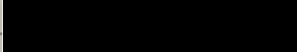


**CLOSURE NOTICE MADE UNDER SECTION 19 OF THE  
CRIMINAL JUSTICE AND POLICE ACT**

Date & Time of the Closure Notice: 16<sup>th</sup> November 2023

Local Authority: Herefordshire Council

Person making the Notice:

Signature 

Name and Address of affected premises: -  
Leonards @39 (T/A Tweet Bar)  
39 High Street  
Ross on Wye  
HR9 5HD

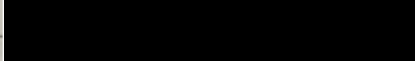
Alleged unlicensed use of Premises:

**Sale by retail of alcohol**

Steps that may be taken to end the alleged unlicensed use of the premises, or to prevent it from re-occurring:

**Cease the sale of all licensable activities and apply for either a premises licence or a temporary event notice**

The person on whom the closure notice has been served

Name 

Date 16<sup>th</sup> November 2023

**Explanatory Notes:**

A police officer or an authorised officer from the local authority, has decided to issue this closure notice under

## **Explanatory Notes:**

A police officer or an authorised officer from the local authority, has decided to issue this closure notice under the terms of section 19 of the Criminal Justice and Police Act 2001 ("the 2001 Act"). The notice alleges that the said premise has been operating illegally without a licence to sell alcohol in contravention of sections 136 of the Licensing Act 2003 by breaching a condition attached to the licence. It also mentions the actions which may be taken by the owner or manager of the premises to end the unauthorised sale of alcohol, or to prevent it from re-occurring.

### **Section 19 of the 2001 Act - Closure Notice**

Where a police officer, or an authorised officer from the local authority is satisfied that any premises are being, or within the last 24 hours have been used, for the unlicensed sale of alcohol, including being in breach of its licence conditions, they may serve under subsection (3) a notice in respect of the premises.

### **Section 20 of the 2001 Act - Closure Order**

Your attention is drawn to section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a justice of the peace at the local magistrates' court for a closure order if the unauthorised sale of alcohol (as alleged in this closure notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a closure order must be made not less than 7 days, and not more than 6 months, after the date on which this closure notice was served.

After an application for a closure order is made, the justice of the peace may issue a summons requiring the applicant, and also the person or persons on whom the closure notice was served, to attend a hearing at the court on a specified date and time. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a closure order should or should not be made.

In accordance with the Magistrates' Courts Act 1980, and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

### **Appeals - Section 24 of the 2001 Act**

An appeal against a decision by the magistrates' court to grant a closure order, or a decision to refuse an application for a closure order, can be made by an affected person to the Crown Court within 21 days.

### **Enforcement Powers and Offences - Section 25 of the 2001 Act.**

It is an offence for a person, without reasonable excuse, to permit a premise to be open in contravention of a closure order made by the magistrate's court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.

It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £20,000, or to three months imprisonment, or to both.

Police officers and authorised officers from the local authority have the power to enter the said premises at "any reasonable time", and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises). However, when exercising this power, the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

It is an offence for a person to intentionally obstruct police officers or authorised local authority officers from exercising these powers. Any person convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to one month's imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.