



# Violent Crime Reduction Act 2006

## 2006 CHAPTER 38

### PART 1

#### ALCOHOL-RELATED VIOLENCE AND DISORDER

### CHAPTER 3

#### OTHER PROVISIONS

#### *Licence reviews*

#### **21 Power of police to require review of premises licence**

After section 53 of the Licensing Act 2003 (c. 17), insert—

*“Summary reviews in serious cases of crime or disorder*

#### **53A Summary reviews on application of senior police officer**

- (1) The chief officer of police of a police force for a police area may apply under this section to the relevant licensing authority for a review of the premises licence for any premises wholly or partly in that area if—
  - (a) the premises are licensed premises in relation to the sale of alcohol by retail; and
  - (b) a senior member of that force has given a certificate that it is his opinion that the premises are associated with serious crime or serious disorder or both;and that certificate must accompany the application.
- (2) On receipt of such an application, the relevant licensing authority must—

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- (a) within 48 hours of the time of its receipt, consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
  - (b) within 28 days after the day of its receipt, review that licence in accordance with section 53C and reach a determination on that review.
- (3) The Secretary of State must by regulations—
- (a) require a relevant licensing authority to whom an application for a review under this section has been made to give notice of the review to the holder of the premises licence and to every responsible authority;
  - (b) prescribe the period after the making of the application within which the notice under paragraph (a) must be given;
  - (c) require a relevant licensing authority to advertise the review, inviting representations about it to be made to the authority by the responsible authorities and interested parties;
  - (d) prescribe the period after the making of the application within which the advertisement must be published;
  - (e) prescribe the period after the publication of the advertisement during which representations may be made by the holder of the premises licence, any responsible authority or any interested party; and
  - (f) require a notice or advertisement under paragraph (a) or (c) to specify the period prescribed under paragraph (e).
- (4) In this section—
- ‘senior member’, in relation to a police force, means a police officer who is a member of that force and of or above the rank of superintendent; and
  - ‘serious crime’ has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23) (see section 81(2) and (3) of that Act).
- (5) In computing the period of 48 hours mentioned in subsection (2)(a) time that is not on a working day is to be disregarded.

### **53B Interim steps pending review**

- (1) This section applies to the consideration by a relevant licensing authority on an application under section 53A whether it is necessary to take interim steps pending the determination of the review applied for.
- (2) The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority.
- (3) The interim steps the relevant licensing authority must consider taking are—
  - (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.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

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- (5) Where on its consideration of whether to take interim steps the relevant licensing authority does take one or more such steps—
  - (a) its decision takes effect immediately or as soon after that as that authority directs; but
  - (b) it must give immediate notice of its decision and of its reasons for making it to—
    - (i) the holder of the premises licence; and
    - (ii) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (6) If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- (7) The relevant licensing authority must give advance notice of the hearing to—
  - (a) the holder of the premises licence;
  - (b) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (8) At the hearing, the relevant licensing authority must—
  - (a) consider whether the interim steps are necessary for the promotion of the licensing objectives; and
  - (b) determine whether to withdraw or modify the steps taken.
- (9) In considering those matters the relevant licensing authority must have regard to—
  - (a) the certificate that accompanied the application;
  - (b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and
  - (c) any representations made by the holder of the premises licence.
- (10) In computing the period of 48 hours mentioned in subsection (6) time that is not on a working day is to be disregarded.

### **53C Review of premises licence following review notice**

- (1) This section applies to a review of a premises licence which a relevant licensing authority has to conduct on an application under section 53A.
- (2) The relevant licensing authority must—
  - (a) hold a hearing to consider the application for the review and any relevant representations;
  - (b) take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and
  - (c) secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b)).

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- (3) Those steps are—
  - (a) the modification of the conditions of the premises licence,
  - (b) the exclusion of a licensable activity from the scope of the licence,
  - (c) the removal of the designated premises supervisor from the licence,
  - (d) the suspension of the licence for a period not exceeding three months, or
  - (e) the revocation of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Subsection (2)(b) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step within subsection (3)(a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- (7) In this section ‘relevant representations’ means representations which—
  - (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
- (8) The requirements are—
  - (a) that the representations are made by the holder of the premises licence, a responsible authority or an interested party within the period prescribed under subsection 53A(3)(e),
  - (b) that they have not been withdrawn, and
  - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) 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.
- (10) Where a relevant licensing authority determines a review under this section it must notify the determination and its reasons for making it to—
  - (a) the holder of the premises licence,
  - (b) any person who made relevant representations, and
  - (c) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (11) A decision under this section does not have effect until—
  - (a) the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, the time the appeal is disposed of.”

