



# City of Newcastle upon Tyne Act 2000

## 2000 CHAPTER viii

### PART 3

#### REGISTRATION OF DOOR SUPERVISORS

#### 6 Interpretation of Part 3

In this Part of this Act—

“door supervisor” means any person employed at or near the entrance to licensed premises to ascertain or satisfy himself as to the suitability of customers to be allowed on those premises or any person employed to maintain order on those premises but, in respect of premises in respect of which there is in force for the time being a justices' on-licence within the meaning of section 1(2) of the Licensing Act 1964 (c. 26), does not include the holder of that licence;

“licensed premises” means any premises in respect of which there is in force for the time being a justices' on-licence within the meaning of section 1(2) of the Licensing Act 1964 or an occasional licence within the meaning of section 180(1) of that Act or any premises in respect of which there is in force a licence under the Private Places of Entertainment (Licensing) Act 1967 (c. 19) or any premises in respect of which there is in force a licence under Schedule 1 to the Act of 1982 or an occasional permission granted under section 1 of the Licensing (Occasional Permissions) Act 1983 (c. 24) but does not include any such premises—

- (a) in respect of which there is in force a licence under the Cinemas Act 1985 (c. 13) provided that the premises to which such licence relates are in use wholly or mainly for the purpose authorised by such licence; or
- (b) in respect of which there is in force—
  - (i) a licence under the Theatres Act 1968 (c. 54); or
  - (ii) letters patent of the Crown by virtue of which it is lawful for those premises to be used for the public performance of plays without a licence under the Theatres Act 1968;

except when a play as defined in the said Act of 1968 is not being performed and the premises are being used for a purpose for which a

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licence is required under the Private Places of Entertainment (Licensing) Act 1967 or under Schedule 1 to the Act of 1982 other than a concert of classical music; or

- (c) in respect of which there is in force a licence under Part II of the Gaming Act 1968 (c. 65); or
- (d) which from time to time are by resolution of the council excluded from the operation of this Part of this Act; or
- (e) which are kept open wholly or mainly as a tenpin bowling establishment; and

“registration” means registration as a door supervisor under section 7 (Registration of door supervisors) of this Act.

## **7 Registration of door supervisors**

On and from the appointed day no person may be employed on licensed premises within the city as a door supervisor unless he holds a valid current registration from the council.

## **8 Power to register**

- (1) The council may register an applicant and from time to time renew a registration on such terms and conditions and subject to such restrictions as may be specified.
- (2) Without prejudice to the generality of subsection (1) above, such conditions may relate to—
  - (a) the wearing of an identification card whilst on duty;
  - (b) an obligation to notify the council of an arrest or prosecution for a relevant offence, or any caution by a police officer for such an offence during the period of registration; and
  - (c) training.
- (3) In subsection (2) above “relevant offence” means—
  - (a) any offence of violence or dishonesty;
  - (b) any public order offence;
  - (c) any sexual offence within the meaning of section 31 of the Criminal Justice Act 1991 (c. 53); or
  - (d) any offence under the Misuse of Drugs Act 1971 (c. 38).
- (4) Provided it has not been cancelled or revoked the registration shall remain in force for one year or such shorter period as the council may have specified at the time of registration.

## **9 Applications under Part 3**

- (1) An applicant for registration as a door supervisor or for renewal of a registration shall not later than the day the application is made send a copy of any application document to the chief constable and, subject to subsection (2) below, no such application shall be considered by the council unless the applicant complies with this subsection and consents to the disclosure to the council by the police of the record of his criminal convictions, including any spent convictions (within the meaning of the Rehabilitation

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of Offenders Act 1974 (c. 53)) evidence in relation to which is capable of being admitted under section 7(3) of that Act.

- (2) The council may, in such cases as they think fit, after consulting with the chief constable consider an application for the grant or renewal of a registration notwithstanding that the applicant has failed to comply with subsection (1) above.
- (3) In considering an application for the grant or renewal of a registration the council shall have regard to any observations submitted to them by the chief constable within 28 days of the making of the application and may have regard to any observations submitted by him thereafter.
- (4) An applicant for the grant or renewal of registration shall furnish such particulars as the council may by regulation prescribe.
- (5) Regulations under subsection (4) above may, inter alia, prescribe the procedure for determining applications.
- (6) An applicant for the grant or renewal of a registration shall pay such reasonable fee as may be determined by the council which may, without prejudice to the generality of the foregoing, when taken together with other such fees charged by the council, be sufficient to cover the reasonable administrative costs of the council in operating the provisions of this Part of this Act and of training persons to be door supervisors.
- (7) Where, before the date of expiry of a registration, an application has been made for its renewal the registration shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications until the determination of the application by the council or the withdrawal of the application.

## **10 Refusal of registration**

- (1) The council may refuse to grant or renew a registration on any of the following grounds:—
  - (a) the applicant could be reasonably regarded as not being a fit and proper person to hold a registration;
  - (b) the applicant has received insufficient training;
  - (c) the applicant has made a material statement which he knew to be false in a material particular in connection with his application;
  - (d) the applicant has failed to comply with the requirements of subsection (4) or (6) of section 9 (Applications under Part 3) of this Act;
  - (e) any other reasonable cause.
- (2) The council shall not refuse to grant or renew a registration without giving the applicant an opportunity to appear before the committee, sub-committee or officer determining the matter.
- (3) Where the council refuse to grant or renew a registration, they shall if required to do so by the applicant give the applicant a statement in writing of the reasons for their decision within 7 days of the applicant requiring them to do so.

