



South Hams District Council

Licensing News

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New Mandatory Licensing Conditions

The Police and Crime Act 2009 introduced a Mandatory Code for alcohol retailers that aims to reduce crime and disorder and public nuisance caused by excessive alcohol consumption. In March 2010, Parliament passed an Order, which sets out five additional mandatory conditions that apply to relevant licences and club premises certificates.

Three of the five new conditions came into force on 6 April this year. These are:

- a ban on irresponsible promotions
- a ban on the dispensing of alcohol directly into another person's mouth; and
- ensuring free access to tap water for customers.

From 1 October 2010 an additional two conditions will apply:

- a requirement for an age verification policy; and
- a requirement to give customers the opportunity to choose small measures of beer, cider, wine and spirits.

All five conditions will apply to all licensed premises and clubs that sell or supply alcohol for consumption 'on' the premises. If you only sell alcohol for consumption 'off' the premises then only the requirement to have an age verification scheme will apply.

Irresponsible promotions are defined by the order as those "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". An example of this would be drinking games which encourage customers to drink faster than they normally would but each situation will need to be judged separately. If you are in doubt then talk to us or the police but it is up to you to decide.

Responsibility for this condition rests with the 'responsible person' and the definition here is from section 153(4) of the Licensing Act

- in relation to **licensed premises** the holder of the premises licence; the designated premises supervisor (if any); any individual over the age of 18 authorised by such a holder or premises supervisor
- in relation to **clubs** any member or officer of the club present on the premises in a capacity where he or she is able to prevent the supply in question.

The responsible person should ensure that all staff working on the premises are made aware of this condition and they should not organise, run or take part in any irresponsible alcohol promotions on behalf of the premises licence holder or club premises certificate holder.

Minor Variations Update

Last summer a new, streamlined process for making minor changes to existing premises licences and club premises certificates was introduced. The “minor variations” procedure allows low impact changes that would not undermine the licensing objectives, without the need for the full variation application procedure.

Minor variations will generally fall into four categories:

- (a) Minor changes to the structure or layout of the premises
- (b) Small adjustments to licensing hours (but cannot be used to extend hours for the sale or the supply of alcohol)
- (c) The removal of out of date, irrelevant or unenforceable conditions or the addition of voluntary conditions
- (d) The addition of certain licensable activities (for example, adding the live music activity to a premises licence that is already providing other licensable activities at that time or is already open).

When applicants wish to apply for the addition of live and/or recorded music onto a premises licence or club premises certificate we recommend that you seek advice from the police licensing department and the responsible environmental health officer for the area, prior to submitting the application. The licensing authority will invariably make contact with both of these authorities prior to issuing a minor variation.

You should also make sure that you include the days and times of each licensable activity requested to prevent delays in processing the application. Unfortunately the prescribed application form is not very clear and the advice contained within it can be easily missed. If you are unsure or need advice when applying for a minor variation please contact the Licensing Department who will be pleased to assist you.



Licensing Online

The European Union Services Directive is an initiative that will have major implications for many licence holders. The purpose of the Directive is to remove barriers to doing business within the EU area and to simplify procedures. One of the key public services which falls within the scope of the Directive is council licensing. To comply with the Directive, all local authorities must ensure that they are able to receive and process online licence applications and payments for certain types of licence, permit and registration that they deal with. Premises licensing and club premises certificates under the Licensing Act 2003 are just two of the licence types covered and includes new applications, variations, transfers etc.

When applying online there will no longer be a requirement for applicants to send copies of their application to each responsible authority, nor will they have to send a copy of a TEN to the police. This will be done by the licensing authority instead and will save time and money. The system should also provide greater choice and convenience for applicants.

To submit an application online and to find out further information on licences covered by the EU Services Directive, visit the licensing pages of our website.

