



**St John's**  
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**Policing & Crime Bill 2015-16 and  
2016-17  
IoL SW regional meeting**

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# Summary of Bill



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A Bill to make provision for collaboration between the emergency services; to make provision about the handling of police complaints and other matters relating to police conduct and to make further provision about the Independent Police Complaints Commission; to make provision for super-complaints about policing;



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to make provision for the investigation of concerns about policing raised by whistle-blowers; to make provision about police discipline; to make provision about police inspection; to make provision about the powers of police civilian staff and police volunteers; to remove the powers of the police to appoint traffic wardens;



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to enable provision to be made to alter police ranks; to make provision about the Police Federation; to make provision in connection with the replacement of the Association of Chief Police Officers with the National Police Chiefs' Council; to make provision about the system for bail after arrest but before charge; to make provision to enable greater use of modern technology at police stations;



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to make other amendments to the Police and Criminal Evidence Act 1984; to amend the powers of the police under the Mental Health Act 1983; to extend the powers of the police in relation to maritime enforcement; to make provision about deputy police and crime commissioners; to make provision to enable changes to the names of police areas;



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to make provision about the regulation of firearms; **to make provision about the licensing of alcohol**; to make provision about the implementation and enforcement of financial sanctions; to amend the Police Act 1996 to make further provision about police collaboration; to make provision about the powers of the National Crime Agency;



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to make provision for requiring arrested persons to provide details of nationality; to make provision for requiring defendants in criminal proceedings to provide details of nationality and other information; to make provision to combat the sexual exploitation of children; and for connected purposes.

# Bill introduced in Commons



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- 10 Feb 2016 first reading - formal introduction and no debate on Bill.
- Short title of Bill read out followed by an order for the Bill to be printed.
- Bill published as a House of Commons paper for the first time.

# Second reading



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- 7 March second reading, first opportunity for MPs to debate general principles and themes of Bill
- cross party support for licensing provisions
- wild animals in circuses
- sobriety bracelets trials for alcohol-offenders and self-funding breath tests



- detailed examination of the Bill and nothing on alcohol
- taxi licensing: should be duty on LA to adopt licensing objective protection of children from harm
- report Stage: to consider amendments put in Committee 26 April. Only licensing issue related to firearms

# Firearms



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The Bill defines terms so it is clear when firearms, and their component parts, are subject to controls under firearms Acts. Also introduces statutory guidance for police forces on exercise of their licensing functions under the firearms Acts to ensure law consistently applied and all appropriate checks undertaken when considering someone's suitability to hold a firearm or shotgun certificate

# Third reading 13 June



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- third reading is final chance for Commons to debate contents of Bill.
- debate on Bill limited to what is in the Bill rather than, as at second reading, what might have been included
- no changes

# Future progress of Bill



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- carry-over motion agreed on 7 March 2016 which allowed consideration of the Bill to be resumed in the 2016-17 session.
- Bill then moves to the House of Lords for further consideration



The 2003 Act contains a number of safeguards to promote the licensing objectives and protect the public. The provisions in this Bill will help to make the licensing system more effective in preventing crime and disorder, enabling licensing authorities and the courts to act swiftly when those operating licensed premises are involved in crime or disorder, and preventing abuse of the licensing system.

# Provisions in Bill



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- amend meaning of 'alcohol'
- amend summary review provisions
- new power for licensing authority to suspend or revoke a personal licence when notified of a conviction for a relevant offence
- expand list of relevant offences for personal licences holders
- remove need for Secretary of State to lay statutory guidance before Parliament

# Meaning of alcohol



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- S.191(1) In this Act, “alcohol” means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor, but does not include ...
- ‘liquor’ an alcoholic drink
- amended to include powdered or vapourised alcohol and bring it within the Act by inserting ‘in any state’ after liquor.



