



**South Hams  
District Council**

# Licensing News

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## Are you licensed for Christmas?



If you are planning any special events over the Christmas and New Year period, please ensure that your premises licence allows you to open and trade during the hours you require.

If you need to apply for a Temporary Event Notice (TEN) to extend your hours, please remember that the notice needs to be served to the Council and the Police at least **10 clear working days** prior to the date it is required. This does not count the day of the event or the day the notice is received.

TENs for Christmas Eve must be served by Thursday 9<sup>th</sup> December and for New Year's Eve by Tuesday 14<sup>th</sup> December.

## What was new in October?

### Changes to Interim Authority Notice procedure

The Licensing Act 2003 provides for special arrangements for the continuation of permissions under a premises licence when the holder of a licence dies suddenly or becomes bankrupt or mentally incapable. If this happens a person with a 'prescribed interest' in the premises is able to serve, an "interim authority" notice on the licensing authority to keep the licence 'alive'. Since October the period for service of the notice has been extended from 7 days to 28 days beginning the day after the licence lapsed. Service of a notice will reinstate the premises licence as if the person giving the notice is the holder of the licence and allows licensable activities to continue to take place pending a formal application for transfer. The maximum length of an interim authority notice has also been extended to three months.

Alternatively the licence can be 'saved' by applying, within the extended 28 day period following its lapse, to transfer it with immediate effect. This will result in the licence being reinstated from the point at which the transfer application was received by the licensing authority.

### Temporary Event Notices – Police objection time limit change

The time the police now have to object to the service of a Temporary Event Notice has been extended from 48 hours to 2 working days.

### Mandatory Premises Licensing Conditions

A reminder that two new mandatory licence conditions came into force on 1st October 2010 requiring all premises/clubs selling alcohol to have an age verification policy. 'On' sales premises must also provide the opportunity for customers to choose small measures of beer, cider, wine and spirits. These are in addition to the first three conditions relating to 'on' sales premises introduced on 6<sup>th</sup> April 2010 prohibiting 'irresponsible drinks promotions', no alcohol to be 'dispensed directly into the mouth of another person' and ensuring 'free drinking water' is available.

See overleaf for an explanation of the two new mandatory conditions. Also enclosed is an example of a 'Premises Age Verification Policy' which you may find helpful.

## New mandatory conditions from October 2010

### Age verification policy

The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

This must, as a minimum, require individuals who appear to the responsible person to be under 18 years of age to produce on request (before being served alcohol) identification bearing their photograph, date of birth, and a holographic mark. Examples of acceptable ID include photo card driving licences, passports or proof of age cards bearing the PASS hologram, although other forms of ID which meet the criteria are also acceptable.

The licence holder must ensure that staff are made aware of the existence and content of the age verification policy applied by the premises. This condition does not exclude best practice schemes such as Challenge 21 or Challenge 25 which require individuals who appear to be under an age which is greater than 18 to provide ID. Companies that sell alcohol or online should also operate an age verification policy, but as the transaction takes place remotely the condition does not ordinarily require photo ID to be shown at the point of delivery. However, age verification must have taken place already via other means to satisfy the requirements of the condition.

### Smaller measures

The responsible person must ensure that the following drinks if sold or supplied for consumption on the premises are available in the following measures:

- beer or cider – half pint
- gin, rum, vodka or whisky – 25ml or 35ml
- still wine in a glass – 125ml

As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures – for example, by making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent place in the relevant premises (e.g. at the bar).

The above condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the condition to make it available in ½ pints does not apply.

The Licensing Authority will not be re-issuing all licences. The mandatory conditions will be added to licences as they are returned to the licensing authority following a transfer, variation or change of DPS. However, it is important that you are aware they are in force.