## **22 Provisions supplemental to s. 21**

- (1) In section 10(4) of the Licensing Act 2003 (c. 17) (matters not capable of delegation to officers of a relevant licensing authority)—
  - (a) in paragraph (a), after sub-paragraph (vi) insert—

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“(via) section 53A(2)(a) or 53B (determination of interim steps pending summary review),”;

(b) after paragraph (b), insert—

“(ba) any function under section 53C (review following review notice), in a case where relevant representations (within the meaning of section 53C(7)) have been made,”.

(2) In Schedule 5 to that Act (appeals), after paragraph 8 insert—

*“Summary review of premises licence*

8A (1) This paragraph applies where a review of a premises licence is decided under section 53A(2)(b) (review of premises licence following review notice).

(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,
- (b) the holder of the premises licence, or
- (c) any other person who made relevant representations in relation to the application for the review.

(3) In sub-paragraph (2) ‘relevant representations’ has the meaning given in section 53C(7).”

*Persistently selling alcohol to children*

## **23 Offence of persistently selling alcohol to children**

(1) After section 147 of the Licensing Act 2003 (c. 17) insert—

### **“147A Persistently selling alcohol to children**

(1) A person is guilty of an offence if—

- (a) on 3 or more different occasions within a period of 3 consecutive months alcohol is unlawfully sold on the same premises to an individual aged under 18;
- (b) at the time of each sale the premises were either licensed premises or premises authorised to be used for a permitted temporary activity by virtue of Part 5; and
- (c) that person was a responsible person in relation to the premises at each such time.

(2) For the purposes of this section alcohol sold to an individual aged under 18 is unlawfully sold to him if—

- (a) the person making the sale believed the individual to be aged under 18; or
- (b) that person did not have reasonable grounds for believing the individual to be aged 18 or over.

(3) For the purposes of subsection (2) a person has reasonable grounds for believing an individual to be aged 18 or over only if—

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- (a) he asked the individual for evidence of his age and that individual produced evidence that would have convinced a reasonable person; or
  - (b) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.
- (4) A person is, in relation to premises and a time, a responsible person for the purposes of subsection (1) if, at that time, he is—
- (a) the person or one of the persons holding a premises licence in respect of the premises; or
  - (b) the person or one of the persons who is the premises user in respect of a temporary event notice by reference to which the premises are authorised to be used for a permitted temporary activity by virtue of Part 5.
- (5) The individual to whom the sales mentioned in subsection (1) are made may, but need not be, the same in each case.
- (6) The same sale may not be counted in respect of different offences for the purpose—
- (a) of enabling the same person to be convicted of more than one offence under this section; or
  - (b) of enabling the same person to be convicted of both an offence under this section and an offence under section 146 or 147.
- (7) In determining whether an offence under this section has been committed, the following shall be admissible as evidence that there has been an unlawful sale of alcohol to an individual aged under 18 on any premises on any occasion—
- (a) the conviction of a person for an offence under section 146 in respect of a sale to that individual on those premises on that occasion;
  - (b) the giving to a person of a caution (within the meaning of Part 5 of the Police Act 1997) in respect of such an offence; or
  - (c) the payment by a person of a fixed penalty under Part 1 of the Criminal Justice and Police Act 2001 in respect of such a sale.
- (8) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding £10,000.
- (9) The Secretary of State may by order amend subsection (8) to increase the maximum fine for the time being specified in that subsection.

#### **147B Order suspending a licence in respect of offence under section 147A**

- (1) Where the holder of a premises licence is convicted of an offence under section 147A in respect of sales on the premises to which the licence relates, the court may order that so much of the licence as authorises the sale by retail of alcohol on those premises is suspended for a period not exceeding three months.
- (2) Where more than one person is liable for an offence under section 147A relating to the same sales, no more than one order under subsection (1) may be made in relation to the premises in question in respect of convictions by reference to those sales.

