

**Department for Culture, Media and Sport**  
Tourism and Licensing Division



department for  
culture, media  
and sport

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# Police Powers to Close Premises under the Licensing Act 2003

June 2007

# Police Powers to Close Premises under the Licensing Act 2003

1. Part 8 of the Licensing Act 2003 ('the 2003 Act') significantly extended the existing powers of the police (a) to seek court orders to close licensed premises in a geographical area that is experiencing or likely to experience disorder; and (b) to close down instantly individual licensed premises that are:

- disorderly;
- likely to become disorderly; or
- are causing nuisance as a result of noise from the premises.

These powers are available in relation to:

- premises licensed for the provision of regulated entertainment; and late night refreshment; and to
- premises for which a temporary event notice has effect.

2. On 6 April 2007, the Violent Crime Reduction Act 2006 amended Part 8 of the 2003 Act to insert a new offence of persistently selling alcohol to children. (new sections 147A and B) and related closure powers (new sections 169A and B) where there is good evidence that a premises licence holder has committed this offence.

## Status of the Guidance

3. This guidance has no binding effect on police officers who, within the terms of their force, orders and the law, remain operationally independent. The guidance is provided to support and assist them in interpreting and implementing Part 8 of the 2003 Act in the interests of public safety, the prevention of disorder and the reduction of anti-social behaviour. Part 8 of the 2003 Act can assist in the overall Government strategy to reduce anti-social behaviour.

4. It is recognised that this guidance cannot cater for every circumstance and that instances may arise where officers will determine the need to operate in ways which will not wholly conform to it. However, at all times, senior police officers deploying the powers in question should seek to ensure that their actions are appropriate, proportionate and necessary.

5. Police officers reading this guidance may also find it beneficial to familiarise themselves with the terms of:

- the explanatory notes accompanying the 2003 Act;
- Part 3 of the Environmental Protection Act 1990;
- The Noise Act 1996;
- The Clean Neighbourhoods and Environment Act 2005
- The Violent Crime Reduction Act 2006
- section 19 of the Criminal Justice and Police Act 2001
- section 1 of the Anti-Social Behaviour Act 2003

## **General**

6. Part 7 of the 2003 Act provides that licensees, designated premises supervisors, members or officers of clubs, premises users who have given a temporary event notice under Part 5 and certain staff of licensed premises commit offences if they:

- allow disorderly conduct on licensed premises; or
- sell alcohol to someone who is drunk;

7. These offences may also be committed by persons not necessarily selling alcohol themselves but allowing sales or supplies to take place. Running alongside these offences are powers afforded to licence holders and others to expel drunk and disorderly customers from premises.

8. The extended police powers in Part 8 of the 2003 Act underline the social responsibilities of those in the hospitality, leisure and entertainment industry and the requirement that they maintain order at their premises. The need to enforce these provisions will usually arise where there has been a failure to comply with the duties referred to above.

9. However, police officers should bear in mind that decisions to close licensed premises, or premises where a temporary event notice has effect, will almost always have a seriously damaging commercial impact on the business involved, and possibly on the livelihoods of licence holders and others or disrupt a community or charitable event that has been planned for a considerable period of time. It is therefore essential that orders are sought only where necessary to prevent disorder.

### **Orders to close premises in an area experiencing disorder**

10. Under section 160 of the 2003 Act a police officer of the rank of superintendent or above may ask a magistrates' court to make an order requiring all premises holding premises licences or subject to a temporary event notice which are situated at or near the place of the disorder or anticipated disorder to be closed for a period up to 24 hours. The court may not make such an order unless it is satisfied that it is necessary to prevent disorder. A constable may use necessary force to close any premises covered by such an order.

11. These orders should normally be sought where the police anticipate public order problems (very often fuelled by the ready availability of alcohol) as a result of intelligence or publicly available information, but may also be used in an emergency.

12. Events which might justify action under section 160 could include football fixtures with a history of public order problems; and demonstrations which are thought likely to be hijacked by extreme or violent groups. Where it is possible to anticipate disorder in this way, the courts should be involved and make the decision on the application of a police officer of the rank of superintendent or above as to whether widespread closure is justified.

