



Policing and Crime Act 2017

2017 CHAPTER 3

PART 7

ALCOHOL AND LATE NIGHT REFRESHMENT

Licensing

137 Summary reviews of premises licences: review of interim steps

- (1) The Licensing Act 2003 is amended as follows.
- (2) Section 53C (review of premises licence following review notice) is amended as follows.
- (3) In subsection (2)—
 - (a) at the end of paragraph (a) insert “and”,
 - (b) in paragraph (b) omit “and”, and
 - (c) omit paragraph (c).
- (4) After subsection (11) insert—

“(12) Section 53D makes provision about the application and review of any interim steps that have been taken under section 53B in relation to a premises licence before a decision under this section comes into effect in relation to the licence.”
- (5) After section 53C insert—

“53D Interim steps pending section 53C decision coming into effect

- (1) At the hearing to consider an application for a review under section 53A, the relevant licensing authority must review any interim steps that have been taken by the relevant licensing authority under section 53B that have effect on the date of the hearing.

Status: This is the original version (as it was originally enacted).

- (2) In conducting the review under this section, the relevant licensing authority must—
- (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives;
 - (b) consider any relevant representations; and
 - (c) determine whether to withdraw or modify the interim steps taken.
- (3) The power of the relevant licensing authority on a review under this section includes a power to take any of the following interim steps—
- (a) the modification of the conditions of the premises licence;
 - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
 - (c) the removal of the designated premises supervisor from the licence;
 - (d) the suspension of the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- (4) Any interim steps taken under subsection (3) apply until—
- (a) the end of the period given for appealing against a decision made under section 53C,
 - (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
 - (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under paragraph (a) or (b)).
- (5) Any interim steps taken under section 53B in relation to a premises licence cease to have effect when the decision made under section 53C comes into effect.
- (6) In subsection (2) “relevant representations” means representations which—
- (a) are relevant to one or more of the licensing objectives, and
 - (b) meet the requirements of subsection (7).
- (7) The requirements are—
- (a) that the representations are made by the holder of the premises licence, a responsible authority or any other person within the period prescribed under subsection 53A(3)(e),
 - (b) that they have not been withdrawn, and
 - (c) if they are made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (8) 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.
- (9) A decision under this section may be appealed (see paragraph 8B of Part 1 of Schedule 5 (appeals: premises licences)).”
- (6) Part 1 of Schedule 5 (appeals: premises licences) is amended as follows.

(7) After paragraph 8A (summary review of premises licence) insert—

“Review of interim steps

8B (1) This paragraph applies where a review of interim steps is decided under section 53D (review of interim steps at a summary review of a premises licence).

(2) An appeal may be made against that decision by—

- (a) the chief officer of police for the police area (or each police area) in which the premises are situated, or
- (b) the holder of the premises licence.

(3) An appeal under this paragraph must be heard by the magistrates’ court within the period of 28 days beginning with the day on which the appellant commenced the appeal (see paragraph 9(2)).”

(8) This section does not apply to an application made under section 53A of the Licensing Act 2003 (summary reviews on application of senior police officer) where a decision in relation to that application has been made under section 53C (review of premises licence following review notice) before the coming into force of this section.