



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 6

THE ENVIRONMENT

Noise

41 Closure of noisy premises: supplemental

- (1) Where a closure order is made in relation to premises, the chief executive officer of the relevant local authority—
 - (a) may cancel the closure order by notice in writing to a manager of the premises,
 - (b) shall cancel the order as soon as is reasonably practicable if he believes that it is no longer necessary in order to prevent a public nuisance being caused by noise coming from the premises, and
 - (c) shall give notice of the order as soon as is reasonably practicable to the licensing authority for the area in which the premises are situated.
- (2) The chief executive officer of a local authority may authorise an environmental health officer of the authority to exercise a power or duty of the chief executive officer under section 40(1) or under subsection (1) above; and—
 - (a) authority under this subsection may be general or specific, and
 - (b) a reference in section 40(1) or subsection (1) above to a belief of the chief executive officer includes a reference to a belief of a person authorised under this subsection.
- (3) In section 40 and this section—

“chief executive officer” of an authority means the head of the paid service of the authority designated under section 4 of the Local Government and Housing Act 1989 (c. 42),

“environmental health officer” of an authority means an officer authorised by the authority for the purpose of exercising a statutory function in relation to pollution of the environment or harm to human health,

Status: This is the original version (as it was originally enacted).

“licensing authority” has the same meaning as in the Licensing Act 2003 (c. 17),

“manager” in relation to premises means—

- (a) a person who holds a premises licence in respect of the premises,
- (b) a designated premises supervisor under a premises licence in respect of the premises,
- (c) the premises user in relation to a temporary event notice which has effect in respect of the premises, and
- (d) any other person who works at the premises in a capacity (paid or unpaid) which enables him to close them,

“premises licence” has the same meaning as in the Licensing Act 2003,

“relevant local authority” in relation to premises means an authority which has statutory functions, for the area in which the premises are situated, in relation to minimising or preventing the risk of pollution of the environment or of harm to human health, and

“temporary event notice” has the same meaning as in the Licensing Act 2003 (and is to be treated as having effect in accordance with section 170(6) of that Act).