has demonstrated a willingness to work with the authorities. Indeed he has indicated to the Sub-Committee today a willingness to compromise and to discuss matters, and such attitudes are to be encouraged at all times.

Finally, we must mention that all parties that are aggrieved at the decision of the Sub-Committee have the right of appeal to the Magistrates Court. This decision was made today, 3rd of December 2020 and will be confirmed in writing to all parties.”

The meeting was declared closed at 11.40 am

Chairman

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PREMISES/PERSONAL LICENCES SUB-COMMITTEE

11 JANUARY 2021

REPORT OF CORPORATE DIRECTOR [OPERATIONS AND DELIVERY]

LICENSING ACT 2003

Members are respectfully reminded that, in determining the matters listed under item **A.1**, they are exercising an administrative function but should determine each matter adopting the civil burden of proof, i.e. 'on the balance of probabilities'. The matters will be determined on the facts before the Sub-Committee and the rules of natural justice will apply. Each application must be considered in its own right and on its own merits.

The Licensing Act 2003 established a single integrated scheme for licensing premises that are used for the supply of alcohol, regulated entertainment or provision of late night refreshment. This system of licensing incorporates the sale of alcohol both on and off licensed premises; public entertainment such as music, dancing, indoor sporting events, boxing or wrestling, theatres, cinemas; and late night refreshment houses and take-aways.

The purpose of the licensing system is to positively promote the four 'licensing objectives'.

These are:

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

Human Rights Implications

A Licence is to be regarded as the property of the applicant; however their right to the use of the property must be balanced against all other public interests or representations in this matter that the Premises/Personal Licences Sub-Committee may wish to consider as appropriate, reasonable and proportionate in relation to the Premises Licence Review application that has been submitted and also the representations that have been received in support of that application.

In making their decision in respect to this application to review a premises licence, Members of the Premises/Personal Licences Sub-Committee should also take into consideration Article 1 of the First Protocol of the Human Rights Act 1998, that individuals are entitled to the peaceful enjoyment of their property, and also Article 8 that everyone has the right to respect for his private and family life and his correspondence.

Crime and Disorder Implications

Section 17 of the Crime and Disorder Act 1998 imposes a duty on local authorities when exercising any of their functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it possibly can to prevent, crime and disorder in its area.

Members are requested to consider the information shown below where the Licensing Authority has received an application to review a premises licence and also representations supporting that review relevant to one or more of the four Licensing Objectives, and which suggests that the premises may currently be having a negative impact on one or more of the Licensing Objectives.

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11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 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.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives:
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. 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.

Review of a premises licence following closure order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

By virtue of paragraph(s) 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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