

SOUTH HOLLAND COUNCIL

Report of: Assistant Director Community – Rob Walker

To: Committee of the Licensing Authority – 28 October 2014

Author: Fiona Inston – Licensing and Business Support Manager

Subject: Licensing Act 2003 – new Mandatory Conditions

Purpose: To advise on changes to the provisions of Licensing Act 2003 via new Mandatory Conditions.

Recommendation:

That members note the proposed legislative changes to the Mandatory Conditions under the Licensing Act 2003.

1.0 BACKGROUND

- 1.1 A draft amendment order, the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014, has been published that will bring into effect amendments to the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. The 2010 order introduced a number of mandatory licence conditions, applicable to premises licences and club certificates, that banned certain drinks games and promotions, required premises to make free tap water available to customers, made age verification policies mandatory and introduced the requirement to make alcohol available in smaller measures.
- 1.2 The new Mandatory Conditions are scheduled to come into force on 1 October 2014. The proposed conditions can be viewed by following the link in the Background Papers section of this report. A summary of the changes is attached at Appendix A to this report.
- 1.3 These new Mandatory Conditions are in addition to the original conditions still in force from the Licensing Act 2003 and the Mandatory Condition relating to “permitted price” (the level of alcohol duty plus VAT below which alcohol cannot be sold or supplied) which came into force on 28 May 2014.

2.0 OPTIONS

- 2.1 That members note the proposed amendments to the Mandatory Conditions under the Licensing Act 2003.

3.0 REASONS FOR RECOMMENDATION

- 3.1 Legislative changes will apply to premises and clubs within the South Holland Council district.

4.0 EXPECTED BENEFITS

- 4.1 N/A

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

5.1.1 It is the opinion of the Report Author that there are no implications.

5.2 **Constitution & Legal**

5.2.1 It is the opinion of the Report Author that there are no implications.

5.3 **Contracts**

5.3.1 It is the opinion of the Report Author that there are no implications.

5.4 **Corporate Priorities**

5.4.1 It is the opinion of the Report Author that there are no implications.

5.5 **Crime and Disorder**

5.5.1 It is the opinion of the Report Author that there are no implications.

5.6 **Equality and Diversity / Human Rights**

5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 **Financial**

5.7.1 It is the opinion of the Report Author that there are no implications.

5.8 **Risk Management**

5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 **Staffing**

5.9.1 It is the opinion of the Report Author that there are no implications.

5.10 **Stakeholders / Consultation / Timescales**

5.10.1 It is the opinion of the Report Author that there are no implications.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All

Background papers:-

Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014:

<http://www.legislation.gov.uk/ukxi/2014/1252/introduction/made>

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Key Decision: No

Exempt Decision: No

Appendices:

Appendix A – Summary of changes to Mandatory Conditions under the Licensing Act 2003

2014 Draft Order (amendments proposed highlighted)

Schedule 1(1) "The responsible person **must** ensure (as opposed to shall take all reasonable steps) that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises."

Schedule 1(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-~~

Schedule 1(2)(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 **in a manner which carries a significant risk of undermining a licensing objective (words added);**

Schedule 1(2)(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 **in a manner which carries a significant risk of undermining a licensing objective (words added);**

Schedule 1(2) The responsible person **must** ensure that **free potable water** is provided on request to customers where it is reasonably available.

Schedule 1(3) -

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.(New words added)

(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 **either-**

(a) a holographic mark, or

(b) an ultraviolet feature.

Schedule 1(4) The responsible person **must** 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available." These new words replace the previous "customers are made aware of the availability of these measures)