13. When seeking an order under section 160 of the 2003 Act, the burden of proof will fall on the police to satisfy the court that their intelligence or evidence is sufficient to demonstrate that such action is necessary. Where serious disorder is

anticipated, many holders of premises licences and premises users who have given temporary event notices will want to co-operate with the police, not least for the protection of their premises and customers. So far as possible, and where time is available, police officers should initially seek voluntary agreement to closure in an area for a particular period of time. The courts should therefore only be involved where other alternatives are not available.

### **Closure orders for identified premises**

14. Disorder and noise nuisance will more commonly arise in circumstances that cannot readily be anticipated. Section 161 of the 2003 Act provides that a senior police officer of the rank of inspector or above may make an order closing individual premises covered by premises licences or a temporary event notice for up to 24 hours where disorder is taking place, or is likely to take place imminently or a nuisance is being caused by noise emanating from the premises. These orders may only be made where it is necessary in the interests of public safety or to prevent the nuisance caused by noise coming from the premises. They should not be used where it has been possible to anticipate the disorder arising, as described above. The appropriate course then is to seek a court order in respect of an application under section 160 of the 2003 Act.

### **Conduct of the premises licence holder**

15. Section 161 of the 2003 Act also provides that the senior police officer must consider the conduct of the premises licence holder, manager, designated premises supervisor or premises user who has given a temporary event notice, before making a closure order. If they have acted incompetently, inadequately or actually provoked or caused the problems or, alternatively, have called the police in promptly and acted sensibly to try to prevent disorder or noise nuisance, the officer may take these factors into account.

16. In this context, it must be understood that the powers to close licensed premises are not a penalty to be imposed on the licence holder. Part 7 of the 2003 Act contains offences of allowing disorderly conduct on licensed premises for which, on conviction, a court may impose an appropriate penalty on a licence holder. Similarly, the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide for penalties to be imposed by the courts on those who are convicted of causing a statutory noise nuisance.

17. The powers in sections 161 - 170 of the 2003 Act are, first and foremost, designed to protect the public whether a licensee or manager or any other person is at fault or not. This means that even if the licence holder, managers or other persons have done all they can to prevent the disorder or noise nuisance, a senior police officer may on occasions, still believe that closure is necessary to safeguard the public or to prevent the public nuisance. These will be fine judgements, appropriately pitched at a senior police rank. But the police's overriding consideration should always be the public interest. On many occasions, other options will be available to the police, some of which are discussed below.

## **Voluntary co-operation**

18. The police should, whenever possible, seek the voluntary co-operation of licensees, managers and others in resolving incidents of disorder, potential disorder and noise nuisance rather than move directly to a decision to use a closure order. Police officers should be aware that any decision to deploy the powers available to them to make a closure order under section 161 of the 2003 Act will almost inevitably lead, after an initial hearing before the courts, to a review of the licence by the licensing authority. This will involve determining whether or not it is necessary for the promotion of the licensing objectives to take any steps in relation to the licence, including revocation. A decision by the licensing authority to proceed on that basis will therefore involve police attendance at the hearing and the preparation of material relating to the review. Senior police officers will only want to commit such resources if necessary and justified in the public interest.

19. If police officers are aware that any premises are showing signs of problematic behaviour relating to disorder, excessive drunkenness or noise which is disturbing local residents, it is sensible to provide early warnings and reminders to licensees, managers and designated premises supervisors of their responsibilities and duties under licensing law; and of the police powers of closure. Similarly, where despite warnings, licensed premises exhibit problems over a period of time, but no single instance is sufficient in itself to justify closure action, it is open to the police to seek a review of the premises licence under Part 3 of the 2003 Act in the normal way.

