

Section 19 Closure Notice Fact Sheet

What is a section 19 closure notice?

Section 19 of the Criminal Justice and Police Act 2001 (the Act) enables a police constable or a local authority to serve a closure notice where:

- any premises are being used, or have been used within the last 24 hours, for the sale of alcohol for consumption on or in the vicinity of the premises; and
- this activity is or was carried on without an authorisation (premises licence, club premises certificate or temporary event notice) or not in accordance with the conditions of an authorisation for the sale of alcohol.

The notice informs a person with control of, or responsibility for, the activities carried on at the premises (normally the licence holder or the designated premises supervisor) that if unauthorised alcohol sales continue, an application may be made to a court under section 20 for an order to close the premises under section 21 of the Act. Such an application cannot be made less than seven days or more than six months after the service of the closure notice under section 19.

Does a section 19 notice require premises to close or cease licensable activities?

No it does not. A section 19 notice informs a person in control of, or responsible for, the premises that there is either no authority to sell alcohol or one or more of the conditions of an authorisation are not being met. The person should be warned that it is an offence under section 136 of the Licensing Act 2003 to carry on the sale of alcohol without, or in breach of, an authorisation. However, it is their decision whether to close or to continue trading, with or without the sale of alcohol.

So, for example, could a restaurant continue trading legally after being issued with a valid section 19 notice if it stopped selling alcoholic drinks?

Yes it could, because it would have ceased the unauthorised licensable activity.

Why issue a section 19 notice if it has no power to close premises?

A section 19 closure notice must be served before an application can be made, under section 20, for a section 21 closure order. It is also evidence that the unauthorised sale of alcohol has been brought to the attention of the owner or management of the premises. This evidence can be useful at a subsequent review or prosecution for carrying on a licensable activity, or knowingly allowing it to be carried on, otherwise than in accordance with an authorisation.

What if there is continued non-compliance with an authorisation and the sale of alcohol continues after a section 19 notice has been served?

It is possible to apply to a magistrates' court for a section 21 closure order if at least seven days have elapsed since serving a section 19 notice. The court may order the immediate closure of the premises, discontinuance of alcohol sales or payment of money into court, as a form of bond, until the other requirements of the order are met. A further option is to apply to the licensing authority, for a review of a premises licence or club premises certificate. The licensing authority may remove or suspend a licensable activity or suspend or revoke the licence or certificate.

In addition, any person who carries on any licensable activity otherwise than in accordance with an authorisation, or who knowingly allows such an activity to be carried on, is committing an offence under section 136 of the Licensing Act 2003. Home Office advice is that such persons should be reported for that offence. Conviction for a section 136 offence carries a maximum penalty of a £20,000 fine and 6 months imprisonment.

If staff continue to sell alcohol after a section 19 notice has been served on the appropriate person for the premises, may they be threatened with arrest?

A person who carries on a licensable activity otherwise than in accordance with an authorisation, or who knowingly allows such an activity to be carried on, is committing an offence under section 136 of the Licensing Act 2003. Such persons may be reported for that offence, but arrest may be considered only if there are sufficient grounds under section 24 of the Police and Crime Evidence Act 1984.

Full wording of the legislation regarding Closure Notices can be viewed via this link: <http://www.legislation.gov.uk/ukpga/2001/16/section/19>.