



# London Local Authorities Act 1995

## 1995 CHAPTER x

### PART V

#### REGISTRATION OF DOOR SUPERVISORS

#### 29 Interpretation of Part V

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 to maintain order on those premises;

“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 Schedule 12 to the London Government Act 1963, the Private Places of Entertainment (Licensing) Act 1967 or Part IV (Near beer licensing) of this Act but does not include any such premises—

- (a) in respect of which there is in force a licence—
  - (i) under the Cinemas Act 1985; or
  - (ii) under Part IV of the Licensing Act 1964:

Provided that the premises to which such licence relates are in use wholly or mainly and bona fide 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; 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 licence is required under Schedule 12 to the London Government Act

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- 1963 or under the Private Places of Entertainment (Licensing) Act 1967 other than a concert of classical music; or
- (c) which are being used exclusively and bona fide by a club registered or licensed under Part II of the Licensing Act 1964 and to which a certificate under section 79 of that Act does not apply; or
  - (d) in respect of which there is in force a licence under Part II of the Gaming Act 1968; or
  - (e) which are kept open wholly or mainly and bona fide as a tenpin bowling establishment; or
  - (f)
    - (i) which are structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises; or
    - (ii) which are bona fide used, or intended to be used for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals; or
  - (g) which from time to time are by resolution of the borough council excluded from the operation of this Part of this Act;
- “registration” means registration as a door supervisor under section 31 (Registration of door supervisors) of this Act.

### **30 Application of Part V**

This Part of this Act applies to the borough of a participating council as from the appointed day.

### **31 Registration of door supervisors**

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

### **32 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 any arrest or prosecution of the door supervisor for a crime of violence or dishonesty during the period of registration;
  - (c) training.
- (3) Provided it has not been cancelled or revoked the registration shall remain in force for three years or such shorter period as the council may think fit.

### **33 Applications under Part V**

- (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

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to the Commissioner 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 other than spent convictions within the meaning of the Rehabilitation of Offenders Act 1974.

- (2) The council may, in such cases as they think fit, after consulting with the Commissioner 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 any application for the grant or renewal of a registration the council shall have regard to any observations submitted to them by the Commissioner 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 a reasonable fee determined by the council:

Provided that where the holder of a valid current registration from a council under this Part of this Act applies for registration by another council, that council may not charge a fee greater than one-quarter of the fee payable by an applicant who is not the holder of a valid current registration.

- (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.

### **34 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 33 (Applications under Part V) of this Act.
- (2) The council shall not refuse an application or revoke a registration without giving the applicant or holder 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 or holder of the registration, give him a statement in writing of the reasons for their decision within 7 days of his requiring them to do so.

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### **35 Cancellation**

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

### **36 Revocation**

- (1) The council may revoke a registration on any of the grounds included in section 34 (Refusal of registration) of this Act.
- (2) Where the council consider that a registration could be revoked under subsection (1) above they may instead of revoking it attach additional conditions to the registration.

### **37 Power to prescribe standard terms, conditions and restrictions under Part V**

- (1) The council may make regulations prescribing standard conditions applicable to all registrations that is to say terms, conditions and restrictions on or subject to which such registrations are in general to be granted or renewed by them.
- (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 unless those standard conditions have been expressly excluded or amended.

### **38 Appeals under Part V**

- (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) a holder of any such registration who is aggrieved by any term, condition or restriction on or subject to which the registration is held; or
  - (c) a holder of any such registration whose registration is revoked under section 36 (Revocation) of this Act;
 may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the petty sessions area in which the council's offices concerned with registration are situated 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 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.
- (5) Where any registration is revoked under section 36 (Revocation) of this Act or an application for the renewal of such a registration is refused, the registration shall be deemed to remain in force—

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- (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;
- (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; and
- (c) where any registration is renewed under section 32 (Power to register) of this Act and the council specify any term, condition or restriction which was not previously specified in relation to that licence or such a condition or restriction is imposed under section 32 (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.

### **39 Enforcement under Part V**

- (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.

### **40 Powers of entry under Part V**

- (1) Any authorised officer (on production, if so required, of a duly authenticated document of his authority) or any police officer 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 do all things reasonably necessary for the purpose of ascertaining whether an offence has been committed.
- (2) Subsections (2), (3) and (4) of section 287 of the Public Health Act 1936 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.

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#### **41 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 any 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.

#### **42 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 may lawfully continue to be employed as door supervisors until the determination or withdrawal of their application and if an appeal is lodged until the determination or abandonment of the appeal.

#### **43 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 39 (Enforcement under Part V) 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.