20. Where a senior police officer of inspector rank or above reasonably believes that closure of a premises is necessary under the terms of the 2003 Act, police officers should advise either the licence holder, or designated premises supervisor, or premises user or manager of the premises immediately and, wherever possible, give them an opportunity to close the premises voluntarily, on police advice, until the following day. A closure order will normally only have to be made if police advice is disputed or rejected and it becomes necessary to take action to impose closure. When giving advice to close voluntarily, police officers should make clear that they are not engaging in a negotiation. The view of the senior police officer will be final until a court decides otherwise.

21. However, even if the licensee, designated premises supervisor, manager or premises user is willing to close voluntarily, it will remain open to the senior police officer to decide to serve a closure order, if they judge that to be the right course of action in all the circumstances. It is recognised that circumstances could arise which necessitate such action.

22. Against this background, police officers should also note that a decision not to make a closure order or to agree to voluntary closure will not prevent a later decision by the police to seek a review of the premises licence by a licensing authority, if that course of action is judged appropriate.

### **“In the vicinity” of licensed premises**

23. A closure order may be made on grounds of disorder on or ‘in the vicinity’ of and related to the premises. Whether or not an incident is “in the vicinity of” and “related to” the licensed premises are ultimately matters of fact to be decided by the courts. However, it is important to note the senior police officer making the closure

order must have a reasonable belief that disorder in the vicinity of the premises is related to the premises and that closure must be “necessary in the interests of public safety”. This issue also arises in the context of any extension of a closure order.

24. Some licensees and others may consider it unfair that they should be held accountable for incidents taking place outside their immediate control. However, as explained elsewhere, closure orders were not designed as penalties but as a means of ensuring public safety and the prevention of public nuisance.

25. It should also be noted that the interpretation of “in the vicinity” does not arise in the context of “nuisance caused by noise coming from premises” because section 161 of the 2003 Act requires that the noise is emanating from the premises rather than any other source. In other words, noise from the premises itself is relevant: noise from customers in the street beyond the premises cannot be taken into account.

### **“Likely” disorder**

26. A further question arises as to when any future disorder is likely to take place to justify a closure order being made. The 2003 Act requires that the disorder should be likely to be imminent. There also has to be a reasonable belief related to the particular licensed premises involved, which makes closure of those particular premises under this provision necessary in the interests of public safety. This means that the expected incident must be happening or be imminent, in which case closure of the licensed premises should actively diminish the probability that disorder will take place in the immediate future.

### **“Public nuisance caused by noise coming from the premises”**

27. The 2003 Act does not define the term “public nuisance”. Parliament has decided not to constrain the interpretation of the term by providing a more restrictive definition. Whether or not there is “public nuisance” will depend upon the circumstances of the particular case. Ultimately any questions of interpretation will be decided by the courts. However, this means that senior police officers are required to judge reasonably whether the noise is causing a nuisance. Such judgements will inevitably have a subjective quality and officers will need to bring their experience to bear in making them.

28. It is important to note that the “noise” in question must be emitted from the licensed premises as defined, i.e. any area designated as such on the plan of the premises. This may include, in some (but not all) cases, a beer garden, courtyard or street terrace. Noise nuisance arising solely from people in the street outside the perimeter of the licensed premises would not be sufficient to justify the use of these powers, even if those making the noise occasionally enter the licensed premises to purchase alcohol, etc.

29. In addition, the power should only be used where the senior police officer reasonably believes that a nuisance is being caused to the public. Accordingly, the senior police officer should normally have cause to believe that particular individuals in the vicinity are being annoyed by the noise from the licensed premises. Liaison with local government enforcement officers with existing powers for controlling noise nuisance would therefore be beneficial.

30. It will ultimately be for senior police officers to decide, in the circumstances of any case, whether it is appropriate for them to deploy these powers, which are likely ultimately to lead to the review of the premises licence for the premises affected with the possibility of a licensing authority determining that it is necessary for the promotion of the licensing objectives to take steps in relation to that licence, which may include its revocation.

