

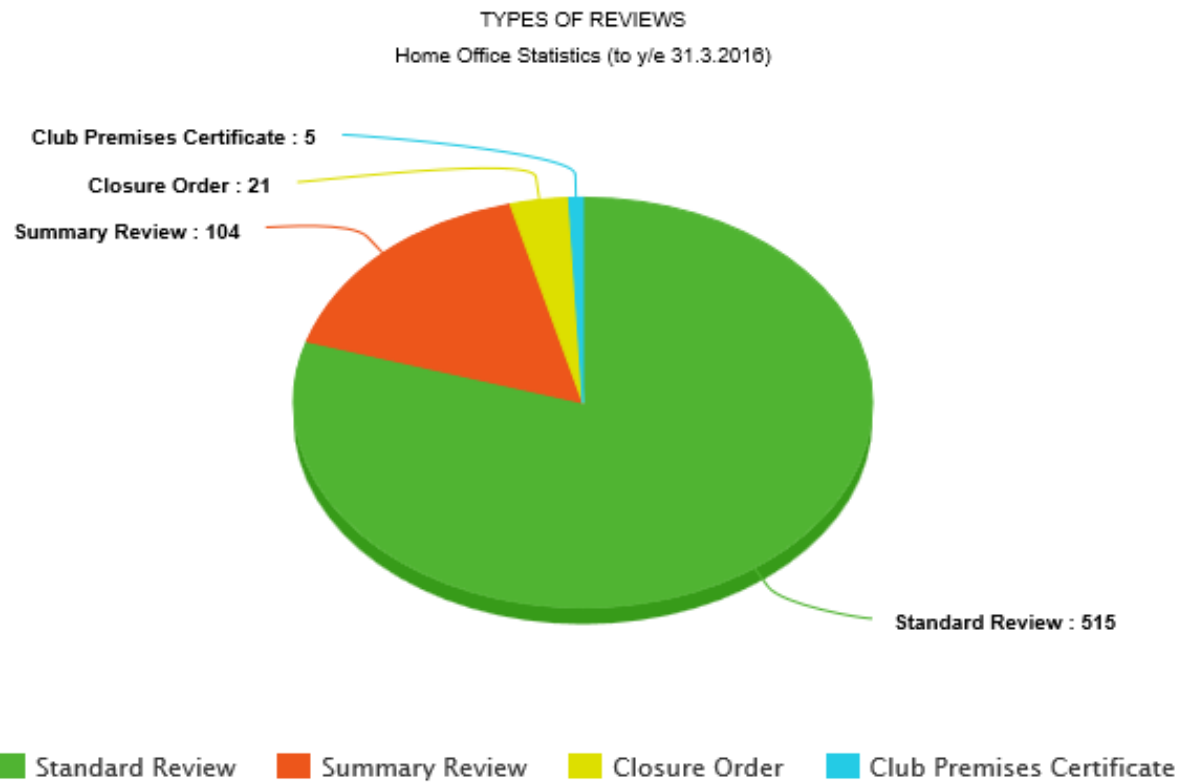
Licensing Act 2003

Member training Nov 17

Donna Riding
Principal Licensing Officer

Reviews

700 reviews undertaken in year 15/16



Types of Reviews

- **Standard Review** – s 51 LA03
- **Review following Closure Order** -s.76-93, Anti-Social Behaviour, Crime and Policing Act 2014
- **Review following Illegal Working Compliance Order** under Immigration Act 2016 – s. 167(1A) LA03
- **Summary/Expedited Review** – s 53A LA03



The reform of Summary Reviews



Criteria for use

- The premises is licensed for sale of alcohol, and
- A Police Superintendent (or above) has certified that in his opinion the premises is associated with:
 - serious crime
 - Or,
 - serious disorder
 - Or,
 - both.



Advantages over standard reviews

- Interim conditions/suspension within 48 hours
- Fast-track review of Premises Licence within 28 days
- Safeguards in place during appeal period

Summary review - Reforms

- Policing and Crime Act 2017 reforms significantly impact on:
 - Repeated challenges to interim steps
 - Duration of interim steps pending appeal
 - Appeals against interim steps



- Into force 6.4.2017

Summary Review - Reforms

- Government's aims:
 - Ensure public protected in the period between review hearing and appeal;
 - Ensure businesses are treated fairly and any interim steps are proportionate pending appeal.
 - Give LA maximum flexibility on interim solution



NEW S.182 GUIDANCE – APRIL 2017

- Revised April 2017
- Reflects statutory changes in force
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607237/182Guidance_05_04_17.pdf

Judgement Call

- s.182:
- [12.2] *The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and **should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken.***



Criteria for use

- The premises is licensed for sale of **alcohol**; and
- A police **Superintendent*** (or above) has **certified** that in his/her opinion the premises are **associated** with:
 - **Serious crime**
- Or,
- **Serious disorder**
- Or, Both.



