



Public Entertainments Licences (Drug Misuse) Act 1997

1997 CHAPTER 49

An Act to amend the law about public entertainments licences relating to places at or near which controlled drugs are supplied or used and for connected purposes. [21st March 1997]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Licensing outside Greater London

- (1) Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (licensing of public entertainments outside Greater London) is amended as follows.
- (2) In sub-paragraph (1) of paragraph 5 (licence to remain in force for a year or shorter specified period unless cancelled or revoked under paragraph 12(4)), for “12(4)” substitute “11A or 12(4) or (5)”.
- (3) After paragraph 6 insert—
 - “6A (1) This paragraph applies where the authority by whom an entertainments licence was granted under paragraph 1 above in respect of a place receive a report from the chief officer of police—
 - (a) stating that there is a serious problem relating to the supply or use of controlled drugs at the place or at any place nearby which is controlled by the holder of the licence; and
 - (b) giving reasons for his view that there is such a problem.
 - (2) An application for the renewal or transfer of the licence may be refused by the authority on the ground that they are satisfied that not renewing or transferring it will significantly assist in dealing with the problem.

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- (3) The authority shall give the reasons for their refusal of the application to—
- (a) the holder of the licence; and
 - (b) in the case of an application for the transfer of the licence, the person to whom the licence would have been transferred if the application had been granted.
- (4) A person to whom reasons are given may make representations to the authority; and the authority shall consider any representations within the period of 21 days beginning with the day on which they receive them.
- (5) After considering any representations, the authority shall (unless the date of expiry of the licence has passed) either—
- (a) confirm the refusal of the application; or
 - (b) grant the application.
- (6) The authority shall have regard in exercising their functions under this paragraph to such guidance as may be issued by the Secretary of State.”
- (4) Before paragraph 12 insert—
- “11A (1) This paragraph applies where the authority by whom an entertainments licence was granted under paragraph 1 above in respect of a place receive a report from the chief officer of police—
- (a) stating that there is a serious problem relating to the supply or use of controlled drugs at the place or at any place nearby which is controlled by the holder of the licence; and
 - (b) giving reasons for his view that there is such a problem.
- (2) The authority may—
- (a) revoke the licence; or
 - (b) impose terms, conditions or restrictions on or subject to which it is to be held,
- on the ground that they are satisfied that to do so will significantly assist in dealing with the problem.
- (3) The authority shall give the reasons for their revocation of the licence, or the imposition of the terms, conditions or restrictions, to the holder of the licence who may make representations to the authority; and the authority shall consider any representations within the period of 21 days beginning with the day on which they receive them.
- (4) After considering any representations, the authority shall (unless the date of expiry of the licence has passed) either—
- (a) confirm that the licence remains revoked or continues to have effect on or subject to the terms, conditions or restrictions which have been imposed; or
 - (b) reinstate the licence or determine that it has effect free of those terms, conditions or restrictions.
- (5) The authority shall have regard in exercising their functions under this paragraph to such guidance as may be issued by the Secretary of State.”
- (5) In paragraph 12 (enforcement), after sub-paragraph (4) insert—

“(5) Where a person is convicted by a court of an offence under sub-paragraph (2) above in relation to a licence under paragraph 1 above in respect of a place, the court may revoke the licence if satisfied that—

- (a) there is a serious problem relating to the supply or use of controlled drugs at the place or at any place nearby which is controlled by the holder of the licence; and
- (b) it will significantly assist in dealing with the problem to revoke the licence;

and the standard of proof for the purposes of this sub-paragraph is that applicable in civil proceedings.”

(6) In paragraph 17 (appeals)—

- (a) in sub-paragraph (1)(d) (appeal against revocation under paragraph 12(4)), before “12(4)” insert “11A or”;
- (b) in sub-paragraph (2) (start of period within which appeal may be brought), at the end insert “; but in a case where a decision is made under paragraph 6A(5) or 11A(4) above means the date on which the person in question is notified of the decision.”;
- (c) in sub-paragraph (3) (appeals against decision of magistrates' court), after “under this paragraph” insert “or under paragraph 12(5) above”;
- (d) in sub-paragraph (7) (effect of revocation or refusal of licence), for “refused,” substitute “refused otherwise than on the ground specified in paragraph 6A(2) above.”; and
- (e) after that sub-paragraph insert—

“(7A) A court which revokes an entertainments licence under paragraph 12(5) above may, if in the particular circumstances it would be unfair not to do so, order that the licence shall remain in force—

- (a) until the time for bringing an appeal against the revocation has expired; and
- (b) if such an appeal is duly brought, until the determination or abandonment of the appeal.”

(7) In paragraph 22 (interpretation), after the definition of “the commencement date” insert—

““controlled drugs” has the same meaning as in the Misuse of Drugs Act 1971;”.

2 Licensing in Greater London

(1) Schedule 12 to the London Government Act 1963 (licensing of public entertainments in Greater London) is amended as follows.

(2) In sub-paragraph (3) of paragraph 1 (licence to remain in force for a year or shorter specified period unless cancelled or revoked under paragraph 10(4)), for “10(4)” substitute “9A or 10(4) or (4A)”.