### **Enforcing a closure order**

31. The 2003 Act does not require the licence holder or the police to clear the premises of customers following the service of a closure order. It is assumed that normally premises would empty, there being no purpose to the presence of customers if relevant items, licensable activities or facilities may no longer be sold, supplied or provided. However, a customer commits no offence if they are not asked to leave and remain on the premises. The closure relates to the carrying on of the licensable activities. The licence holder, premises user, designated premises supervisor or manager of the premises similarly commit no offence arising from the mere presence of such an individual. However, if an individual who is drunk or disorderly is asked to leave by a constable, a licence holder or others and then refuses to leave, they become liable to prosecution. Where a police officer is asked for assistance to remove such a customer, the officer is under a statutory duty to afford that assistance.

32. The lack of any duty on customers to leave the premises automatically following the service of a closure order is important. However, it would be open to the police to propose a phased emptying of premises for the purpose of dispersing, for example, disorderly gangs separately or because it is in the interests of public safety to keep law-abiding customers inside for a temporary period while troublemakers outside are dispersed by the police.

33. It should also be noted that “premises” for the purposes of the Act includes any place. Some premises licences and temporary event notices relate to places wholly or mainly in the open air, like a park or recreation ground. If the police consider it necessary to clear such an area, they will need to consider carefully the resource implications of enforcement, particularly where there are a large number of ways of accessing the area.

34. The police officers involved should also recognise that closing premises will sometimes involve putting a potentially volatile and disgruntled group of customers onto the streets. In this context, where possible, it is good practice to ensure that other licensed premises nearby are warned of the action being taken and of licence holders’ and others’ obligations not to allow disorderly conduct on their premises. As stated above, under the 2003 Act, police officers are under a duty, when requested by a licence holder or other person as referred to above, to assist in ensuring that drunken or disorderly persons are expelled from licensed premises, and police officers should therefore offer assistance when necessary in preventing the entry of troublemakers to other licensed premises who might be seeking to cause new problems elsewhere.

35. Police officers are also reminded that, particularly where large capacity venues are involved, they may need additional police assistance to clear the resulting crowd

and the availability of that assistance should be considered before any decision is made to make a closure order.

### **Length of police closure order**

36. Subject to very limited exceptions, the duration of the order under section 161 of the 2003 Act cannot exceed 24 hours. However, it is important to note that this does not mean that the length of the closure should automatically be set for 24 hours on every occasion. The criteria for making a closure order places an obligation on the senior police officer to close the premises for the period they estimate it would take to end the threat to public safety, or as the case may be, the nuisance to the public. In practice, therefore, closure orders could last between 30 minutes and 24 hours depending on the circumstances of each case. An extension to that closure period can be made only if the senior police officer reasonably believes that the court would not have determined its consideration by the end of that period and certain conditions are met. Those conditions are the same as the circumstances which gave rise to the closure order. The extension may be for a further period of up to 24 hours from the end of the closure period.

37. If, for example, a closure is made at 9pm on a Monday evening because of disorder caused by gangs fighting in a public house, closure might only be appropriate for up to the time when the premises licence requires the premises to close, perhaps midnight. This could be because the senior police officer reasonably believes that there is a threat of gang members (those not arrested) returning to the premises before closing time but after the police have left. However, if the threat is not expected to have subsided by closing time, it may be appropriate to impose a closure for a period extending into the following day.

### **The “manager” of the premises**

38. The 2003 Act refers to the “manager of the premises” who is defined as any person who works in the relevant premises in a capacity, whether paid or unpaid, which gives them authority to close the premises. This is particularly relevant to the arrangements for serving a closure order. It is not therefore relevant whether or not the individual has the expression “manager” in their job title or description. If the holder of a premises licence or the designated premises supervisor or premises user has left any member of staff in charge of the premises, with responsibility at that time for compliance with the licensing laws, that person will normally have been given delegated authority to close the premises. Accordingly, the individual could therefore be served with notice of a closure order.

### **Service of closure orders when a decision has been made remotely**

39. Where a senior police officer makes a decision to close licensed premises in accordance with the 2003 Act, notice of the closure order, providing the required written details, may be served by any constable on the holder of the premises licence, the designated premises supervisor, premises user or the manager of the relevant premises. The senior police officer does not have to be present at the premises to authorise service of an order, but may make a decision on the basis of information supplied by other police officers. In this case, the senior police officer remains accountable for the decision. This is particularly important in rural areas where an inspector might otherwise need to make a seventy mile round trip to consider

making an order allowing an unreasonable period to pass during which public safety might be at risk. A specimen of a closure order is attached to this guidance.

