

Annex L

[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.

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 for 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 the 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 his closure order or any extension of it at any time after he has issued it, but before it has been considered by the court. If he does so, 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 he reasonably believes 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 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 when he decides to cancel it.

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.