

Status: Point in time view as at 20/10/2014.

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Licensing Act 2003

2003 CHAPTER 17

PART 8

CLOSURE OF PREMISES

Closure of identified premises

^{F1}161 Closure orders for identified premises

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Textual Amendments

F1 Ss. 161-166 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 34](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))

^{F1}162 Extension of closure order

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Textual Amendments

F1 Ss. 161-166 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 34](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))

^{F1}163 Cancellation of closure order

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Textual Amendments

F1 Ss. 161-166 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 34](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by [S.I. 2014/2754](#), arts. 1, 3(a))

F1 164 Application to magistrates' court by police

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Textual Amendments

F1 Ss. 161-166 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 34](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by [S.I. 2014/2754](#), arts. 1, 3(a))

F1 165 Consideration of closure order by magistrates' court

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Textual Amendments

F1 Ss. 161-166 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 34](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by [S.I. 2014/2754](#), arts. 1, 3(a))

F1 166 Appeal from decision of magistrates' court

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Textual Amendments

F1 Ss. 161-166 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 34](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by [S.I. 2014/2754](#), arts. 1, 3(a))

167 Review of premises licence following closure order

- (1) This section applies where—
 - (a) [^{F2}a magistrates' court has made a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, or the Crown Court has made a closure order on appeal under section 84 of that Act,] in relation to premises in respect of which a premises licence has effect, and
 - (b) the relevant licensing authority has [^{F3}accordingly received a notice under section 80(9) or 84(7) of that Act].
- (2) The relevant licensing authority must review the premises licence.

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- (3) The authority must reach a determination on the review no later than 28 days after the day on which it receives the notice mentioned in subsection (1)(b).
- (4) The Secretary of State must by regulations—
 - (a) require the relevant licensing authority to give, to the holder of the premises licence and each responsible authority, notice of [^{F4}the review and of the order mentioned in subsection (1)(a)];
 - (b) require the authority to advertise the review and invite representations about it to be made to the authority by responsible authorities and [^{F5}other persons];
 - (c) prescribe the period during which representations may be made by the holder of the premises licence, any responsible authority or any [^{F6}other person];
 - (d) require any notice under paragraph (a) or advertisement under paragraph (b) to specify that period.
- (5) The relevant licensing authority must—
 - (a) hold a hearing to consider [^{F7}the order mentioned in subsection (1)(a) and any relevant representations;]
 - (b) take such of the steps mentioned in subsection (6) (if any) as it considers [^{F8}appropriate] for the promotion of the licensing objectives.
- (6) Those steps are—
 - (a) to modify the conditions of the premises licence,
 - (b) to exclude a licensable activity from the scope of the licence,
 - (c) to remove the designated premises supervisor from the licence,
 - (d) to suspend the licence for a period not exceeding three months, or
 - (e) to revoke the licence;and for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (7) Subsection (5)(b) is subject to sections [^{F9}19 to 21] (requirement to include certain conditions in premises licences).
- (8) Where the authority takes a step within subsection (6)(a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- (9) 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 (10).
- (10) The requirements are—
 - (a) that the representations are made by the holder of the premises licence, a responsible authority or [^{F10}any other person] within the period prescribed under subsection (4)(c),
 - (b) that they have not been withdrawn, and
 - (c) if they are made by [^{F11}a person who is not a responsible authority], that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (11) 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.

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- (12) Where a 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 licence,
 - (b) any person who made relevant representations, and
 - (c) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (13) Section 168 makes provision about when the determination takes effect.
- (14) In this section [^{F12c}“responsible authority” has] the same meaning as in Part 3.

Textual Amendments

- F2** Words in s. 167(1)(a) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 35\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))
- F3** Words in s. 167(1)(b) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 35\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))
- F4** Words in s. 167(4)(a) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 35\(4\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))
- F5** Words in s. 167(4)(b) substituted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 106\(6\)\(a\)](#), 157(1) (with s. 106(7)); S.I. 2012/896, art. 2(b); S.I. 2012/1129, art. 2(d)
- F6** Words in s. 167(4)(c) substituted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 106\(6\)\(b\)](#), 157(1) (with s. 106(7)); S.I. 2012/896, art. 2(b); S.I. 2012/1129, art. 2(d)
- F7** Words in s. 167(5)(a) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 35\(5\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))
- F8** Word in s. 167(5)(b) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 111\(6\)](#), 157(1) (with s. 111(9)); S.I. 2012/1129, art. 2(d)
- F9** Words in s. 167(7) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 43](#); S.I. 2010/125, [art. 2\(t\)](#)
- F10** Words in s. 167(10)(a) substituted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 106\(6\)\(c\)](#), 157(1) (with s. 106(7)); S.I. 2012/896, art. 2(b); S.I. 2012/1129, art. 2(d)
- F11** Words in s. 167(10)(c) substituted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 106\(6\)\(d\)](#), 157(1) (with s. 106(7)); S.I. 2012/896, art. 2(b); S.I. 2012/1129, art. 2(d)
- F12** Words in s. 167(14) substituted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 106\(6\)\(e\)](#), 157(1) (with s. 106(7)); S.I. 2012/896, art. 2(b); S.I. 2012/1129, art. 2(d)

Commencement Information

- I1** S. 167(4) in force at 16.12.2003 by S.I. 2003/3222, [art. 2](#), [Sch.](#) and s. 167 otherwise in force at 24.11.2005 by S.I. 2005/3056, [art. 2\(2\)](#)

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168 Provision about decisions under section 167

- (1) Subject to this section, a decision under section 167 does not have effect until the relevant time.
- (2) In this section “the relevant time”, in relation to any decision, means—
 - (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.
- (3) Subsections (4) and (5) apply where—
 - (a) the relevant licensing authority decides on a review under section 167 to take one or more of the steps mentioned in subsection (6)(a) to (d) of that section, and
 - (b) the premises to which the licence relates [^{F13}are closed at the time of the decision by virtue of an closure order made under section 80 or 84 of the Anti-social Behaviour, Crime and Policing Act 2014].
- (4) The decision by the relevant licensing authority to take any of the steps mentioned in section 167(6)(a) to (d) takes effect when it is notified to the holder of the licence under section 167(12).

This is subject to subsection (5) and paragraph 18(3) of Schedule 5 (power of magistrates' court to suspend decision pending appeal).
- (5) The relevant licensing authority may, on such terms as it thinks fit, suspend the operation of that decision (in whole or in part) until the relevant time.
- (6) Subsection (7) applies where—
 - (a) the relevant licensing authority decides on a review under section 167 to revoke the premises licence, and
 - (b) the premises to which the licence relates [^{F14}are closed at the time of the decision by virtue of an closure order made under section 80 or 84 of the Anti-social Behaviour, Crime and Policing Act 2014].
- (7) The premises must remain closed (but the licence otherwise in force) until the relevant time.

This is subject to paragraph 18(4) of Schedule 5 (power of magistrates' court to modify closure order pending appeal).
- (8) A person commits an offence if, without reasonable excuse, he allows premises to be open in contravention of subsection (7).
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000, or to both.

Textual Amendments

F13 Words in s. 168(3)(b) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 36](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))

F14 Words in s. 168(6)(b) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 36](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))

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^{F15}**169 Enforcement of closure order**

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Textual Amendments

F15 S. 169 repealed (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 37](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))

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