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- (3) Subject to subsections (4) and (5), an order under subsection (1) comes into force at the time specified by the court that makes it.
  - (4) Where a magistrates' court makes an order under subsection (1), it may suspend its coming into force pending an appeal.
  - (5) Section 130 (powers of appellate court to suspend section 129 order) applies (with the omission of subsection (9)) where an order under subsection (1) is made on conviction of an offence under section 147A as it applies where an order under section 129 is made on conviction of a relevant offence in Part 6.”
- (2) In section 186(2) of that Act (persons who may institute prosecutions under that Act) —
- (a) in paragraph (a) (licensing authority), at the beginning insert “except in the case of an offence under section 147A,”; and
  - (b) in paragraph (c) (local weights and measures authority), for “or 147” substitute “, 147 or 147A”.
- (3) In section 197 of that Act (regulations and orders)—
- (a) in subsection (3), after paragraph (c) insert—
    - “(ca) an order under section 147A(9) (increase of maximum fine for offence of persistently selling alcohol to children) to which subsection (4A) applies;”;
  - (b) in subsection (4), after “(c),” insert “(ca),”;
  - (c) after subsection (4) insert—
    - “(4A) This subsection applies to an order under section 147A(9) if it appears to the Secretary of State that the power to make the order is being exercised for purposes that are not confined to the increase of the maximum fine to take account of changes in the value of money.”
- (4) A sale of alcohol is not to count for the purposes of the offence under section 147A of the Licensing Act 2003 (c. 17) if it took place before the commencement of this section.

## **24 Closure notices for persistently selling alcohol to children**

- (1) After section 169 of the Licensing Act 2003 insert—

*“Closure notices*

### **169A Closure notices for persistently selling alcohol to children**

- (1) A relevant officer may give a notice under this section (a ‘closure notice’) applying to any premises if—
- (a) there is evidence that a person (‘the offender’) has committed an offence under section 147A in relation to those premises;
  - (b) the relevant officer considers that the evidence is such that, if the offender were prosecuted for the offence, there would be a realistic prospect of his being convicted; and

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- (c) the offender is still, at the time when the notice is given, the holder of a premises licence in respect of those premises, or one of the holders of such a licence.
- (2) A closure notice is a notice which—
- (a) proposes a prohibition for a period not exceeding 48 hours on sales of alcohol on the premises in question; and
  - (b) offers the opportunity to discharge all criminal liability in respect of the alleged offence by the acceptance of the prohibition proposed by the notice.
- (3) A closure notice must—
- (a) be in the form prescribed by regulations made by the Secretary of State;
  - (b) specify the premises to which it applies;
  - (c) give such particulars of the circumstances believed to constitute the alleged offence (including the sales to which it relates) as are necessary to provide reasonable information about it;
  - (d) specify the length of the period during which it is proposed that sales of alcohol should be prohibited on those premises;
  - (e) specify when that period would begin if the prohibition is accepted;
  - (f) explain what would be the effect of the proposed prohibition and the consequences under this Act (including the maximum penalties) of a sale of alcohol on the premises during the period for which it is in force;
  - (g) explain the right of every person who, at the time of the alleged offence, held or was one of the holders of a premises licence in respect of those premises to be tried for that offence; and
  - (h) explain how that right may be exercised and how (where it is not exercised) the proposed prohibition may be accepted.
- (4) The period specified for the purposes of subsection (3)(d) must be not more than 48 hours; and the time specified as the time from which that period would begin must be not less than 14 days after the date of the service of the closure notice in accordance with subsection (6).
- (5) The provision included in the notice by virtue of subsection (3)(h) must—
- (a) provide a means of identifying a police officer or trading standards officer to whom notice exercising the option to accept the prohibition may be given;
  - (b) set out particulars of where and how that notice may be given to that police officer or trading standards officer;
  - (c) require that notice to be given within 14 days after the date of the service of the closure notice; and
  - (d) explain that the right to be tried for the alleged offence will be taken to have been exercised unless every person who, at the time of the notice, holds or is one of the holders of the premises licence for the premises in question accepts the proposed prohibition.
- (6) Section 184 (giving of notices) does not apply to a closure notice; but such a notice must be served on the premises to which it applies.



