

**LICENSING ACT 2003
PREMISES LICENCES AND CLUB PREMISES CERTIFICATES
NEW MANDATORY CONDITIONS
(Report by Head of Democratic and Central Services)**

1. INTRODUCTION

- 1.1 The purpose of this report is to advise members of five new mandatory conditions introduced under section 19(a) of the Licensing Act 2003. The conditions have been introduced with the intention of ensuring good practice and consistency within the industry and preventing irresponsible practices that put individuals at risk and lead to crime and antisocial behaviour. Government figures indicate that alcohol related crime and disorder costs the U.K taxpayer between £8 and £13 billion per year. The new conditions will be applicable to premises licences and club premises certificates.
- 1.2 The purpose of the first two conditions is to ban irresponsible drinks promotion such as “all you can drink for £10”, women drink free and speed drinking promotions, also activities such as “the dentist chair” where alcohol is poured directly into the mouth of a customer by some other person giving them little opportunity to control the amount of alcohol they are drinking. The third condition is intended to ensure that free tap water is available for customers. These conditions came into effect on the 6th April 2010.
- 1.3 The fourth condition is to ensure that all premises who sell alcohol have an age verification policy for anyone who looks under the age of 18 years to prevent underage drinking. The fifth condition requires that where alcohol is supplied for consumption on the premises alcohol is available in small measures to enable customers to have a choice as to the size of their drink. These conditions will not come into force until the 1st October 2010 in order to give retailers the time to prepare.
- 1.4 The conditions will not apply to temporary event notices or where the licence or certificate authorises the sale by retail or supply of alcohol

2. CONDITIONS

- 2.1 The wording of the conditions is as follows:
- 1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise).
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring.
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - f) the responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 - g) the responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 - h) the premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- 3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 4) The responsible person shall ensure that–

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- b) customers are made aware of the availability of these measures.

3. RESPONSIBLE PERSON

3.1 The responsible person means

- a) in relation to licensed premises-
 - (i) The holder of a premises licence in respect of the premises,
 - (ii) The designated premises supervisor (if any) under such a licence or,
 - (iii) Any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.
- b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.

4. PENALTIES

- 4.1 Premises that breach the mandatory code will face a range of possible sanctions including the revocation of the premises licence or certificate, additional conditions being imposed on the licence or on summary conviction a fine not exceeding £20,000 and/or six months imprisonment.

3. RECOMMENDATIONS

- 3.1 It is recommended that members note the contents of this report.

BACKGROUND INFORMATION

Licensing Act 2003.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

Guidance issued under section 182 Licensing Act 2003.

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