40. Senior police officers should, as a matter of good practice, attempt to attend wherever possible in order to make a full and personal assessment. Parliament considered that only officers of these ranks and experience should make these decisions because of the serious potential consequences of the decision made. As explained above, it is of course recognised that it will be difficult for officers, particularly in rural force areas, to attend on every occasion. Where the relevant senior officer cannot attend, it will be important that the information passed to the relevant senior officer is comprehensive and contemporaneously recorded, so that they can be clear about the reasons for closure when or if required to present them to the relevant magistrates' court.

### **Service of closure orders generally**

41. Notice of a closure order must always be given in writing. "Given", in this context, is the delivery of the notice to the individual. This should normally involve personal service and means therefore that the notice should normally be handed by a police constable to the holder of the premises licence, designated premises supervisor, premises user or the manager of the premises. If any of these persons refuses to accept the written notice of a closure order, the fact should be noted so that it might be made known to the relevant magistrates' court at the hearing that will follow. The written notice should then be left in plain sight of the relevant person on whom it is being served. They should also be advised orally that the notice contains details of their rights and duties under the 2003 Act.

### **Relationship with local licensees and managers**

42. It is important that the closure powers should not in any way be allowed to drive a wedge between the police and local licence holders, designated premises supervisors and managers. It would be damaging to the police's capacity to control public order and drunkenness, if any of these persons were reluctant to call the police to attend when incidents are taking place because they feared that the police would close their premises. Licence holders and others should be encouraged to give the police early warning of developing problems, where appropriate allowing police intervention before an incident is allowed to get out of hand. The Government fully supports local initiatives like Pubwatch and wishes to see them develop and thrive.

43. It is recognised that the role of the police in enforcing licensing law will vary between force areas. For all police forces, resources will be a key issue and senior officers will have to make difficult decisions about prioritisation according to the prevailing circumstances in any area. Licensees should know what is expected of them by local police officers in terms of clear standards with regard to the prevention of crime and disorder, particularly alcohol-related crime and disorder and anti-social behaviour. Police officers should therefore always be willing to offer advice to licensees and others on problems associated with these matters.

### **Nearby licensed premises**

44. Where disorder is taking place or is expected to take place imminently in the vicinity of several adjacent or closely situated premises, there are likely to be

occasions when the responsible senior police officer reasonably concludes that the closure of all the closely situated licensed premises is necessary in the interests of public safety. However, the same course of action in the case of each of the premises should not necessarily be automatic. For example, if one of the designated premises supervisors is prepared to close their premises voluntarily or has been more proactive than another in seeking to prevent disorder, the senior police officer may reasonably decide not to make a closure order for those premises, while deciding to impose the closure of others. Where several closures are pursued simultaneously, a separate closure order must be made for each of the licensed premises.

### **Noise nuisance and liaison with the local authority**

45. The powers include the capacity to close licensed premises to prevent nuisance to the public which is the result of noise coming from the premises. The 2003 Act does not define what constitutes nuisance and it will bear its common law meaning. Ultimately, nuisance will be a matter of fact to be decided by the courts in any case. However, senior police officers will need to use their own experience and common sense to decide when noise levels reaching outside the premises have become unacceptable.

46. The enforcement of the law relating to statutory noise nuisance legislation is primarily a matter for local authority officers, sometimes working in tandem with police officers. Their powers to take quick action to resolve noise nuisance are however limited, particularly where the noise from commercial premises is caused by people rather than amplified electronic equipment. The powers in the 2003 Act offer a means of resolving noise nuisance problems from licensed premises quickly.

