
APPLICATION FOR SUMMARY REVIEW (INTERIM MEASURES) OF THE BLACK SWAN
PREMISES LICENCE

Purpose of Report

1. To invite Members to consider an application from Durham Constabulary for a summary review of the 'Black Swan' Premises Licence, Parkgate, Darlington, DL1 1RX, on the grounds of serious crime and disorder, which undermines the crime and disorder licensing objective. A summary review is a quick process for attaching interim conditions to a licence and a fast-track licence review when the police consider that the premises concerned are associated with serious crime or serious disorder (or both).

Background Information

2. Under section 53A to 53C of the Licensing Act 2003, the chief officer of police for the area in which the premises are situated may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in their opinion the premises are associated with serious crime or serious disorder (or both);
3. On receipt of the application and the certificate, the licensing authority must, within 48 hours of the time of its receipt, consider whether it is necessary to take interim steps pending determination of the review of the premises licence; the authority must, in any event, undertake a review within 28 days after the day of receipt of the application.
4. The licensing authority may respond to this application by taking interim steps, where it considers it is necessary, pending a full review.
5. At 2.38 pm on Monday, 28 September 2026, Darlington Borough Council Licensing Department received a certificate signed by Supt Haythornthwaite (**Appendix 1**) and a statutory application form for a summary licence review, which outlines the grounds for this review (**Appendix 2**).
6. In summary, this application relates to the murder of a female in a flat above another licensed premises in Parkgate, and Members will hear from the police that their investigation has highlighted significant licensing management failings at the

Black Swan in the period prior to this crime. A male has been charged with murder, and this remains a live police investigation.

7. The Premises Licence Holder (PLH) is D & G Pub Company Ltd and the Designated Premises Supervisor (DPS) is Lewis Metcalfe. A copy of the Premises Licence for the Black Swan is in **Appendix 3**.
8. Members are requested to determine this application, and the options open at this stage include:
 - modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail from the scope of the licence;
 - removal of the designated premises supervisor from the licence; and
 - suspension of the licence.
9. Relevant Section 182 Guidance on summary reviews, last revised in February 2026, is in **Appendix 4**.

Legal Implications

10. There are no issues that the Borough Solicitor considers need to be brought to the specific attention of Members.

Section 17 of the Crime and Disorder Act 1998

11. One of the four licensing objectives of the Licensing Act 2003 is the prevention of crime and disorder. The appendices to this report relate directly to this objective.

Recommendation

12. Members are requested to determine this application made by the police

Trevor Watson
Executive Director for Economy and Public Protection

Background Papers

The Licensing Act 2003

Section 182 of the Licensing Act 2003 (Revised February 2026)

The Licensing Act 2003 (Hearings) Regulations 2005

Home Office Summary Review Guidance 2012

Appendices

1. Signed certificate by Supt Haythornthwaite
2. Application for summary review
3. Premises Licence for the Black Swan
4. Extracts from Section 182 Guidance

Colin Dobson

Extension: 405988

Appendix 1

Durham Constabulary

Force HQ

Aykley Heads

DHI 5TT

CERTIFICATE UNDER SECTION 53(a) OF THE LICENSING ACT 2003

I hereby certify that based on the information presently available to me, in my opinion the premises described below are associated with serious crime.

Premises:

The Black Swan public house

Parkgate

Darlington

DL1 1RX

Premise licence no: D and G Pub Company

Name of Premises licence holder: LAPREM0044

I am a Superintendent in Durham Constabulary, and I give this certificate as I believe the other procedures under the Licensing Act 2003 are inappropriate in this case and that the use of the summary review procedure is proportionate in the circumstances.

My opinion is based upon information presently available to Durham Constabulary concerning an ongoing investigation into a serious crime associated with the premises.

The circumstances are detailed within the accompanying application for summary review.

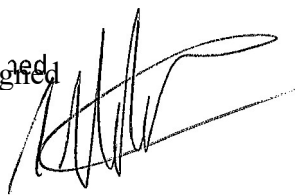
Due to the nature of the ongoing murder investigation, it would not be appropriate to disclose further detail within this certificate.

Having considered the information presently available, I am satisfied that these premises are associated with serious crime within the meaning of Section 53A of the Licensing Act 2003 and that the statutory test for a summary review has been met.

Given the seriousness of the circumstances, I consider the matter should be placed before a Licensing Committee as soon as possible to consider what interim measures are required to address the risk to the licensing objectives.

In my opinion, suspension of the premises license pending the full review is necessary and proportionate to promote the prevention of crime and disorder and public safety.

Signed

A handwritten signature in black ink, appearing to be 'D. Haythornthwaite', written over the word 'Signed'.

