



Public Entertainments Licences (Drug Misuse) Act 1997

1997 CHAPTER 49

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.
 - (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;”.