



Policing and Crime Act 2017

2017 CHAPTER 3

PART 7

ALCOHOL AND LATE NIGHT REFRESHMENT

Licensing

135 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)”.

136 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.”

137 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)—

Status: This is the original version (as it was originally enacted).

- (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;
 and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- (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)).
- (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 an application 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.

138 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 subparagraph (xii) insert—
- “(xiii) 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—

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“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 in the case of a licence holder who has been convicted of any relevant offence or foreign offence—
 - (a) 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
 - (b) the time limit for appealing against such a conviction or sentence 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.
- (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—

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- (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 (5A) insert—
- “(5B) 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.”

139 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 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).”

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- (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).”

140 Licensing Act 2003: guidance

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

141 Cumulative impact assessments

- (1) The Licensing Act 2003 is amended as follows.
- (2) In section 5 (statement of licensing policy), after subsection (6C) insert—
- “(6D) In determining or revising its policy, a licensing authority must have regard to any cumulative impact assessments published by it under section 5A.
- (6E) A licensing statement must—
- (a) summarise any cumulative impact assessments published by the licensing authority under section 5A, and
- (b) explain how the licensing authority has discharged its duty under subsection (6D).”
- (3) After section 5 insert—

“5A Cumulative impact assessments

- (1) A licensing authority may publish a document (“a cumulative impact assessment”) stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority’s duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.
- (2) A cumulative impact assessment must set out the evidence for the authority’s opinion as set out in the assessment in accordance with subsection (1).
- (3) For the purposes of this section, “relevant authorisations” means—
- (a) premises licences;
- (b) club premises certificates.
- (4) A cumulative impact assessment may relate to all relevant authorisations or only to relevant authorisations of a kind described in the assessment.
- (5) Before publishing a cumulative impact assessment, the licensing authority must consult the persons mentioned in section 5(3).
- (6) For the purposes of the consultation, the licensing authority must provide the persons mentioned in section 5(3) with the following information—
- (a) the reasons why it is considering publishing a cumulative impact assessment;

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- (b) a general indication of the part or parts of its area which it is considering describing in the assessment;
 - (c) whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.
- (7) Where a licensing authority publishes a cumulative impact assessment, it must, before the end of each relevant period, consider whether it remains of the opinion stated in the assessment.
- (8) Before deciding whether it remains of that opinion, the licensing authority must consult the persons mentioned in section 5(3).
- (9) If the licensing authority is no longer of that opinion—
 - (a) it must publish a statement to that effect, and
 - (b) the duties in section 5(6D) and (6E) and subsection (7) of this section cease to apply in relation to the assessment.
- (10) If the licensing authority remains of that opinion, it must revise the cumulative impact assessment so that it—
 - (a) includes a statement to that effect, and
 - (b) sets out the evidence as to why the authority remains of that opinion.
- (11) A licensing authority must publish any revision of a cumulative impact assessment.
- (12) In subsection (7), “relevant period” means the period of three years beginning with the publication of the cumulative impact assessment or a revision of the cumulative impact assessment.”

Late night levy

142 Late night levy requirements

- (1) Section 125 of the Police Reform and Social Responsibility Act 2011 (late night levy requirement) is amended as follows.
- (2) For subsections (1) and (2) substitute—
 - “(1) In this Chapter, “a late night levy requirement” means a requirement to pay a late night levy in accordance with this Chapter.
 - (2) A licensing authority may decide that a late night levy requirement is to apply in its area or in a part of its area in respect of—
 - (a) relevant late night alcohol authorisations relating to premises in the area or the part, or
 - (b) relevant late night alcohol authorisations and relevant late night refreshment authorisations relating to premises in the area or the part.
- (2A) Accordingly, references in this Chapter to a late night authorisation to which a late night levy requirement relates are references to any relevant late night alcohol authorisation or relevant late night refreshment authorisation in respect of which the late night levy requirement applies.

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

- (2B) A licensing authority may decide under subsection (2) that different late night levy requirements are to apply in different parts of its area.”
- (3) In subsection (3)(a), after “supply of alcohol” insert “or late night refreshment”.
- (4) Omit subsection (4).
- (5) Schedule 18 makes further amendments of Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (late night levy).