Print Name: Dean Haythornthwaite

Dated: 28th September 2026

Title: Superintendent — Head of Neighbourhood Policing

Appendix 2

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Darlington Borough Council

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Sgt 484 Caroline Dickenson [on behalf of] the chief officer of police for the Durham Constabulary police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**The Black Swan
Parkgate**

Post town: Darlington

Post code (if known): **DL1 1RX**

2. Premises licence details:

Name of premises licence holder (if known): D and G Pub Company

Number of premises licence holder (if known): LAPREM0044

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

4. Details of association of the above premises with serious crime, serious disorder or both:
[Please read guidance note 2]

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Signature of applicant: Caroline Dickenson
Date: 28th September 2026
Capacity: Licensing Sgt

Contact details for matters concerning this application:
Address: **Durham County Council, Licensing Services**

**St Johns Road North, Meadowfield,
DH7 8RS**

Telephone number(s): 0191 3752351

Email: caroline.dickenson@durham.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Appendix 3



DARLINGTON
Borough Council

Licensing Act 2003 – Part A

PREMISES LICENCE – LAPREM00044

Premise Details:

Black Swan

Parkgate DARLINGTON DL1 1RX

Date Granted: 8 July 2026

Duration of Licence:

Not Time Limited

Licensable Activities

Activity	Days of Week	Open	Close
Sale of Alcohol	Monday to Wednesday	11:00	00:00
	Thursday to Saturday	11:00	01:00
	Sunday	12:00	23:30
Indoor Sporting Events, Live Music, Provision of facilities for making Music or dance	Monday to Saturday	11:00	00:00
	Sunday	12:00	23:30
Recorded Music	Monday to Wednesday	11:00	00:00
	Thursday to Saturday	11:00	01:00
	Sunday	12:00	23:30
Opening Hours	Monday to Wednesday	11:00	00:30
	Thursday to Saturday	11:00	01:30
	Sunday	12:00	00:00

Non Standard Times

The Sale of Alcohol and regulated entertainment specified in this licence shall be extended by one additional hour on Friday to Monday for each of the May Bank Holidays and August Bank Holidays, from the Thursday to Monday of the Easter Bank Holiday, and on 24 December and 26 December.

New Year's Eve Exemption:

The licensable activities specified in this licence may be provided from the end of the specified finish times on any day which is New Year's Eve to the beginning of the start times on the following day (New Year's Day)

Premises Licence Holder:

D & G Pub Company Limited

17 Post House Wynd Darlington DL3 7LU

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name:	Lewis Metcalfe
Licence Number:	DL23/00163/PERSON
Licensing Authority:	Darlington Borough Council

Annex 1 – Mandatory Conditions

- 1. Every Supply of alcohol under the premises licence must be made by or authorised by a person who holds a personal licence.**
- 2. No supply of alcohol may be made under the premises licence:-**
 - (a) at a time when there is no Designated Premises Supervisor in respect of the premises licence or**
 - (b) at a time when the designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.**
- 3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—**
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—**
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or**
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);**
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;**
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;**
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;**
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).**
- 4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.**
- 5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.**
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.**
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—**
 - (a) a holographic mark, or**
 - (b) an ultraviolet feature.**
- 6. The responsible person must ensure that—**
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the**

