

# NEXSTART CLOSURE POWERS

Justification	Legislation	Effect	Who has power?	How obtained?	Premises Affected?
<p>There is / expected to be disorder in the whole area. (Usually associated with football matches, with problem fans).</p>	<p>s.160 Licensing Act 2003.  Order to close <b>all</b> premises in specific areas.</p>	<p>Closure of all the licensed premises in that area if necessary to prevent disorder. "Close" up to 24 hours with immediate effect. ("Close" defined by s.171: no food, drink, or other things sold; no ents).</p>	<p>Magistrates on a Police application (rank of Superintendent or above).</p>	<p>Police apply to Magistrates Court.</p>	<p>Premises licence (PL) Temporary Event Notice (TEN) (not Club Premises Certificate CPC).</p>
<p>Sales of alcohol otherwise than in accordance with authorisation ( ie: Premises licence; TEN or CPC).</p> <p>No immediate closure. No power of arrest. Does not apply to off-licences.</p>	<p>s.19 Criminal Justice &amp; Police Act 2001.</p>	<p>Police or Licensing Officer identify a breach of the authorisation and issue a notice. Notice lasts until cancelled. Application to Mags for closure cannot be made until 7 days later if breach not already remedied.</p>	<p>Police Licensing Authority (LA)</p>	<p>Notice and application to Mags by way of complaint on at least 7 days / no longer than 6 months' notice. Licensee is summonsed to Court. No immediate closure by Police or LA.</p>	<p>PL TEN CPC</p>

<p>Nuisance or Disorder to the public being caused or likely to be caused, as a result of the use of the premises. and the Notice is necessary to prevent it.  “Power of last resort”.</p>	<p>S76 Anti- Social Behaviour, Crime &amp; Policing Act 2014.</p>	<p>Immediate closure for up to 24 hours, capable of extension by further 24 hours, or alternatively, 48 hours ab initio if Police Superintendent/ LA CEO authorises it. Notice may be cancelled, but if not, application must be made to Mags within 48 hours for full Closure Order for up to three months, capable of further extension upon application to the Court. Mandatory review of premises licence after closure order.</p>	<p>Police (at least rank of Inspector) or LA may serve the Notice.  At least Superintendent or LA Chief Exec must be the one to extend it by 24 hours or make it a 48 hour order.</p>	<p>Closure of the premises to named people ( or classes of people), but not people who live there, or the owner.  The Notice prohibits access to the premises.  Before serving the Notice, the Officer/ LA must consult with anyone they think needs consulting.</p>	<p>Any premises (not just licensed).</p>
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<p>“Serious crime” defined by the tests in section 81 Regulation of Investigatory Powers Act 2000, ie: it  (a) is an offence attracting 3 years prison or more for over 21 yr old or  (b) involves use of violence, substantial financial gain or is conduct by a large number of people together.  “Serious disorder” not defined – but not just any disorder.</p>	<p>Summary Review s53A LA2003.</p>	<p>LA consider within 48 whether interim steps are required (can include suspension of licence).  Full review follows within 28 days. Can result in any step, including revocation.</p>	<p>On application of Chief Officer of Police.</p>	<p>By application to Licensing Authority with a certificate of opinion from senior member of the police that the premises are associated with serious crime or serious disorder or both.</p>	<p>Premises licensed for retail sale of alcohol.</p>
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A breach of relevant Health and Safety statutory provision/s occurs, or is likely to continue / repeat.	Health & Safety at Work Act 1974 s.21 Improvement notices.	Notice to specify breach; reasons for opinion; specific remedy required; period for compliance. Inspector should discuss compliance. Notice should not go beyond legal requirements.	Health & Safety Executive (HSE)Inspector LA Officer.	Decision of Inspector / Officer in their opinion.	Employers Persons with control at premises.
Activity carried on/ likely to be carried on involving risk of serious personal injury.	HSWA 1974 s.22 and 23 Prohibition notices.	Notice specifies risk, reasons; stat provision breached if any, activity to stop until risk remedied. Can be deferred if stopping immediately would cause extra risk.	Health & Safety Executive (HSE)Inspector LA Officer.	Decision of Inspector / Officer in their opinion.	Employers Persons with control at premises.