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- (7) A closure notice may be served on the premises to which it applies—
  - (a) only by being handed by a constable or trading standards officer to a person on the premises who appears to the constable or trading standards officer to have control of or responsibility for the premises (whether on his own or with others); and
  - (b) only at a time when it appears to that constable or trading standards officer that licensable activities are being carried on there.
- (8) A copy of every closure notice given under this section must be sent to the holder of the premises licence for the premises to which it applies at whatever address for that person is for the time being set out in the licence.
- (9) A closure notice must not be given more than 3 months after the time of the last of the sales to which the alleged offence relates.
- (10) No more than one closure notice may be given in respect of offences relating to the same sales; nor may such a notice be given in respect of an offence in respect of which a prosecution has already been brought.
- (11) In this section ‘relevant officer’ means—
  - (a) a police officer of the rank of superintendent or above; or
  - (b) an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985.

#### **169B Effect of closure notices**

- (1) This section applies where a closure notice is given under section 169A in respect of an alleged offence under section 147A.
  - (2) No proceedings may be brought for the alleged offence or any related offence at any time before the time when the prohibition proposed by the notice would take effect.
  - (3) If before that time every person who, at the time of the notice, holds or is one of the holders of the premises licence for the premises in question accepts the proposed prohibition in the manner specified in the notice—
    - (a) that prohibition takes effect at the time so specified in relation to the premises in question; and
    - (b) no proceedings may subsequently be brought against any such person for the alleged offence or any related offence.
  - (4) If the prohibition contained in a closure notice takes effect in accordance with subsection (3)(a) in relation to any premises, so much of the premises licence for those premises as authorises the sale by retail of alcohol on those premises is suspended for the period specified in the closure notice.
  - (5) In this section ‘related offence’, in relation to the alleged offence, means an offence under section 146 or 147 in respect of any of the sales to which the alleged offence relates.
  - (6) The operation of this section is not affected by any contravention of section 169A(8).”
- (2) In subsection (1) of section 170 of that Act (exemptions from liability)—

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- (a) for “A constable is not” substitute “Neither a constable nor a trading standards officer is”; and
  - (b) at the end insert “or of his functions in relation to a closure notice”.
- (3) For subsection (2) of that section substitute—
- “(2) Neither a chief officer of police nor a local weights and measures authority is liable for relevant damages in respect of any act or omission of a person in the performance or purported performance, while under the direction or control of such a chief officer or local weights and measures authority—
- (a) of a function of that person in relation to a closure order, or any extension of it; or
  - (b) of a function in relation to a closure notice.”
- (4) After subsection (4) of that section insert—
- “(4A) In this section references to a constable include references to a person exercising the powers of a constable by virtue of a designation under section 38 of the Police Reform Act 2002 (community support officers etc.); and, in relation to such a person, the first reference in subsection (2) to a chief officer of police has effect as a reference to a police authority.”
- (5) In section 171(5) of that Act (expressions defined for the purposes of Part 8),
- (a) after the definition of “appropriate person” insert—
    - “‘closure notice’ has the meaning given in section 169A;”
  - (b) after the definition of “extension” insert—
    - “‘local weights and measures authority’ has the meaning given by section 69 of the Weights and Measures Act 1985;”
  - (c) after the definition of “senior police officer” insert—
    - “‘trading standards officer’, in relation to any premises to which a premises licence relates, means a person authorised by a local weights and measures authority to act in the area where those premises are situated in relation to proposed prohibitions contained in closure notices;”.
- (6) In Part 1 of Schedule 4 to the Police Reform Act 2002 (c. 30) (powers of community support officers), after paragraph 5 insert—
- “Power to serve closure notice for licensed premises persistently selling to children*
- 5A       Where a designation applies this paragraph to any person, that person shall have—
- (a) within the relevant police area, and
  - (b) if it appears to him as mentioned in subsection (7) of section 169A of the Licensing Act 2003 (closure notices served on licensed premises persistently serving children),
- the capacity of a constable under that subsection to be the person by whose delivery of a closure notice that notice is served.”

