



London Local Authorities Act 2004

2004 CHAPTER i

PART 5

MISCELLANEOUS

19 Night café licensing

- (1) In section 4 (Interpretation of Part II) of the [London Local Authorities Act 1990 \(c. vii\)](#), in the definition of “night café”, for paragraphs (a) and (b) there shall be substituted—
 - “(a) any premises in a borough which are kept open, for public refreshments, at any time between 11pm and 5am; or
 - (aa) any premises in a borough which—
 - (i) are kept open, for public refreshment on the premises, at any time between 5am and 11pm; and
 - (ii) are also open, but not for that purpose, at any time between 11pm and 5am; or
 - (b) any premises in a borough where meals or refreshments are supplied, for consumption exclusively off the premises, at any time between midnight and 5am; or”.
- (2) The said section 4 as so amended shall be renumbered as subsection (1) of that section and after that provision as so renumbered there shall be inserted—
 - “(2) Paragraph (aa) of the definition of “night café” in subsection (1) above does not apply to any premises solely because persons are allowed to remain in the premises in order to finish the consumption of refreshment provided to them before 11pm, at any time between 11pm and 11.20pm.”.
- (3) Section 17 (which makes provision about powers of entry in respect of night cafés) of the said Act of 1990 applies in the area of a borough council as if, after subsection (1) (b), the following paragraph were inserted—
 - “(c) An authorised officer may at all reasonable times enter upon, inspect and examine premises which are licensed under this Part of this Act

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to ascertain whether conditions attached to the licence by virtue of section 6 (Licensing) of this Act are being complied with.”.

20 Street trading

- (1) Part III (Street trading) of the [London Local Authorities Act 1990 \(c. vii\)](#) is amended in accordance with Schedule 4 to this Act.
- (2) The definition of “street trading” in section 2 (Interpretation) of the [City of Westminster Act 1999 \(c. i\)](#) is amended by the insertion, after paragraph (a), of the following paragraph—
 - “(aa) the purchasing of or offering to purchase any ticket for gain or reward; and”.

21 Licensing: powers of entry

- (1) Paragraph 12(1) of Schedule 12 (Licensing of public entertainment in Greater London) of the London Government Act 1963 (c. 33) applies in the area of a borough council as if the words from “at which he has reason to believe” to “about to be given” were omitted.
- (2) Section 15 of the [London Local Authorities Act 1991 \(c. xiii\)](#) (which makes provision about powers of entry in respect of special treatment premises), is amended by the insertion after subsection (1) of the following subsection—
 - “(1A) An authorised officer may at all reasonable times enter upon, inspect and examine premises which are licensed under this Part of this Act to ascertain whether conditions attached to the licence by virtue of section 6 (Licensing under Part II) of this Act are being complied with.”.

22 Soliciting for custom

- (1) Subject to the following provisions, it is an offence, in a public place in the area of a borough council, to solicit persons, or to permit the soliciting of persons, to attend—
 - (a) premises which the council are satisfied are being, or within the last 7 days have been, used for the unlicensed sale of intoxicating liquor for consumption on, or in the vicinity of, the premises;
 - (b) premises which the council are satisfied are being, or within the last 7 days have been, used for the purposes of public dancing or music and any other public entertainment of the like kind, but which are not licensed under paragraph 12 of Schedule 12 to the London Government Act 1963 (c. 33);
 - (c) premises which the council are satisfied are being, or within the last 7 days have been, used for the provision of—
 - (i) entertainment of a description falling within paragraph 2(e), (f) or (g) of Schedule 1 to the Licensing Act 2003 (c. 17); or
 - (ii) entertainment facilities falling within paragraph 3(1) of that Schedule, and in respect of which a premises licence under Part 3 of that Act is required but not held; or
 - (d) near beer premises within the meaning of section 14 of the [London Local Authorities Act 1995 \(c. x\)](#) in respect of which no near beer licence under section 16 (Licensing) of that Act is held.

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- (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) This section shall not apply in respect of the operational land of a person authorised by any enactment to carry on any railway, light railway or tramway undertaking.
- (4) In this section “public place” includes any highway and any other premises or place in the open to which at the material time the public have or are permitted to have access (whether on payment or otherwise).

23 Greater London Magistrates' Courts Authority

Regulations under section 59B(3) of the Justices of the Peace Act 1997 (c. 25) may provide that the amount to be paid by each London local authority to the Greater London Magistrates' Courts Authority under that subsection may be determined by reference to the council tax base for each London local authority, calculated in accordance with regulations made under section 33 of the Local Government Finance Act 1992 (c. 14).

24 Hotel Proprietors Act 1956

- (1) The Hotel Proprietors Act 1956 (c. 62) (which makes provision for the making good of loss or damage to a guest's property by hotel proprietors) shall have effect in the area of a borough council as if—
 - (a) in section 2(3) for “fifty pounds” there were substituted “£750” and for “one hundred pounds” there were substituted “£1,500”; and
 - (b) in paragraph (b) of the Schedule for “£50” there were substituted “£750” and for “£100” there were substituted “£1,500”.
- (2) The Secretary of State may, by regulations, alter the amounts mentioned in the said section 2(3) and paragraph (b) as amended by subsection (1) above.
- (3) Regulations under this section may have effect only in relation to the area of a borough council.

25 Enforcement of control as to advertisements

Section 224 (Enforcement of control as to advertisements) of the Town and Country Planning Act 1990 (c. 8) shall apply in the area of a borough council as if—

- (a) in subsection (5) for the words “if he proves that it was displayed without his knowledge or consent” there were substituted “if he proves either of the matters specified in subsection (6) below”; and
- (b) after that subsection there were inserted—

“(6) The matters are—

- (a) that the advertisement was displayed or, as the case may be, continued to be displayed without his knowledge; or
- (b) that he took all reasonable steps and exercised all due diligence to prevent the display or, as the case may be, to secure that the display was discontinued.”.

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26 Provision of information to authorised officer

- (1) This section applies where an authorised officer of a borough council has reasonable grounds for suspecting that any offence in respect of which the council may prosecute legal proceedings has been committed or attempted, or is being committed or attempted.
- (2) If, on being requested by the authorised officer to furnish his name and address for service of a summons or fixed penalty notice, the relevant person—
 - (a) fails to furnish a name; or
 - (b) furnishes a false name; or
 - (c) furnishes a false address,the relevant person shall, unless the authorised officer failed to produce his authorisation on making the request, be guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.
- (3) In this section “the relevant person” means any person whom the authorised officer has reasonable grounds to suspect of having committed or having attempted to commit the offence or being in the course of committing or attempting to commit it.

27 Application of London Local Authorities Act 2000

- (1) In the definition of “participating council” in section 2 (Interpretation) of the [London Local Authorities Act 2000 \(c. vii\)](#), the words “other than Barnet” are repealed and the provisions of that Act shall apply in the area of the London Borough of Barnet.
- (2) In the definition of “outer London borough” in subsection (6) of section 45 (Dangerous structures) of that Act, the words “but does not include the London Borough of Barnet” are repealed.
- (3) Subsection (1) of section 4 (Service of penalty charge notice on the basis of information provided by camera, etc.) of that Act is repealed.