## **11 Cancellation**

The council may, at the written request of the holder of a registration, cancel that registration.

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## **12 Suspension and revocation**

- (1) The council may suspend or revoke a registration on any of the grounds included in section 10 (Refusal of registration) of this Act.
- (2) Where the council consider that a registration could be suspended or revoked under subsection (1) above they may instead of suspending or revoking it attach additional conditions to the registration.
- (3) The council shall not suspend, revoke, or attach additional conditions to, a registration without giving the holder of the registration an opportunity to appear before the committee, sub-committee or officer determining the matter.
- (4) Where the council suspend, revoke, or attach additional conditions to, a registration, they shall if required to do so by the holder of the registration give the holder a statement in writing of the reasons for their decision within 7 days of the holder requiring them to do so.

## **13 Power to prescribe standard terms, conditions and restrictions under Part 3**

- (1) The council may make regulations prescribing standard conditions applicable to all registrations.
- (2) Where the council have made regulations under this section every such registration granted or renewed by them shall be deemed to have been so granted or renewed subject to the standard conditions except so far as they are expressly excluded or amended in any particular case.

## **14 Appeals under Part 3**

- (1) Any of the following persons, that is to say:—
  - (a) an applicant for the grant or renewal of a registration whose application is refused;
  - (b) the holder of a registration who is aggrieved by any term, condition or restriction on or subject to which the registration is held; or
  - (c) the holder of a registration whose registration is suspended or revoked under section 12 (Suspension and revocation) of this Act;may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to a magistrates' court acting for a petty sessions area which includes the city by way of complaint for an order.
- (2) In this section “the relevant date” means either the date on which the person in question or his representative is informed orally of the refusal of his application, the imposition of the terms, conditions or restrictions by which he is aggrieved or the suspension or revocation of his registration, as the case may be, or 7 days after the date when such notification was posted to him by first class pre-paid letter, whichever is the earlier.
- (3) An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.
- (4) On an appeal to the magistrates' court or to the Crown Court under this section the court may make such order as it thinks fit and it shall be the duty of the council to give effect to such order.

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- (5) Where a registration is suspended or revoked under section 12 (Suspension and revocation) of this Act or an application for the renewal of a registration is refused, the registration shall be deemed to remain in force—
- (a) until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and
  - (b) where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the council.
- (6) Where a registration is renewed under section 8 (Power to register) of this Act and the council specify a term, condition or restriction which was not previously specified in relation to that licence or such a condition or restriction is imposed under section 12(2) of this Act the registration shall be deemed to be free of it until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

## **15 Enforcement under Part 3**

- (1) If the holder of a licence in respect of licensed premises or any person concerned in the conduct or management of such premises employs a person as a door supervisor who is not currently registered with the council he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) Any person who is employed on licensed premises as a door supervisor without being currently registered with the council shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) Any person who—
- (a) contravenes any of the conditions of his registration; or
  - (b) resists or intentionally obstructs any person in the execution of his duties under this Part of this Act; or
  - (c) in connection with his application for registration makes a statement which he knows to be false in a material particular,
- shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## **16 Powers of entry under Part 3**

- (1) An authorised officer (on production, if so required, of a duly authenticated document of his authority) or any constable may at all reasonable times enter upon any premises where he has reasonable cause to believe—
- (a) persons are being employed or are acting as door supervisors who have not been registered by the council; or
  - (b) door supervisors are contravening any of the conditions of the registration,
- and may inspect the premises and anything in them for the purpose of ascertaining whether an offence has been committed.
- (2) The power of an authorised officer or constable under subsection (1) above to inspect anything on any premises includes power to require any information which is kept by means of a computer and is accessible from the premises to be made available for inspection in a visible and legible form.

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- (3) Subsections (2), (3) and (4) of section 287 of the Public Health Act 1936 (c. 49) shall apply in respect of entry to premises for the purpose of this section as they apply to entry to premises for the purposes of subsection (1) of that section.

## **17 Confidentiality**

- (1) A person who discloses information which he has obtained by virtue of this Part of this Act and which relates to the affairs of a particular business shall be guilty of an offence unless he does so—
- (a) with the consent of the person for the time being carrying on the business; or
  - (b) in the exercise of functions under this Part of this Act.
- (2) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
  - (b) on conviction on indictment, to imprisonment not exceeding two years or a fine or both.

## **18 Application to existing door supervisors**

Persons who are employed as door supervisors on the appointed day and who apply for registration within four weeks of that day or within such longer period as the council may determine with respect to any particular person may lawfully continue to be employed as door supervisors until the determination or withdrawal of their application and if an appeal is duly lodged until the determination or abandonment of the appeal.

## **19 Defence of due diligence**

- (1) In proceedings for an offence under any provision of this Part of this Act except subsections (2) and (3) of section 15 (Enforcement under Part 3) of this Act it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (2) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession, identifying, or assisting in the identification of, that other person.