



Policy and Resources Committee - 5 July 2010

Delegation to Officers - Closure of Licensed Premises

Summary

To update the Scheme of Delegation to enable Officers to act in relation to the closure of licensed premises not complying with the requirements of the Licensing Act 2003

Attachment(s)

None

1.0 Introduction

1.1 Under sections 19 and 20 of the Criminal Justice and Police Act 2001, local authorities and the police were given powers to serve closure notices on premises that are not complying with the requirements of the Licensing Act 2003 whilst selling alcohol and apply to the Magistrates Court for a "closure order".

2.0 Closure Notices

2.1 Where an officer is satisfied that premises have been or are being used within the last 24 hours for the unauthorised sale of alcohol they may serve a closure notice under Section 19. This includes premises that are not complying with the conditions of their licence. The notice takes immediate effect once served.

2.2 The closure notice requires the recipient to take action to cease the illegal activity. If the local authority is satisfied that the unauthorised sales continue or are likely to resume we may apply for "a closure order" from the Magistrates Court under Section 20 at any time between 7 days after the notice has been served and 6 months later. A closure order may physically close the premises; and/or require a cessation of sales of alcohol; and/or require the payment of any sum of money to the Court pending compliance with the order. Where closure is required, the premises will remain closed until either the police or the local authority issue a certificate indicating that the problem has been resolved or until the Court itself withdraws its order.

2.3 If the problem is rectified after a closure notice has been served, a cancellation notice must then be served by the Council. The closure notice itself does not close the premises or give any powers to clear the premises.

2.4 Many authorities have found this power improves licensing compliance and assists in dealing with problem premises. Police officers are also able to use this power.

3.0 Recommendations

3.1 That the Council's scheme of delegation be amended to give the Head of Environmental Services the authority to act under sections 19 and 20 of the Criminal Justice and Police Act 2001 (service of both closure and cancellation notices and applications to the Magistrates Court for closure orders), and that the Head of Environmental Services be empowered to extend the delegation to other Officers in his Team subject to a central record being kept of such Officers given the delegation. ***(This would be a recommendation to Council).***

Implications:					
Corporate Outcomes or Other Policy/Priority/Strategy					
Good Quality of Life	<input checked="" type="checkbox"/>	Good Reputation	<input checked="" type="checkbox"/>		
Good Value for Money	<input type="checkbox"/>	High Quality Service Delivery	<input checked="" type="checkbox"/>		
Effective Partnership Working	<input checked="" type="checkbox"/>	Strong Community Leadership	<input type="checkbox"/>		
Effective Management	<input type="checkbox"/>	Knowledge of our Customers and Communities	<input type="checkbox"/>		
Employees and Members with the Right Knowledge, Skills and Behaviours			<input type="checkbox"/>		
Other:			<input type="checkbox"/>		
Decision(s) would be outside the budget or policy framework and require full Council approval			<input checked="" type="checkbox"/>		
Financial	There are no financial implications at this stage			<input type="checkbox"/>	
	There will be financial implications – see paragraph			<input type="checkbox"/>	
	There is provision within existing budget			<input type="checkbox"/>	
	Decisions may give rise to additional expenditure at a later date			<input type="checkbox"/>	
	Decisions may have potential for income generation			<input type="checkbox"/>	
Risk Management	An assessment has been carried out and there are no material risks			<input checked="" type="checkbox"/>	
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score -			<input type="checkbox"/>	
Staff	There are no additional staffing implications			<input checked="" type="checkbox"/>	
	Additional staff will be required – see paragraph			<input type="checkbox"/>	
Equalities and Human Rights	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications			<input checked="" type="checkbox"/>	
	There will be an impact on equality (see categories above) or human rights implications – see paragraph			<input type="checkbox"/>	
Legal	Power: Criminal Justice and Police Act 2001				
	Other considerations:				
Background Papers: None					
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Date: 7 June 2010					
CFO		MO		CX	

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