Policing and Crime Act 2017

2017 CHAPTER 3

PART 7

ALCOHOL AND LATE NIGHT REFRESHMENT

Licensing

138 Personal licences: licensing authority powers in relation to convictions

(1) The Licensing Act 2003 is amended as follows.

(2) In section 10(4)(a) (functions that may not be delegated to an officer) after sub-paragraph (xii) insert—

"(xiii) section 132A(8) and (12) (revocation or suspension of licence by local authority where it becomes aware of convictions or immigration penalties),".

(3) After section 132 (licence holder's duty to notify licensing authority of convictions) insert—

"**132A Convictions etc of licence-holder: powers of licensing authority**

(1) This section applies where a licensing authority has granted a personal licence and it becomes aware (whether by virtue of section 123(1), 131 or 132 or otherwise) that the holder of the licence ("the licence holder") has been, at any time before or after the grant of the licence—

(a) convicted of any relevant offence or foreign offence, or

(b) required to pay an immigration penalty.

(2) But this section does not apply at any time when in the case of a licence holder who has been convicted of any relevant offence or foreign offence—

(a) the licence holder has appealed against a conviction for, or any sentence imposed in relation to, a relevant offence or foreign offence and that appeal has not been disposed of, or

(b) the time limit for appealing against such a conviction or sentence has not expired.

(3) The relevant licensing authority may—

(a) suspend the licence for a period not exceeding six months, or

(b) revoke the licence.

(4) If the relevant licensing authority is considering whether to suspend or revoke the licence, the authority must give notice to the licence holder.

(5) A notice under subsection (4) must invite the licence holder to make representations regarding—

(a) the relevant offence, foreign offence or immigration penalty that has caused the relevant licensing authority to issue the notice,

(b) any decision of a court under section 129 or 130 in relation to the licence, and

(c) any other relevant information (including information regarding the licence holder's personal circumstances).

(6) The licence holder may make representations under subsection (5) to the relevant licensing authority within the period of 28 days beginning with the day the notice was issued.

(7) Before deciding whether to suspend or revoke the licence the relevant licensing authority must take into account—

(a) any representations made by the licence holder under this section,

(b) any decision of a court under section 129 or 130 of which the licensing authority is aware, and

(c) any other information which the authority considers relevant.

(8) Having taken into account the matters described in subsection (7) the relevant licensing authority may make a decision whether to suspend or revoke a licence, unless subsection (9) applies.

(9) This subsection applies where the relevant licensing authority has taken into account the matters described in subsection (7) and proposes not to revoke the licence.

(10) Where subsection (9) applies the authority must—

(a) give notice to the chief officer of police for its area that it proposes not to revoke the licence, and

(b) invite the officer to make representations regarding the issue of whether the licence should be suspended or revoked having regard to the crime prevention objective.

(11) The chief officer of police may make representations under subsection (10)(b) to the relevant licensing authority within the period of 14 days beginning with the day the notice was received.

(12) Where the relevant licensing authority has given notice to the chief officer of police under subsection (10)(a), the authority must take into account—

(a) any representations from the officer, and

(b) the matters described in subsection (7),

and then make a decision whether to suspend or revoke the licence.

(13) The relevant licensing authority must give notice of any decision made under subsection (8) or (12) to the licence holder and the chief officer of police, including reasons for the decision.

(14) A decision under this section does not have effect—

(a) until the end of the period given for appealing against the decision, or

(b) if the decision is appealed against, until the appeal is disposed of.

(15) A decision under subsection (8) or (12) may be appealed (see paragraph 17(5A) of Part 3 of Schedule 5 (appeals: personal licences)).”

(4) In paragraph 17 of Part 3 of Schedule 5 (appeals: personal licences) after sub-paragraph (5A) insert—

“(5B) Where a licensing authority revokes or suspends a personal licence under section 132A(8) or (12) the holder of the licence may appeal against that decision.”