*Door supervision at licensed premises*

**25 Mandatory premises licence condition: door supervision**

- (1) Section 21 of the Licensing Act 2003 (c. 17) (mandatory condition: door supervision) is amended as follows.
- (2) In subsection (1) for “be licensed by the Security Industry Authority” substitute “—
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of that Act.”
- (3) In subsection (3) in paragraph (a), at the end insert “and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)”.

*Alcohol related disorder in public places*

**26 Designated public places**

- (1) Section 14 of the Criminal Justice and Police Act 2001 (c. 16) (places which are not designated public places) is amended as follows.
- (2) In subsection (1)—
  - (a) for paragraph (a) substitute—
    - “(a) premises in respect of which a premises licence has effect which authorises the premises to be used for the sale or supply of alcohol;
    - (aa) premises in respect of which a club premises certificate has effect which certifies that the premises may be used by the club for the sale or supply of alcohol;”
  - (b) in paragraph (b), after “(a)” insert “or (aa)”;
  - (c) in paragraph (c), for “20” substitute “30”.
- (3) After subsection (1) insert—
  - “(1A) Subsection (1B) applies to premises falling within subsection (1)(a) if—
    - (a) the premises licence is held by a local authority in whose area the premises or part of the premises is situated; or
    - (b) the premises licence is held by another person but the premises are occupied by such an authority or are managed by or on behalf of such an authority.
  - (1B) Subsection (1) prevents premises to which this subsection applies from being, or being part of, a designated public place only—
    - (a) at times when it is being used for the sale or supply of alcohol; and
    - (b) at times falling within 30 minutes after the end of a period during which it has been so used.
  - (1C) In this section ‘premises licence’ and ‘club premises certificate’ have the same meaning as in the Licensing Act 2003.”

## **27 Directions to individuals who represent a risk of disorder**

- (1) If the test in subsection (2) is satisfied in the case of an individual aged 16 or over who is in a public place, a constable in uniform may give a direction to that individual—
  - (a) requiring him to leave the locality of that place; and
  - (b) prohibiting the individual from returning to that locality for such period (not exceeding 48 hours) from the giving of the direction as the constable may specify.
- (2) That test is—
  - (a) that the presence of the individual in that locality is likely, in all the circumstances, to cause or to contribute to the occurrence of alcohol-related crime or disorder in that locality, or to cause or to contribute to a repetition or continuance there of such crime or disorder; and
  - (b) that the giving of a direction under this section to that individual is necessary for the purpose of removing or reducing the likelihood of there being such crime or disorder in that locality during the period for which the direction has effect or of there being a repetition or continuance in that locality during that period of such crime or disorder.
- (3) A direction under this section—
  - (a) must be given in writing;
  - (b) may require the individual to whom it is given to leave the locality in question either immediately or by such time as the constable giving the direction may specify;
  - (c) must clearly identify the locality to which it relates;
  - (d) must specify the period for which the individual is prohibited from returning to that locality;
  - (e) may impose requirements as to the manner in which that individual leaves the locality, including his route; and
  - (f) may be withdrawn or varied (but not extended so as to apply for a period of more than 48 hours) by a constable.
- (4) A constable may not give a direction under this section that prevents the individual to whom it is given—
  - (a) from having access to a place where he resides;
  - (b) from attending at any place which he is required to attend for the purposes of any employment of his or of any contract of services to which he is a party;
  - (c) from attending at any place which he is expected to attend during the period to which the direction applies for the purposes of education or training or for the purpose of receiving medical treatment; or
  - (d) from attending at any place which he is required to attend by any obligation imposed on him by or under an enactment or by the order of a court or tribunal.
- (5) A constable who gives a direction under this section must make a record of—
  - (a) the terms of the direction and the locality to which it relates;
  - (b) the individual to whom it is given;
  - (c) the time at which it is given;
  - (d) the period during which that individual is required not to return to the locality.

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- (6) A person who fails to comply with a direction under this section is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (7) In section 64A of the Police and Criminal Evidence Act 1984 (c. 60) (power to photograph suspects), in subsection (1B), after paragraph (c) insert—
- “(ca) given a direction by a constable under section 27 of the Violent Crime Reduction Act 2006;”.
- (8) In this section “public place” means—
- (a) a highway; or
  - (b) any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;
- and for this purpose “place” includes a place on a means of transport.