

Information Sheet Licensing Act 2003 Licencees Responsibilities



Environmental Health Services

The Law is Changing

The Licensing Act 2003 radically changes the law relating to licensing the sale of alcohol, the provision of entertainment and the provision of hot food late at night. The Council, as the new Licensing Authority, will be responsible for enforcing licence conditions from November 2005. This leaflet gives guidance on the duties of Premises Licence holders and clubs operating under a Club Premises Certificate or people who have served a Temporary Event Notice on the Licensing Authority.

This leaflet provides a brief summary only of the new law. It is the licensee's responsibility to know what the law requires and to comply with it. Failure to comply with any of these duties is an offence for which the Premises Licence holder or other people (such as Club Secretaries or club officers) may be prosecuted. Penalties on conviction vary but go as high as 6 months in prison and a fine of £20,000.

Licence Conditions

All Premises Licences will be granted subject to conditions. These will include the hours during which alcohol can be served or entertainment provided. Such conditions must be complied with. Temporary Event Notices do not have conditions attached but the event must be held in accordance with the information supplied as part of the Notice and failure to do so is an offence.

Name and Address

The Licensing Authority must be notified if the licensee or the Premises Supervisor change their name or address.

Who can sell Alcohol?

Retail sales of alcohol may only take place in premises with a Premises Licence when there is a Designated Premises Supervisor who holds a personal licence appointed for the premises. Every supply of alcohol must be made by or authorised by a person who holds a Personal Licence. This does not mean that only Personal Licence holders can make sales or that they must be personally present at every transaction and a Personal Licence holder can authorise members of staff to make sales whilst they are temporarily absent say to take a meal break or to change a barrel. They still remain responsible for the actions of those who they authorise.

Where a sale or supply of alcohol is by someone under the age of 18 then each and every individual sale must be specifically authorised by someone over the age of 18 who is authorised to supply alcohol.

Where there is a Temporary Event Notice in force other requirements may exist.

Children and alcohol

Alcohol must not be sold or supplied to under-18s, or anyone purchasing it on their behalf, and they must not be allowed to consume it on licensed premises (except beer, wine and cider with table meals for 16 and 17 year olds). Under-16s must not be sold liqueur chocolates. Under-16s are not allowed on premises used primarily for the sale or supply of alcohol for consumption on the premises unless they are accompanied by an adult (someone over 18).

Drunkenness

Disorderly conduct must not be allowed on licensed premises and it is an offence to serve alcohol to someone who is drunk.

Clubs

If a club changes its name or its rules or its registered address the Club Secretary must notify the Licensing Authority. Any club official or member of the club must act to prevent the supply of alcohol to under-18s (except under an exemption for beer wine or cider to be consumed with table meals by 16 and 17 year olds).

Cinemas

You may not show a film that doesn't have a BBFC certificate and you must not allow children to see films in contravention of their classification.

Entertainment

Provision of regulated entertainment is a licensable activity regardless of whether there is also the sale or supply of alcohol. Unless a licence permits it, then it is an offence to allow it to go on. Spontaneous music, singing or dancing would not count as the provision of regulated entertainment but clearly a Premises Licence holder should take reasonable steps to curtail it.

Late Night Refreshment

The provision of late night refreshment (which means the supply of hot food or drink to the public between 11.00 pm and 5.00 am) is a licensable activity. The Premises Licence must include this.

Rights of Entry

Generally, officers from law enforcement bodies such as the Police, the Council or Trading Standards have a right to enter premises at any time to check whether a licensable activity is taking place in accordance with an Premises Licence, Club Premises Certificate or Temporary Event Notice. It is an offence to not allow them free entry or to obstruct them in any way.

Display of Licence

Anyone who holds a Premises Licence or who has served a Temporary Event Notice on the Council must keep it (or a certified copy) at the premises under their control and prominently display a summary of it.

Smuggled Goods

Anyone who works on licensed premises and allows smuggled goods to be kept there commits an offence.

Other Legislation

Compliance with the Licensing Act 2003 and any licence conditions etc does not mean that other legislation can be ignored. The provisions of the Health and Safety at Work etc Act 1974, Fire Safety, Food Safety and other related legislation must also be complied with.

Further Advice

If you are in doubt as to your responsibilities you can contact us for advice.

This leaflet provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice.

Further information

There are a number of information leaflets available from the Licensing Team at the Town Hall (tel: 01737 276428) Email: licensing@reigate-banstead.gov.uk or via the Council's website which include: -

- § Temporary Events
- § Converting Existing Licences
- § Children and Alcohol
- § Representations and Objections
- § Late Night Refreshment
- § Licensable Activities
- § The New Law