(3) After paragraph 2 insert—

“2A (1) This paragraph applies where the Council by whom a licence was granted under paragraph 1 of this Schedule in respect of any premises receive a

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report from the commissioner of police in whose district the premises are situated—

- (a) stating that there is a serious problem relating to the supply or use of controlled drugs at the premises or at any premises nearby which are controlled by the holder of the licence; and
 - (b) giving reasons for his view that there is such a problem.
- (2) An application for the renewal or transfer of the licence may be refused by the Council on the ground that they are satisfied that not renewing or transferring it will significantly assist in dealing with the problem.
- (3) The Council shall give the reasons for their refusal of the application to—
- (a) the holder of the licence; and
 - (b) in the case of an application for the transfer of the licence, the person to whom the licence would have been transferred if the application had been granted.
- (4) A person to whom reasons are given may make representations to the Council; and the Council shall consider any representations within the period of twenty-one days beginning with the day on which they receive them.
- (5) After considering any representations, the Council shall (unless the date of expiry of the licence has passed) either—
- (a) confirm the refusal of the application; or
 - (b) grant the application.
- (6) The Council shall have regard in exercising their functions under this paragraph to such guidance as may be issued by the Secretary of State.
- (7) In this paragraph “premises” includes any place.”
- (4) Before paragraph 10 insert—
- “9A (1) This paragraph applies where the Council by whom a licence was granted under paragraph 1 of this Schedule in respect of any premises receive a report from the commissioner of police in whose district the premises are situated—
- (a) stating that there is a serious problem relating to the supply or use of controlled drugs at the premises or at any premises nearby which are controlled by the holder of the licence; and
 - (b) giving reasons for his view that there is such a problem.
- (2) The Council may—
- (a) revoke the licence; or
 - (b) impose terms, conditions or restrictions on or subject to which it is to be held,
- on the ground that they are satisfied that to do so will significantly assist in dealing with the problem.
- (3) The Council shall give the reasons for their revocation of the licence, or the imposition of the terms, conditions or restrictions, to the holder of the licence who may make representations to the Council; and the Council

shall consider any representations within the period of twenty-one days beginning with the day on which they receive them.

- (4) After considering any representations, the Council shall (unless the date of expiry of the licence has passed) either—
- (a) confirm that the licence remains revoked or continues to have effect on or subject to the terms, conditions or restrictions which have been imposed; or
 - (b) reinstate the licence or determine that it has effect free of those terms, conditions or restrictions.
- (5) The Council shall have regard in exercising their functions under this paragraph to such guidance as may be issued by the Secretary of State.
- (6) In this paragraph “premises” includes any place.”

(5) In paragraph 10 (enforcement), after sub-paragraph (4) insert—

“(4A) Where a person is convicted by a court of an offence under sub-paragraph (2) of this paragraph in relation to a licence granted under paragraph 1 of this Schedule in respect of any premises, the court may revoke the licence if satisfied that—

- (a) there is a serious problem relating to the supply or use of controlled drugs at the premises or at any premises nearby which are controlled by the holder of the licence; and
- (b) it will significantly assist in dealing with the problem to revoke the licence.

(4B) The standard of proof for the purposes of sub-paragraph (4A) of this paragraph is that applicable in civil proceedings and in that sub-paragraph “premises” includes any place.”

(6) In paragraph 19 (appeals)—

- (a) in sub-paragraph (1) (right of appeal), for the words from “period of” to “as the case may be,” substitute “relevant period” and for “the next following sub-paragraph” substitute “sub-paragraph (2) of this paragraph”;
- (b) after that paragraph insert—

“(1A) In this paragraph “relevant period” means the period of twenty-one days beginning with the date when the person in question is notified of—

- (a) the refusal of his application;
- (b) the revocation of his licence; or
- (c) the imposition of the term, condition or restriction by which he is aggrieved;

but in a case where a decision is made under paragraph 2A(5) or 9A(4) of this Schedule means the date on which the person in question is notified of the decision.”;

- (c) in sub-paragraph (2) (appeals against decision of magistrates' court), for “on an appeal under the foregoing sub-paragraph” substitute “under sub-paragraph (1) of this paragraph or under paragraph 10(4A) of this Schedule”;

- (d) in sub-paragraph (3) (effect of revocation or refusal of licence), omit “or 16(2)” and for “refused,” substitute “refused otherwise than on the ground specified in paragraph 2A(2) of this Schedule.”; and
- (e) after that sub-paragraph insert—

“(3A) A court which revokes a licence under paragraph 10(4A) of this Schedule may, if in the particular circumstances it would be unfair not to do so, order that the licence shall remain in force—

- (a) during the period within which an appeal against the revocation may be brought; and
- (b) if such an appeal is duly brought, until the determination or abandonment of the appeal.”

- (7) After that paragraph insert—

“Interpretation

19A In this Schedule “controlled drugs” has the same meaning as in the Misuse of Drugs Act 1971.”

3 Consequential provision for special hours certificates

In section 81 of the Licensing Act 1964 (revocation of special hours certificates), after subsection (1) insert—

“(1A) Where a special hours certificate is revoked under subsection (1) above as a consequence of—

- (a) an application for the renewal of a licence being refused under paragraph 6A(2) of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 or paragraph 2A(2) of Schedule 12 to the London Government Act 1963; or
- (b) a licence being revoked under paragraph 11A(2) or 12(5) of Schedule 1 or paragraph 9A(2) or 10(4A) of Schedule 12,

the certificate shall be reinstated if the licence is subsequently renewed under paragraph 17 of Schedule 1 or paragraph 19 of Schedule 12 or if the licence is subsequently reinstated under paragraph 11A(4) or 17 of Schedule 1 or paragraph 9A(4) or 19 of Schedule 12.”

4 Short title, commencement and extent

- (1) This Act may be cited as the Public Entertainments Licences (Drug Misuse) Act 1997.
- (2) Sections 1 to 3 shall not come into force until such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) An order under subsection (2) may include such transitional provisions as the Secretary of State considers appropriate in connection with the provisions to which it applies.
- (4) This Act extends to England and Wales only.