

# **Extract from the Policing and Crime Bill - Part 7 Alcohol Licensing - Proposed Amendments to the Licensing Act 2003.**

## **Meaning of “alcohol”: inclusion of alcohol in any state**

In the Licensing Act 2003, in section 191(1) (meaning of “alcohol”) after “liquor” insert “(in any state)”.

Interim steps pending review: representations

(1) In the Licensing Act 2003, section 53B (interim steps pending review) is amended as follows.

(2) In subsection (6) at the beginning insert “Subject to subsection (9A),”

(3) After subsection (9) insert—

“(9A) Where the relevant licensing authority has determined under subsection (8) whether to withdraw or modify the interim steps taken, the holder of the premises licence may only make further representations under subsection (6) if there has been a material change in circumstances since the authority made its determination.”

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## **Summary reviews of premises licences: review of interim steps**

(1) The Licensing Act 2003 is amended as follows.

(2) Section 53C (review of premises licence following review notice) is amended as follows.

(3) In subsection (2)—

(a) at the end of paragraph (a) insert “and”,

(b) in paragraph (b) omit “and”, and

(c) omit paragraph (c).

(4) After subsection (11) insert—

“(12) Section 53D makes provision about the application and review of any interim steps that have been taken under section 53B in relation to a premises licence before a decision under this section comes into effect in relation to the licence.”

(5) After section 53C insert—

“53D Interim steps pending section 53C decision coming into effect

(1) At the hearing to consider an application for a review under section 53A, the relevant licensing authority must review any interim steps that have been taken by the relevant licensing authority under section 53B that have effect on the date of the hearing.

(2) In conducting the review under this section, the relevant licensing authority must—

- (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives;
- (b) consider any relevant representations; and
- (c) determine whether to withdraw or modify the interim steps taken.

(3) The power of the relevant licensing authority on a review under this section includes a power to take any of the following interim steps—

- (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) Any interim steps taken under subsection (3) apply until—

- (a) the end of the period given for appealing against a decision made under section 53C,
- (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
- (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under paragraph (a) or (b)).

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(5) Any interim steps taken under section 53B in relation to a premises licence cease to have effect when the decision made under section 53C comes into effect.

(6) In subsection (2) “relevant representations” means representations which—

- (a) are relevant to one or more of the licensing objectives, and
- (b) meet the requirements of subsection (7).

(7) The requirements are—

- (a) that the representations are made by the holder of the premises licence, a responsible authority or any other person within the period prescribed under subsection 53A(3)(e),

- (b) that they have not been withdrawn, and
- (c) if they are made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

(8) 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.

(9) A decision under this section may be appealed (see paragraph 8B of Part 1 of Schedule 5 (appeals: premises licences)).”

(6) Part 1 of Schedule 5 (appeals: premises licences) is amended as follows.

(7) After paragraph 8A (summary review of premises licence) insert—

*“Review of interim steps*

8B(1) This paragraph applies where a review of interim steps is decided under section 53D (review of interim steps at a summary review of a premises licence).

(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, or
- (b) the holder of the premises licence.

(3) An appeal under this paragraph must be heard by the magistrates’ court within the period of 28 days beginning with the day on which the appellant commenced the appeal (see paragraph 9(2)).”

(8) This section does not apply to applications made under section 53A of the Licensing Act 2003 (summary reviews on application of senior police officer) where a decision in relation to that application has been made under section 53C (review of premises licence following review notice) before the coming into force of this section.

**Personal licences: licensing authority powers in relation to convictions**

(1) The Licensing Act 2003 is amended as follows.

(2) In section 10(4)(a) (functions that may not be delegated to an officer) after sub-  
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paragraph (xii) insert—

section 132A(8) and (12) (revocation or suspension of licence by local authority where it becomes aware of convictions or immigration penalties),”.

(3) After section 132 (licence holder’s duty to notify licensing authority of convictions) insert—

“132A Convictions etc of licence-holder: powers of licensing authority

(1) This section applies where a licensing authority has granted a personal licence and it becomes aware (whether by virtue of section 123(1), 131 or 132 or otherwise) that the holder of the licence (“the licence holder”) has been, at any time before or after the grant of the licence—

- (a) convicted of any relevant offence or foreign offence, or
- (b) required to pay an immigration penalty.