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We Are  
Currently

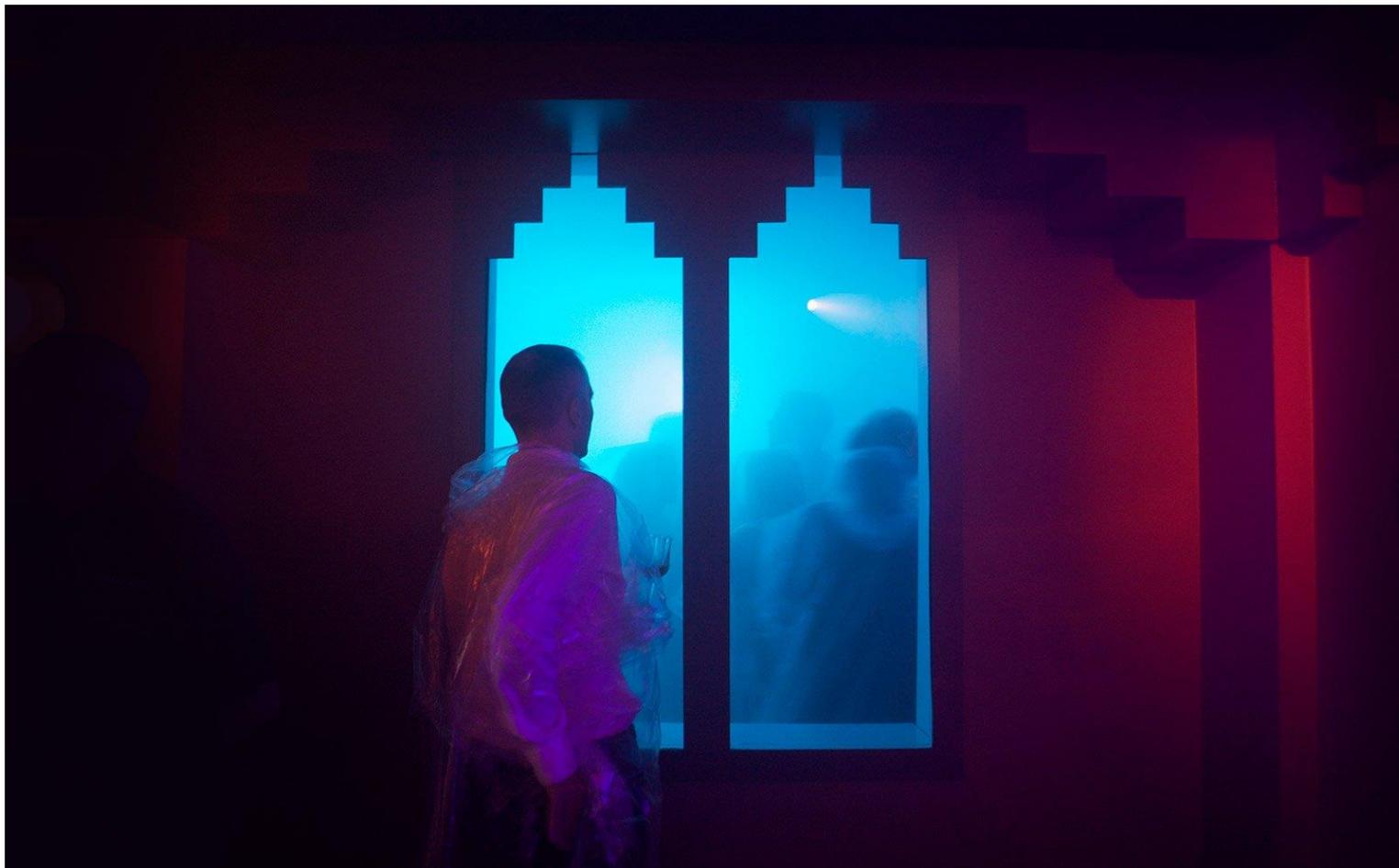
Out Of Stock

**This Is Due To UK Law as soon  
as powdered alcohol becomes  
legal we will let you know and offer  
you a discount.**



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# Summary reviews



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- Police may make application for a summary review if premises associated with serious crime or serious disorder.
- LA within 48 hours of receipt of application must consider whether necessary to impose interim steps.
- Review hearing must be held within 28 days of the summary review application being received.

# Interim steps



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- Focus on immediate measures necessary to prevent serious crime or serious disorder occurring.
- LA must consider
  - modification of conditions of premises licence
  - exclusion of sale of alcohol
  - removal of DPS
  - suspension of licence
- Interim steps remain in effect until full review hearing conducted.

# Ambiguities



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- Do interim steps remain in place or lapse automatically after review hearing and before review determination comes into effect (after 21 days) or where appeal lodged before appeal disposed of?
- Do LAs have power to withdraw or amend interim steps at review hearing?
- What did 2003 Act intend?
- What should the law be?