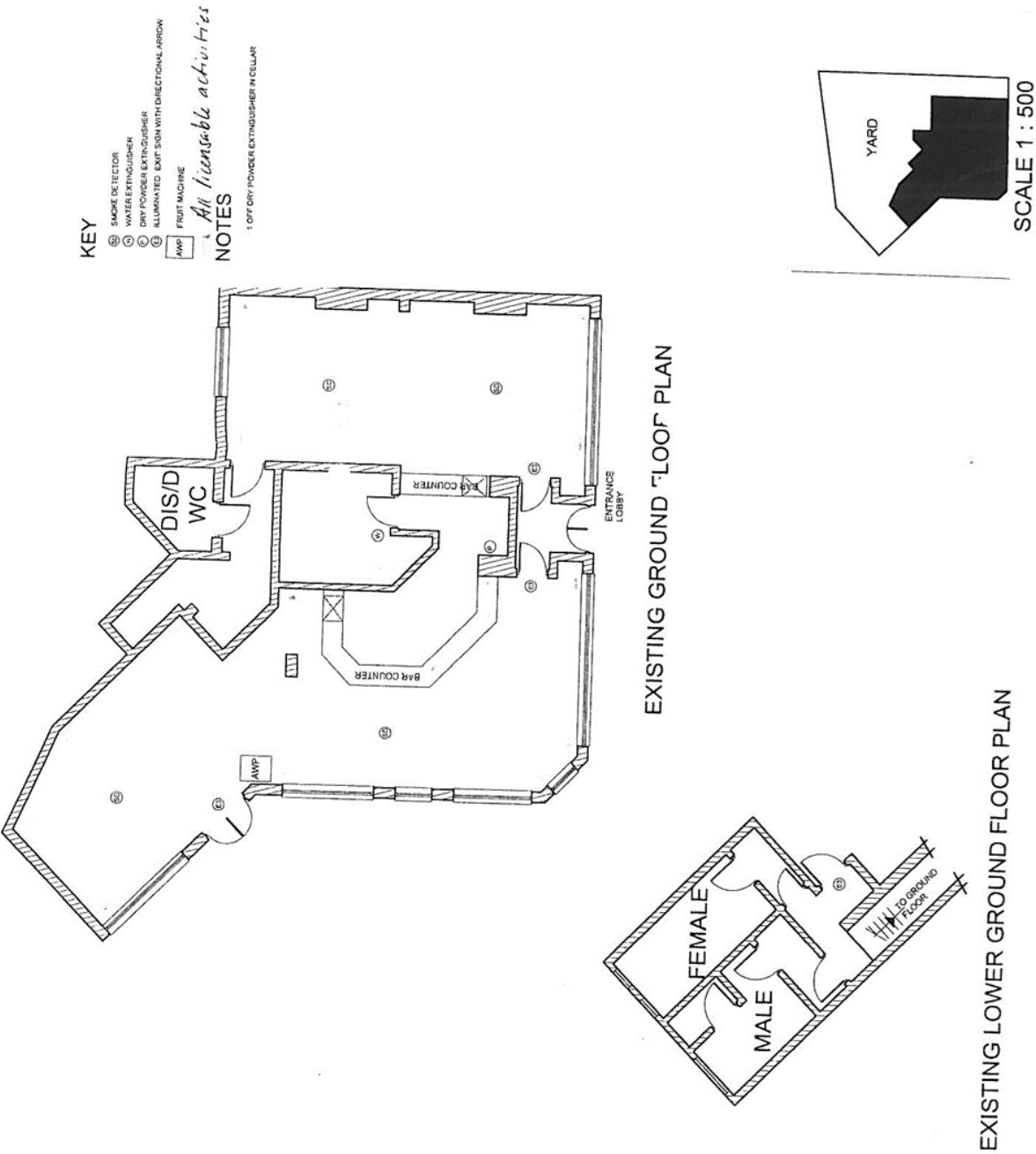
Annex 2 – Conditions consistent with the operating schedule

- 1. The licence is subject to all of the embedded conditions/restrictions inherent in the Licensing Act 1964 save those relating to hours which have been amended by virtue of the application.**
- 2. Conspicuous and legible signage will be prominently displayed within the premises at each exit, requesting that patrons leave the establishment in a quiet and orderly manner.**
- 3. Children shall only be allowed on the premises if accompanied by a responsible adult and must vacate the premises by 17:00.**
- 4. There shall be no adult themed entertainment on the premises.**

Annex 3 – Conditions attached after a hearing by the licensing authority

- 1. The inner lobby doors to the front of the premises, on Parkgate, and the windows to the premises shall be kept closed during the performance of regulated entertainment save for normal ingress and egress.**
- 2. The Designated Premises Supervisor or their representative shall conduct at least two assessments of the noise coming from the premises on each occasion that regulated entertainment is provided at the premises and shall take steps to reduce the level of noise where this is likely to cause a disturbance to local residents. A written record shall be made of these assessments in a log book kept for that purpose. This shall include the time and date of the checks, the person making the checks and the results, including any remedial action. The log book shall be made available for inspection, at the request of an Authorised Officer or the Police.**
- 3. Amplification equipment shall have fully adjustable volume controls to facilitate acceptable noise levels being achieved at the Premises.**

Annex 4 – Plans



Issued in accordance with the application to vary the premise licence to specify a Designated Premises Supervisor

Authorised Officer

Date of Issue 24 July 2026

PREMISES LICENCE GUIDANCE

1. Your Premises Licence has been granted and is enclosed.
2. The annual fee is due on the anniversary of its grant, unless you are exempt (e.g. community premises). Please ensure that the annual fee is paid on time.
3. Your Premises Licence has been granted for an unlimited period of time and is subject to the conditions mentioned in the licence.
4. You must ensure that the Premises Licence, or a certified copy of it, is kept at the premises in the custody or under the control of yourself or a person ("the nominated person") who works at the premises and whom you have nominated in writing for these purposes. A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.
5. You must ensure that a Summary of the Premises Licence, or a certified copy of that Summary, is prominently displayed at the premises. If you have nominated a person ("the nominated person"), under 4 above, you must prominently display at the premises a notice specifying the position held at the premises by that person. A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.
6. A Police Constable or an Authorised Person may require the holder of the Premises Licence or the nominated person to produce the Premises Licence, or a certified copy of it, for examination. A person commits an offence if he or she fails, without reasonable excuse to comply with these requirements. The maximum fine is £500 on conviction.
7. Where a Premises Licence or Summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the Council for a copy of the licence or Summary. A fee of £10.50 is payable.
8. Subject to reinstatement in certain circumstances, a Premises Licence lapses if the holder the licence dies, becomes mentally incapable, becomes insolvent, or is dissolved.

