

LICENSING COMMITTEE: 8 June 2010

Report of the Chief Strategic Planning and Environment Officer

INTRODUCTION OF MANDATORY LICENCE CONDITIONS

1. Background

- 1.1 Section 32 of the Policing and Crime Act 2009 provided powers for the Secretary of State to impose further mandatory conditions relating to the sale by retail or supply of alcohol in premises licences which would apply to all licensed premises. Schedule 4 to that Act amends the Licensing Act 2003 and creates an enabling power that allows the Secretary of State to set out new mandatory licence conditions relating to the supply of alcohol for all new and existing relevant premises licences and for all new and existing relevant club premises certificates respectively (or for those premises licences or club premises certificates of a particular description). "Relevant" here refers to the licence being for supply or retail of alcohol.
- 1.2 The introduction of the mandatory conditions must be set out in secondary legislation. A statutory instrument the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010/860 has been passed by Parliament to introduce the new mandatory conditions. This report is to provide details of the new measures for information.

2. Details.

- 2.1 A statutory instrument the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010/860 introduces further mandatory conditions were to have effect in April and October 2010. The statutory instrument seeks to meet the objectives under the Licensing Act 2003; namely to reduce alcohol-related crime and disorder, public nuisance, harm to children and risks to public safety by specifying a set of mandatory licensing conditions to be added to all licences and club premises certificates of those who supply or sell alcohol by retail. These mandatory conditions will prevent irresponsible promotions and practices in the retail or supply of alcohol.
- 2.2 The specific mandatory licensing conditions set out in this Order are largely to ban the kinds of irresponsible promotions and practices in licensed premises that may lead or contribute to crime and disorder, risk to public safety, public nuisance or harm to children. There may be up to nine new mandatory conditions however the order introduces five at this time.
- 2.3 Conditions 1, 2 and 3 come into force on the 6 April 2010 whilst conditions 4 and 5 give the trade further time to prepare before they are introduced on 1

October 2010. Conditions 1, 3 and 5 do not apply to premises licences where it authorises only the sale by retail off the premises.

3. The Mandatory Conditions.

3.1 The three mandatory conditions that had effect on 6 April 2010 are:

1. (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.

2. 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).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

3.2 The two mandatory conditions proposed to have effect on 1 October 2010 are:

4. (1) 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.

(2) 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.

5. 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.

3.3 Under Section 19A(4) of the Licensing Act 2003 the conditions will have effect in respect of existing licences from the coming into force of the Order.

4. **Achievability**

This report contains no equality personnel or property implications.

5. Legal Implications

5.1 The Legal implications appear in the body of this Report.

6. Financial Implications.

6.1 The licensing service is required to be self financing with all expenditure being met from fees and charges which are reviewed annually. There are no direct financial implications for the licensing authority arising from the introduction of the new mandatory conditions.

7. Recommendation

7.1 That the report be noted.

SEAN HANNABY **2 April 2010**
CHIEF STRATEGIC PLANNING AND ENVIRONMENT OFFICER

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None