47. The 2003 Act anticipates that any noise coming from the premises should be disturbing members of public, for example, in the street or residing locally – otherwise it could not constitute a nuisance. In practice therefore, it is likely to be that the police will usually take action under their powers following complaints made by the general public. Such complaints may, in certain circumstances, be channelled to the police by local authority officers who may initially be the natural point of contact for a complainant. However, the decision as to whether the noise constitutes a nuisance for the purposes of the exercise of the powers in the 2003 Act is a matter for the senior police officer to decide, and no formal complaint from any individual is necessary before the powers may be exercised. Given their experience of noise problems, the officer may find it helpful to consult local authority enforcement officers, if available, before making a decision about the level of noise involved. In addition, under the Environmental Protection Act 1990, local authority enforcement officers have powers to confiscate, for example, noisy equipment which may be causing the problem and avoid the need to close the premises. On occasions, such consultation in respect of an incident which is ongoing may prove impossible without an unacceptable delay.

48. There is therefore some advantage in police forces discussing these matters generally with the local authority to draw on their experience and establish guidelines for officers about noise issues. Chief officers of police may find it valuable and helpful to agree a protocol with the local authority for the handling of noise nuisance issues associated with premises licensed under the 2003 Act or in respect of premises operating under temporary event notices. This would enable a consistent approach to be taken by the police and other local authority enforcement officers.

49. Where problems are noise related, there should often be scope for resolving the problem without the need to impose a closure order. In this context, police officers should consider voluntary co-operation. For example, noise problems can arise during summer months because of doors or windows left open or customers drinking or enjoying entertainment in the garden area of the premises. It would be open to the police to request the licensee, designated premises supervisor, premises user or manager of the premises to close the doors and windows, or to require customers to remain inside. If they comply and the officer is then satisfied that these actions would prevent further nuisance to the public, there may be no need to make a closure order.

### **Stating the effects of sections 162 to 168 of the 2003 Act**

50. A closure order must contain:

- details of the premises which are to be closed;
- the period for which the order is requiring them to be closed for up to 24 hours;
- the grounds or reasons for the decision; and
- the effect of sections 162 to 168 of the 2003 Act.

51. The Annex to this guidance provides a specimen of what a closure order should look like, and provides a statement of the effect of sections 162 to 168 of the 2003 Act. It is open to the police forces to take their own legal advice as to what the statement should include. However, it is important that it covers the crucial areas shown in the Annex and in particular, that licence holders and others fully understand the consequences of committing the offences associated with failure to comply with a closure order made by the police and extended by the police or the courts.

### **Anti-Social Behaviour Act 2003**

52. Police, licensing authorities and licensees should also be aware of the power available under the Anti-Social Behaviour Act 2003 to close premises where there is the production, supply or use of class A drugs and serious nuisance or disorder. This power provides an extra tool to the police to enable rapid action against a premises where there is a Class A drug problem, enabling its closure in as little as 48 hours should this be necessary. Police authorities are advised to consult the Notes of Guidance on the use of this power (Home Office, 2004) available on the Home Office website. These powers are also covered in brief in 'Safer Clubbing' produced by the Home Office and the London Drug Policy Forum ([www.drugs.gov.uk](http://www.drugs.gov.uk)).

# ANNEX

[SPECIMEN]

## CLOSURE ORDER MADE UNDER SECTION 161 OF THE LICENSING ACT 2003

Date and Time: \_\_\_\_\_

Police Force: \_\_\_\_\_

Name and rank of Senior Police Officer making the order:

\_\_\_\_\_

Premises to be closed:

\_\_\_\_\_  
\_\_\_\_\_

Period of closure (until – time and date):

\_\_\_\_\_

Reason (grounds) for Closure:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attention is drawn to the attached Notes which form part of this order.

1 Name of person to whom notice of the order has been given and his or her capacity in relation to the premises:

\_\_\_\_\_

Signature of Person to whom notice of the order has been given: \_\_\_\_\_

## **Notes to be served with specimen closure order:**

A senior police officer has decided to make this closure order under the terms of section 161 of the Licensing Act 2003, requiring the relevant premises specified in the order to be closed for the period of time specified in the order.