9. Where the holder of a Premises Licence wishes to surrender their licence they may give the Council notice to that effect. The notice must be accompanied by the Premises Licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence. The Premises Licence lapses on receipt of the notice by the Council.
10. The holder of a Premises Licence must, as soon as reasonably practicable, notify the Council of any changes in:
 - Name and address
 - Name and address of the Designated Premises Supervisor (unless that Supervisor has already notified the Council)

The notice must be accompanied by the Premises Licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence. The Premises Licence lapses on receipt of the notice by the Council. A fee of £10.50 is payable.

A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.

11. The holder of a Premises Licence may apply to the Council at any time for variation of the licence. Amongst other things, an application form will need to be completed, a fee will need to be paid and the application will need to be advertised and served on the Responsible Authorities. Please contact the Council for an application form and a guidance leaflet on how to apply for a variation. Please note that a Licence may not be varied to extend the period for which a licence has effect, or to vary substantially the premises to which it relates – in those cases an application for a new Premises Licence will need to be made; please contact the Council for further details.
12. The holder of a Premises Licence may, if the licence authorises the supply of alcohol (or if it is intended to vary a licence so that it authorises the supply of alcohol), apply to vary the licence so as to specify the individual named in the application as the Designated Premises Supervisor. Amongst other things, an application form will need to be completed, a fee will need to be paid and the notice of the application must be given to the Police. It is possible for the applicant to ask for such a variation

to have immediate effect on an interim basis. Please contact the Council for an application form and guidance leaflet on how to apply for a variation.

13. The Premises Licence may be transferred following an application made to the Council for a transfer of the Licence. Amongst other things, an application form will need to be completed, a fee will need to be paid and notice of the application must be given to the Police. It is possible for the applicant to ask for a transfer to have immediate effect on an interim basis. Please contact the Council for an application form and a guidance leaflet on how to apply for a transfer.
14. Where a Premises Licence has effect, and Interested Party or a Responsible Authority may apply to the Council for a review of the licence. You will be notified if an application is made to review your Premises Licence and you will have the opportunity to make representations about a review and to attend before the Council's Licensing Committee.
15. Your attention is drawn in particular to Part 7 of the Licensing Act 2003 which concerns offences under the Licensing Act 2003.

Appendix 4

Section 182 Guidance for Summary Reviews

Application for summary review

12.3 Section 53A of the 2003 Act sets out who may apply for an expedited review and the circumstances in which it can be used. The application is made by, or on behalf of, the chief officer of police and must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42).

12.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior officer that in his/her opinion the premises are associated with serious crime, serious disorder or both. This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is published on GOV.UK.

12.5 The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:

- (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
- (b) Involves the use of violence, results in substantial financial gain or is conducted by a large number of persons in pursuit of a common purpose.

12.6 There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.

12.7 In deciding whether to sign a certificate, the senior officer should consider the following (as applicable):

- The track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises. It is not expected that this power will be used as a first response to a problem and summary reviews triggered by a single incident are likely to be the exception.
- The nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and

Policing Act 2014, or section 38 of and Schedule 6 to the Immigration Act 2016, to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power)?

- What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

12.8 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review. In appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53D, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day time frame or for an appropriate period determined by the licensing authority.

12.9 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 12.15 and 12.16 below). However, it should always be borne in mind that the aim of the powers is to provide a selective tool, to be used proportionately. The licensing authority and interim steps pending the review

12.10 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence). When calculating the 48 hour period any non-working day can be disregarded.

12.11 The licensing authority may want to consult the police about the steps that it thinks are necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority cannot afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

12.12 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a

licensing subcommittee rather than the full committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant subcommittee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

12.13 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

12.14 If the licensing authority decides to take steps at the initial interim stage:

- the decision takes effect immediately, or as soon after it as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licenceholder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.

12.15 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

12.16 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes,

installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

Making representations against the interim steps

12.17 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.

12.18 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and/or serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that the licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

12.19 At the hearing to consider representations against interim steps the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

12.20 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

12.21 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

The review of the premises licence under section 53C

12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer or other responsible authority and/or other person asks to withdraw their application or representation (as the case may be). At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account the application and any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken (if any).

12.23 In making its final determination the steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

12.25 The licensing authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations which the premises licence holder, responsible authority or any other person want the licensing authority to consider at the review hearing, should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.

- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.

12.26 A party shall give to the licensing authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

12.27 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 12.18 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

12.28 The licensing authority must notify its decision and the reasons for making it to:

- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.