

Extract from Blackburn with Darwen Statement of Licensing Policy

Reviews

107. Reviews of Premises Licences and Club Premises Certificates represent a key protection for the community where problems associated with the licensing objectives occur once a licence has been granted. If relevant representations are made about a current licence the Council will hold a hearing to consider them unless the Council, the applicant and everyone who has made representations has agreed that the hearing is not necessary.
108. The Council can only review a licence where the representation provides evidence to show that the licensing objectives are not being met. An application for a licence review is recognition that existing systems may have broken down.
109. The licensing authority may not initiate its own review of a Premises Licence or Club Premises Certificate. The Police, or officers who are specified as responsible authorities under the Act, may however request reviews as can Councillors, and other persons living, or involved in a business, or representative.
110. The licensing authority's role will be to administrate the process and determine the outcome of the hearing, where an evidential basis for the allegations will need to be submitted.
111. Representations made by another department which is a responsible authority will be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual. In every case, an evidentiary basis for the allegations made will need to be laid before the licensing authority.
112. It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, other persons and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. Licence holders will therefore be given early warning of concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.
113. Where a complaint from a responsible authority also includes an allegation of criminal conduct on the part of the licence holder, (such as allowing premises to be used for the sale of unlawful drugs), the licensing committee would first expect the relevant authority to exhaust the relevant legal powers at their disposal before making an application for review. The licensing committee cannot be expected to assume the role of a criminal court.
114. Where a review follows convictions or the failure of a prosecution in the criminal courts, it is not for the licensing committee to attempt to go behind the findings of the courts, which it will treat as a matter of undisputed evidence before it.
115. It is envisaged that the licensing authority, the police and other agencies who are responsible authorities, will use the review procedures effectively to deter crime and other inappropriate activities. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined because the premises are being used to further criminal activity, revocation of the licence – even in the first instance – is likely.

116. In the absence of any rule to the contrary, the Committee will expect that any party making an application for a licence to be reviewed will prove the facts on which they are relying on to support their allegations, on the balance of probabilities, that is, that it is more likely than not that the circumstances being complained of did actually occur. Because of the potentially serious consequences to a licence holder following a licence review, mere anecdotal or hearsay evidence will not be sufficient.