Interim Steps provision

- On receipt of police application - licensing authority to consider within 48 hours whether it is **necessary** to take interim steps pending full review hearing [s 53A(2)].
- No *requirement* to take any interim steps

INTERIM STEPS CHALLENGED

- Interim steps may be challenged by PLH
- No time limit to make representations
- Hearing must take place within 48 hours of receipt of representations (excluding non-working days) to “consider interim steps”.



Interim steps challenged

- No right of appeal to magistrates' court against initial interim steps.
- Challenge by Judicial Review to High Court?

Full Review Hearing

- Full review hearing – open to all representations on all licensing objectives.
- Hearing must take place even if police withdraw application or representations [12.22]
- Hearing and determination must be made within 28 days (after day of receipt of police application)

Full Review Hearing

- Mirrors a standard review – LA to decide what steps **appropriate** and **proportionate** for the promotion of the licensing objectives:
 - Modification/addition of conditions
 - Exclusion of licensable activity
 - Removal of DPS
 - Suspension for up to 3 months
 - Revocation

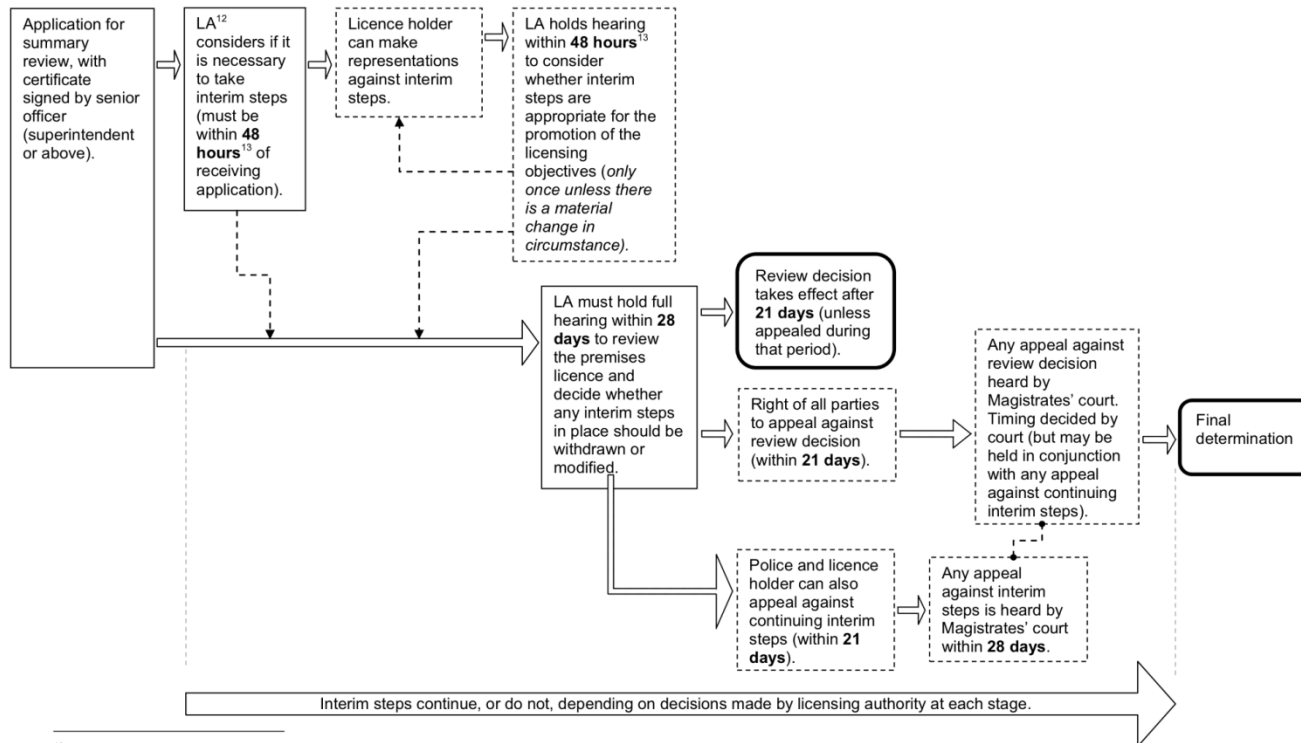


Summary Reviews appeal against final decision

- S.182 Guidance [12.34]:
 - *“Where appeals are lodged both against the decision following the review of the interim steps and against the final determination, the courts may decide to consider the appeal against the final determination within the 28 day period, allowing the interim steps appeal to be disposed of at the same time.”*



Summary Review Flowchart



¹² Licensing authority

¹³ Only working days count