Your attention is drawn to section 161(6) of the 2003 Act. This makes it an offence for a person, without reasonable excuse, to permit relevant premises to be open in contravention of this closure order or any extension of it, and any person found guilty of such an offence shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.

By virtue of section 171(2) and (3) of the 2003 Act, relevant premises are to be regarded as open, for the purposes of this order, if any person other than the holder of the premises licence for the premises, any designated premises supervisor, the premises user in connection with a temporary event notice, a manager of the premises, any person who usually lives at the premises or any member of the family of any of the former, enters the premises and buys, or is otherwise supplied with food or drink or any item usually sold on the premises or, while he is on the premises, they are used for the provision of regulated entertainment.

### **Sections 162 – 168 of the Licensing Act 2003**

This part of the closure order now explains the effects of sections 162 – 168 of the 2003 Act as required by section 161(4)(d) of that Act.

#### **Initial hearing**

- The senior police officer who made the closure order is under a statutory duty to apply to the magistrates' court for it to consider the order, or any extension of it, as soon as reasonably practicable after it comes into force.
- The magistrate's court must consider the closure order made by a senior police officer as soon as practicable after receiving the application, by holding a hearing and determining whether to exercise its powers under section 165 of the 2003 Act.
- Under law on human rights, you are entitled to attend the hearing, to be legally represented, and to make representations to the court before any decision is taken. The chief executive to the magistrates' court will be able to advise you about the details of the procedures which apply in your area.
- A discretion is provided for the magistrates to revoke the order and any extension of it, if it is still in force; or to order that the premises remain closed or be closed until a review of the licence has taken place; or to order that the premises remain closed until a review of the licence has taken place but subject to such exceptions or conditions that they may specify. The last of these powers would enable the court to allow premises to re-open but subject to certain new terms and conditions which they may decide to impose.

- When deciding whether the premises should be allowed to re-open or remain closed, the court must consider whether closure of the premises is necessary in the interests of public safety to prevent disorder or likely disorder (where the closure order was made for this reason) or to prevent further public nuisance caused by noise (where the closure order was made for this reason).
- It is an offence for any person who permits the premises to open in contravention of an order made by the magistrates for the closure of the premises, and the 2003 Act provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.
- It is an offence for any person who fails to comply with or does an act in contravention of any order made by the magistrates in relation to the premises in these proceedings, and provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.
- Where, for whatever reason, the courts are unable to consider a closure order before it expires, the senior police officer concerned may extend the order for up to another period of 24 hours if certain circumstances obtain. These are that the officer reasonably believes that the closure of the premises continues to be necessary in the interests of public safety to prevent disorder, or likely disorder or to prevent further public nuisance caused by noise. Such extensions can be made on an indefinite number of occasions.
- The senior police officer is required to give notice to the holder of the premises licence for the premises, or any designated premises supervisor, or the premises user in connection with a temporary event notice, or a manager of the premises of such extensions of the closure order.
- The senior police officer may cancel the closure order or any extension of it at any time after it has been issued, but before it has been considered by the court. In this case, the court must still consider the closure order originally served, and the licensing authority will still be obliged to review the premises licence.
- The senior police officer is required to cancel the order if they reasonably believe that closure of the premises is no longer necessary in the interests of public safety to prevent disorder or to prevent further public nuisance; and to notify the holder of the premises licence for the premises, or any designated premises supervisor, or the premises user in connection with a temporary event notice, or a manager of the premises.

## **Review hearing**

- The licensing authority must review the premises licence in respect of the premises no later than 28 days after it is notified of the magistrates' courts' determination. The authority is empowered, if necessary to promote the licensing objectives, to modify the conditions of the premises licence, exclude a licensable activity from the scope of the licence, remove the designated premises supervisor from the licence, suspend the licence for a period not exceeding three months or revoke the licence. Their consideration is not confined solely to the incident which gave rise to the service of the closure order. They may examine any issues which are relevant to the promotion of the licensing objectives.
- Where a decision has been made to revoke the premises licence, the decision has no effect until the expiry of the time permitted for appealing against the decision; and if an appeal is made until the appeal is disposed of.