- summary reviews introduced by Violent Crime Reduction Act 2006
- DCMS Guidance 2007 stated that interim steps remained after the full review hearing
- DJ disagreed with Guidance in 2011
- relevant wording removed from amended Guidance in 2012
- Non-statutory guidance 2012 held to be of little assistance:  
*Sharanjeet Lalli and The Commissioner of Police For The Metropolis (1) The Council of the London Borough of Newham (2)* [2015] EWHC 14 (Admin).



- Licence suspended as interim step; full review suspended for further three months.
- Licence holder appealed against three month suspension and continued to operate pending appeal.
- Police issued closure notice on basis premises being used for unauthorised sale of alcohol.
- DJ refused to make closure order, premises allowed to remain open as interim steps in place until full review.



- LA suspended licence as interim step.
- At full hearing licence revoked and interim steps to remain in place until disposal of any appeal.
- Appealed and applied for JR on basis LA had no power to impose interim steps beyond date of the summary review hearing, permission for JR refused.



- Licence suspended as interim step and revoked at full hearing
- Two decisions above argued.
- Decided interim steps remained in place.



- Licence suspended, revoked at the full review hearing and suspension to continue.
- JR application on basis, among other things, that interim steps could not extend beyond summary review decision.
- Application to continue trading pending outcome of JR granted.
- Permission for JR refused: missed opportunity?

# Dichotomy



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- unfairness to operators, possibly for considerably time pending determination of appeal; and
- removal of immediate protection against businesses undermining the licensing objectives.

# Bill's provisions



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- Bill requires LA considers the interim steps at full review hearing.
- (1) LA will hear the review and decide steps (if any) considered appropriate and proportionate for promotion of licensing objectives
- (2) LA will then determine interim steps to be in place pending outcome of appeal or expiry of time limit for making appeal.



- LA must review the interim steps to ensure appropriate to promote licensing objectives and proportionate.
- must consider relevant representations
- on the evidence determine whether to withdraw or modify any interim steps.



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- Interim steps taken at full review hearing will apply to end of 21 day appeal time or disposal of appeal.
- What if period prior to appeal disposed of exceeds three months?

# Appeal



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- Interim steps imposed at full review hearing subject to right of appeal by police and licence holder to magistrates' court.
- Appeal to be heard within 28 days from date lodged with court.
- If full review decision appealed likely interim steps will be too.

# Problem: multiple representations



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- Licensee may make representation to LA after interim steps taken and LA must hold a hearing within 48 hours of receipt of representation.
- No limit on number of times licensee may exercise right to make a representation.
- Multiple representations possible prior to full review with LA having to hold hearing each time.

# Amendment



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- Bill limits licence holder making further representations unless 'there has been a material change in circumstances since the authority made its decision'.
- Examples: reduction of hours, enhanced security, cessation of a licensable activity, view of the police.



- PLH must produce licence to court if charged with relevant offence (listed sch.4) before case heard.
- If convicted of relevant offence court may order forfeiture or suspension of licence.
- View is courts do not make much use of this power.



- PLH guilty of relevant offence or foreign offence must notify LA that issued licence.
- LA has no power to suspend or revoke licence.
- Licence can only be revoked by court at point of sentence (which may be some considerable time after charge).



- LA given power to suspend licence for up to six months or revoke it.
- Power cannot be delegated and for licensing sub-committee.
- Right of appeal to magistrates' court.

# Additional relevant offences



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Adds:

- sexual offences listed in sch.3 Sexual Offences Act 2003
- violent offences in Part 1, sch.15 Criminal Justice Act 2003
- manufacture, importation and sale of realistic imitation firearms (s.36 Violent Crime Reduction Act 2006)
- using someone to mind a weapon (s.28 Violent Crime Reduction Act 2006)
- terrorism related offences listed in s.41 Counter-terrorism Act 2008
- when in force offences of producing, supplying or offering to supply, possession, importing or exporting of a psychoactive substance (Psychoactive Substances Act 2016)



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- When in force of offences of producing, supplying or offering to supply, possession, importing or exporting of a psychoactive substance (Psychoactive Substances Act 2016)

# s.182 Guidance



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- Amended guidance must be laid before both Houses of Parliament for 40 days.
- If disapproval expressed by either House Sec of State must revise.
- Bill removes the need to lay amended guidance Parliament.