

EXTRACT FROM THE

VIOLENT CRIME REDUCTION ACT 2006

CHARTER 3

OTHER PROVISIONS

Licence reviews

21 Power of police to require review of premises licence

After section 53 of the Licensing Act 2003 (c. 17), insert—

“Summary reviews in serious cases of crime or disorder

53A Summary reviews on application of senior police officer

- (1) The chief officer of police of a police force for a police area may apply under this section to the relevant licensing authority for a review of the premises licence for any premises wholly or partly in that area if—
- (a) the premises are licensed premises in relation to the sale of alcohol by retail; and
 - (b) senior member of that force has given a certificate that it is his opinion that the premises are associated with serious crime or serious disorder or both;
- and that certificate must accompany the application.
- (2) On receipt of such an application, the relevant licensing authority must—
- (a) within 48 hours of the time of its receipt, consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
 - (b) within 28 days after the day of its receipt, review that licence in accordance with section 53C and reach a determination on that review.
- (3) The Secretary of State must by regulations—
- (a) require a relevant licensing authority to whom an application for a review under this section has been made to give notice of the review to the holder of the premises licence and to every responsible authority;
 - (b) prescribe the period after the making of the application within which the notice under paragraph (a) must be given;
 - (c) require a relevant licensing authority to advertise the review, inviting representations about it to be made to the authority by the responsible authorities and interested parties;
 - (d) prescribe the period after the making of the application within which the advertisement must be published;
 - (e) prescribe the period after the publication of the advertisement during which representations may be made by the holder of the premises licence, any responsible authority or any interested party; and
 - (f) require a notice or advertisement under paragraph (a) or (c) to specify the period prescribed under paragraph (e).

- (4) In this section—
 ‘senior member’, in relation to a police force, means a police officer who is a member of that force and of or above the rank of superintendent; and
 ‘serious crime’ has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23) (see section 81(2) and (3) of that Act).
- (5) In computing the period of 48 hours mentioned in subsection (2)(a) time that is not on a working day is to be disregarded.

53B Interim steps pending review

- (1) This section applies to the consideration by a relevant licensing authority on an application under section 53A whether it is necessary to take interim steps pending the determination of the review applied for.
- (2) The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority.
- (3) The interim steps the relevant licensing authority must consider taking are—
 (a) the modification of the conditions of the premises licence;
 (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
 (c) the removal of the designated premises supervisor from the licence;
 (d) the suspension of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Where on its consideration of whether to take interim steps the relevant licensing authority does take one or more such steps—
 (a) its decision takes effect immediately or as soon after that as that authority directs; but
 (b) it must give immediate notice of its decision and of its reasons for making it to—
 (i) the holder of the premises licence; and
 (ii) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (6) If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- (7) The relevant licensing authority must give advance notice of the hearing to—
 (a) the holder of the premises licence;
 (b) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (8) At the hearing, the relevant licensing authority must—
 (a) consider whether the interim steps are necessary for the promotion of the licensing objectives; and

- (b) determine whether to withdraw or modify the steps taken.
- (9) In considering those matters the relevant licensing authority must have regard to—
 - (a) the certificate that accompanied the application;
 - (b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and
 - (c) any representations made by the holder of the premises licence.
- (10) In computing the period of 48 hours mentioned in subsection (6) time that is not on a working day is to be disregarded.

53C Review of premises licence following review notice

- (1) This section applies to a review of a premises licence which a relevant licensing authority has to conduct on an application under section 53A.
- (2) The relevant licensing authority must—
 - (a) hold a hearing to consider the application for the review and any relevant representations;
 - (b) take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and
 - (c) secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b)).
- (3) Those steps are—
 - (a) the modification of the conditions of the premises licence,
 - (b) the exclusion of a licensable activity from the scope of the licence,
 - (c) the removal of the designated premises supervisor from the licence,
 - (d) the suspension of the licence for a period not exceeding three months,
 - or
 - (e) the revocation of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Subsection (2)(b) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step within subsection (3)(a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- (7) In this section ‘relevant representations’ means representations which—
 - (a) are relevant to one or more of the licensing objectives, and
 - (b) meet the requirements of subsection (8).

- (8) The requirements are—
 - (a) that the representations are made by the holder of the premises licence, a responsible authority or an interested party within the period prescribed under subsection 53A(3)(e),
 - (b) that they have not been withdrawn, and
 - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where a relevant licensing authority determines a review under this section it must notify the determination and its reasons for making it to—
 - (a) the holder of the premises licence,
 - (b) any person who made relevant representations, and
 - (c) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (11) A decision under this section does not have effect until—
 - (a) the end of the period given for appealing against the decision, or
 - (b) if the decision is appealed against, the time the appeal is disposed of.”

22 Provisions supplemental to s. 21

- (1) In section 10(4) of the Licensing Act 2003 (c. 17) (matters not capable of delegation to officers of a relevant licensing authority)—
 - (a) in paragraph (a), after sub-paragraph (vi) insert—
“(via) section 53A(2)(a) or 53B (determination of interim steps pending summary review),”;
 - (b) after paragraph (b), insert—
“(ba) any function under section 53C (review following review notice), in a case where relevant representations (within the meaning of section 53C(7)) have been made,”.
- (2) In Schedule 5 to that Act (appeals), after paragraph 8 insert—

“Summary review of premises licence

- 8A (1) This paragraph applies where a review of a premises licence is decided under section 53A(2)(b) (review of premises licence following review notice).
- (2) An appeal may be made against that decision by—
 - (a) the chief officer of police for the police area (or each police area) in which the premises are situated,
 - (b) the holder of the premises licence, or
 - (c) any other person who made relevant representations in relation to the application for the review.
- (3) In sub-paragraph (2) ‘relevant representations’ has the meaning given in section 53C(7).”