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Rt Hon Priti Patel
Secretary of State for the Home Department

Dear Priti Patel

COURT DELAYS LEADING TO CONCERNS ABOUT LICENCED PREMISES

I write on behalf of North Devon Council with regard to alcohol licensing under The Licensing Act 2003 for which I understand your Department is responsible. The Licensing and Community Safety Committee at North Devon Council recently discussed a case relating to a licenced premises in Barnstaple North Devon, where the premises in question had been subject to a licence review hearing, and as a result had their premises licence revoked. The premises in question subsequently lodged an appeal with the Magistrates Courts under Section 181 of the Licensing Act, and subject to the provisions of Section 52 (11), have been able to continue to trade as a licenced premises pending their appeal hearing. Specifically, Section 52 provides the following provision in respect of appeals:

*(11)A determination under this section does not have effect—
(a)until the end of the period given for appealing against the decision, or
(b)if the decision is appealed against, until the appeal is disposed of.*

In the case of the Barnstaple premises this has had the effect of enabling them to continue to trade from the review hearing date onwards, and with the current significant backlog in Magistrates Court diaries and availability of Police Officers, this has led to a lengthy delay in the appeal hearing which significantly devalues the effect of local licensing regulation.

The premises in question were called for their premises licence review in the first instance as a result of some serious violent incidents, and significant concerns about crime and disorder on the premises. The Licensing Sub-Committee which heard the case on 15th November 2021 were extremely concerned by the case presented to them, and felt that the conduct of the premises management was very far below what would normally be expected. As a result they determined to revoke the licence, something which was not undertaken lightly, and is a power not frequently reached for by Licensing Sub-Committees in rural Devon. The fact that the premises has been able to continue to trade for some 6/7 months whilst awaiting appeal, is therefore a source of growing frustration for the Councillors who determined the review application, and they raised these concerns at the Licensing Committee meeting of 12th May 2022.

The premises in question continue to be the subject of serious incidents, including most recently an incident on 21st May in which a patron was seriously wounded. Other legislative provisions such as a summary review have been considered by our regulatory partners, but this has been discounted on the basis that the appeal provisions essentially mirror that above for the review of a licence.

As instructed by the Committee, I am therefore writing to you today to highlight the current significant issues with the time taken for Licensing Act 2003 appeal applications to be heard (I accept this is a Ministry of Justice issue principally), and also to make you aware of the impact that this is having upon local Licensing decisions. I therefore request that you as the Secretary of State for the Home Department, look into the possibility of amending the Licensing Act 2003 appeal provisions, to include powers for Licensing Authorities or the Magistrates Courts to direct premises to remain closed pending appeal, or for the magistrates Courts to determine such appeals within a specified period (such as 28-days which is referenced in Schedule 5 of the Act in relation to the review of interim steps).

Thank you for taking the time to consider the views of the North Devon Council Licensing and Community Safety Committee.

Yours sincerely

Councillor Louisa York
Chair of Licensing and Community Safety Committee