

2007 No. 2502

LICENCES AND LICENSING

**The Licensing Act 2003 (Summary Review of Premises
Licences) Regulations 2007**

<i>Made</i>	- - - -	<i>27th August 2007</i>
<i>Laid before Parliament</i>		<i>30th August 2007</i>
<i>Coming into force</i>	- -	<i>1st October 2007</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 9(2), 53A(3), 54 and 183(1) of the Licensing Act 2003(a) (“the Act”).

Citation and commencement

1. These Regulations may be cited as the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 and come into force on 1st October 2007.

Summary review of premises licences: notices etc

2.—(1) The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005(b) are amended as follows.

(2) After regulation 16, insert—

“Summary review of premises licences: serious crime and disorder

16A. An application for a review of a premises licence under section 53A shall be in the form and shall contain the information set out in Schedule 8A.”.

(3) After regulation 36, insert—

“Summary review of premises licences: serious crime and disorder

36A.—(1) In the case of an application for review of a premises licence under section 53A the relevant licensing authority must, within 48 hours of the time of the receipt of the application, give notice of the review to—

- (a) the holder of the premises licence to which the application relates; and
- (b) each responsible authority.

(2) Notice under paragraph (1) is to be given by giving to the holder and each authority—

- (a) a copy of the application; and

(a) 2003 c. 17.
(b) S.I. 2005/42.

- (b) a copy of the certificate given under section 53A(1)(b) that accompanied the application.
- (3) In computing the period of 48 hours mentioned in paragraph (1) time that is not on a working day is to be disregarded.”.
- (4) In regulation 38—
 - (a) in paragraph (1) after “section 51(3)”, insert “or 53A”;
 - (b) for paragraph (2), substitute—
 - “(2) the requirements set out in paragraph (1) shall be fulfilled—
 - (a) in the case of a review of a premises licence following a closure order under section 167, or of a review of such a licence under section 53A, for a period of no less than seven consecutive days starting on the day after the day on which the relevant licensing authority received—
 - (i) the notice under section 165(4); or
 - (ii) the application under section 53A
 - (as the case may be); and
 - (b) in all other cases, for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority.”.
- (5) In regulation 39, for “All” substitute, “Subject to regulation 39A, all”.
- (6) After regulation 39 insert—
 - “**39A.**—(1) In the case of a review of a premises licence under section 53A—
 - (a) the dates referred to in regulation 39(b) shall be the date of the first working day after the day on which the notice was published, and the date of the ninth subsequent working day;
 - (b) the grounds referred to in regulation 39(c) shall be that in the opinion of a senior police officer the premises are associated with serious crime or serious disorder or both.
 - (2) The period prescribed for the purposes of section 53A(3)(e) of the Act is the period beginning on the first working day after the publication of the notice referred to in regulation 38 and ending on the ninth subsequent working day.”.
- (7) After Schedule 8, insert Schedule 8A as set out in the Schedule to these Regulations.

Summary review of premises licences: hearings

- 3.—(1) The Licensing Act 2003 (Hearings) Regulations 2005(a) are amended as follows.
- (2) After regulation 2(3), insert—
 - “(4) For the purposes of regulation 19(b), a notice given by a chief officer of police does not include an application made, or a certificate given under, section 53A(1) of the Act.”.
- (3) In regulation 3—
 - (a) the existing regulation 3 becomes paragraph (1) of that regulation;
 - (b) after paragraph (1), insert—
 - “(2) Regulations 4 to 13, 16(a), 18, 20(2)(a) and (4), 22 (from “and shall” to the end), 27, 29 and 34 do not apply to a hearing under section 53B of the Act (interim steps pending review).”.
- (4) In regulation 6(3)(a) after “order”, insert “or section 53C (review of premises licence following review notice)”.

(a) S.I. 2005/44, as amended by S.I. 2005/78.

(5) In regulation 8(4)(a), after “order”, insert “or section 53C (review of premises licence following review notice)”.

(6) In regulation 13, at the end, insert—

“(c) it would fail to reach a determination on a review under section 53A (summary reviews on application of senior police officer) within the period specified in subsection (2)(b) of that section.”

(7) In regulation 26(1), after subparagraph (a), insert—

“(aa) section 53B (interim steps pending review),

(ab) section 53C (review of premises licence following review notice).”

(8) In Schedule 2, after the entry in the table numbered 7, insert the following entry—

“7A	Section 53C (review of premises licence following review notice)	The holder of the premises licence in respect of which the application has been made; persons who have made relevant representations as defined in section 53C(7); and the chief officer of police who made the application under section 53A(1).”
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(9) In Schedule 3, after the entry in the table numbered 7, insert the following entry—

“7A	Section 53C (review of premises licence following review notice)	The holder of the premises licence in respect of which the application has been made.	The relevant representations as defined in section 53C(7) which have been made.”
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Licensing authority’s register

4. After regulation 2(3) of the Licensing Act 2003 (Licensing authority’s register)(other information) Regulations 2005(a), insert—

“(3A) In the case of an application for review of a premises licence under section 53A of the Act (summary reviews on application of senior police officer) the fact that the application has been made, and that it has been made on the basis of the opinion of a senior police officer that the premises are associated with serious crime or serious disorder or both.”.

27th August 2007

Gerry Sutcliffe
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

(a) S.I. 2005/43.

SCHEDULE

Regulation 2(7)

“SCHEDULE 8A

Regulation 16A

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

**I.....
[on behalf of] the chief officer of police for the . police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.**

1. Premises details:

<p>Postal address of premises, or if none or not known, ordnance survey map reference or description:</p> <p>Post town:</p> <p>Post code (if known):</p>

2. Premises licence details:

<p>Name of premises licence holder (if known):</p> <p>Number of premises licence (if known):</p>

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

<p>I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.</p> <p>(Please tick the box to confirm)</p>	<input type="checkbox"/>
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4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Signature of applicant:

Date:

Capacity:

Contact details for matters concerning this application:

Address:

Telephone number(s):

Email:

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both. ”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various Regulations under the Licensing Act 2003 (“the Act”) to allow for the operation of the new summary review procedure under sections 53A to 53C of the Act in relation to premises licences.

The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (S.I. 2005/42) are amended to provide for the making of applications, the giving of notices and the advertisement of applications under the new procedure. This includes the prescription of an application form for the initiation of the procedure by the police.

The Licensing Act 2003 (Hearings) Regulations (S.I. 2005/44) are amended to provide for hearings conducted in pursuance of the new procedure, under section 53C of the Act.

Lastly, the Licensing Act 2003 (Licensing authority’s register)(other information) Regulations 2005 (S.I. 2005/43) are amended to require inclusion on a licensing authority’s register of the fact that an application under the new procedure has been made, and the grounds upon which it is made.

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