(2) But this section does not apply at any time when—

(a) in the case of a licence holder who has been convicted of any relevant offence or foreign offence—

- (i) the licence holder has appealed against a conviction for, or any sentence imposed in relation to, a relevant offence or foreign offence and that appeal has not been disposed of, or
- (ii) the time limit for appealing against such a conviction or sentence has not expired, or

(b) in the case of a licence holder who has been required to pay an immigration penalty—

- (i) the licence holder has objected to, or appealed against, the imposition of the penalty and that objection or appeal has not been disposed of, or
- (ii) the time limit for objecting to, or appealing against, the imposition of the penalty has not expired.

(3) The relevant licensing authority may—

- (a) suspend the licence for a period not exceeding six months, or
- (b) revoke the licence.

(4) If the relevant licensing authority is considering whether to suspend or revoke the licence, the authority must give notice to the licence holder.

(5) A notice under subsection (4) must invite the licence holder to make representations regarding—

- (a) the relevant offence, foreign offence or immigration penalty that has caused the relevant licensing authority to issue the notice,
- (b) any decision of a court under section 129 or 130 in relation to the licence, and
- (c) any other relevant information (including information regarding the licence holder’s personal circumstances).

(6) The licence holder may make representations under subsection (5) to the relevant licensing authority within the period of 28 days beginning with the day the notice was issued.

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(7) Before deciding whether to suspend or revoke the licence the relevant licensing authority must take into account—

(a) any representations made by the licence holder under this section,

(b) any decision of a court under section 129 or 130 of which the licensing authority is aware, and

(c) any other information which the authority considers relevant.

(8) Having taken into account the matters described in subsection (7) the relevant licensing authority may make a decision whether to suspend or revoke a licence, unless subsection (9) applies.

(9) This subsection applies where the relevant licensing authority has taken into account the matters described in subsection (7) and proposes not to revoke the licence.

(10) Where subsection (9) applies the authority must—

(a) give notice to the chief officer of police for its area that it proposes not to revoke the licence, and

(b) invite the officer to make representations regarding the issue of whether the licence should be suspended or revoked having regard to the crime prevention objective.

(11) The chief officer of police may make representations under subsection

(10) (b) to the relevant licensing authority within the period of 14 days beginning with the day the notice was received.

(12) Where the relevant licensing authority has given notice to the chief officer of police under subsection (10)(a), the authority must take into account—

(a) any representations from the officer, and

(b) the matters described in subsection (7),

and then make a decision whether to suspend or revoke the licence.

(13) The relevant licensing authority must give notice of any decision made under subsection (8) or (12) to the licence holder and the chief officer of police, including reasons for the decision.

(14) A decision 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.

(15) A decision under subsection (8) or (12) may be appealed (see paragraph 17(5A) of Part 3 of Schedule 5 (appeals: personal licences)).”

(4) In paragraph 17 of Part 3 of Schedule 5 (appeals: personal licences) after subparagraph (5) insert—

“(5A) Where a licensing authority revokes or suspends a personal licence under section 132A(8) or (12) the holder of the licence may appeal against that decision.”

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### **Licensing Act 2003: addition of further relevant offences**

(1) Schedule 4 to the Licensing Act 2003 (personal licence: relevant offences) is amended as follows.

(2) In paragraph 18 (sexual offences), after sub-paragraph (a) insert—

“(aa) listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);”

(3) After paragraph 19 (violent offences) insert—

“19A An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).”

(4) After paragraph 22 (fraud offences) insert—

“22ZA An offence under any of the following provisions of the Violent Crime Reduction Act 2006—

(a) section 28 (using someone to mind a weapon);

(b) section 36 (manufacture, import and sale of realistic imitation firearms).”

(5) After paragraph 23A (offences under the Psychoactive Substances Act 2016) insert—

“23B An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).”

### **Licensing Act 2003: guidance**

In the Licensing Act 2003, in section 182 (guidance) omit subsections (2) and (4) to (6).