



Legal Brief

Licensing laws - your questions answered. April 2008

WHO ARE THE RESPONSIBLE AUTHORITIES FOR LICENSING?

The most important responsible authorities are the police and local authority. If you make an application to them or make a new application for a premises licence you can be given an up to date list of the responsible authorities.

I HAVE A PREMISES LICENCE BUT I WOULD LIKE TO EXTEND MY HOURS AND SALE OF ALCOHOL FOR A PRIVATE EVENT. WHAT DO I NEED TO DO?

Unless you want to make a permanent variation it may be advantageous to apply to the local authority for a temporary event notice. You are allowed 12 in one year associated with your premises licence. Make sure you submit your application to the local authority within 10 working days of the proposed event and send two copies of this notice to the licensing authority. You also need to send a further copy to the Chief Officer of Police responsible for your area at least 10 working days before the event.

MY DESIGNATED SUPERVISOR HAS NOW LEFT MY EMPLOYMENT; DO I HAVE TO NOTIFY THE LICENSING AUTHORITY?

Yes you do. Ideally you should ensure that you nominate a new designated supervisor before the old one has left. The new designated supervisor will need to sign a consent form as an individual to be certified as the premises supervisor and pay the requisite fee. This will then be filed at the local authority designated to your premises licence.

I AM CURRENTLY SELLING MY RESTAURANT AND THE BUYER IS INTERESTED IN RUNNING THE RESTAURANT IN THE FUTURE. CAN I TRANSFER MY LICENCE?

You can sign an 'intended premises licence holder transfer' form. This can then be passed on to the buyer or his solicitors. It will transfer the premises' licence to the new buyer.

HOW MUCH DOES A NEW PREMISES LICENCE COST?

This depends on the rateable value of the property.

CAN I EMPLOY SOMEONE UNDER 18 TO SELL AND SERVE ALCOHOL?

Yes you can, but each sale must be authorised by a relevant person, normally a premises licence holder or the designated premises supervisor

CAN I SELL ALCOHOL WITHOUT A LICENCE?

No, it is an offence. It carries a sentence of 6 mths in prison or a £20,000.00 fine

DOES THE LICENSING ACT HAVE ANY RECOMMENDATIONS TO HELP REDUCE TROUBLE IN THE STREET?

Yes there are some recommendations – for example anyone causing a nuisance and not obeying an instruction to stop drinking or to give up drink in a designated public space will face an increased fine from £500 to £2,500. This should help reduce the number of public disturbances. Also if a licensee is caught consistently serving alcohol to a person under 18 he will face greater penalties than before. There are also tougher sanctions on those breaching their licensing conditions and these include the introduction of a red and yellow card system to strip shops, pubs and clubs of their alcohol licences if they serve children or if they serve people who are drunk.

SO IS THERE ANYTHING THAT LICENSEES CAN DO TO HELP?

Yes, there are quite a few things that licensees can do to help – make sure no alcohol is taken off the premises unless you have an off-licence condition and confiscate any alcohol if you suspect that somebody may be concealing alcohol when leaving your premises; train your door staff properly and if you have a late licence extension find ways to disperse groups as quickly as possible; you could also arrange for taxis to be available so that your neighbours are not too disturbed; and finally work closely with the police and local authority, they're there to help.

A NEIGHBOUR HAS COMPLAINED ABOUT THE NOISE LEVELS TO THE MANAGER. WHAT SHOULD I DO ABOUT THIS COMPLAINT?

The spirit of the Act is that a premises licence should work in cooperation with the local community. Take the complaint seriously and see whether you can resolve any of the issues before the complainant goes to the local authority. Document your conversations with the resident, what you have concluded and any actions taken. In the event that the neighbour does complain to the local authority, you will have the evidence to prove that you have tried to resolve the matter.

I INTEND TO HOLD AN EVENT AT THE VILLAGE HALL BUT DO NOT WANT TO MAKE A PERMANENT APPLICATION FOR A PREMISES LICENCE. WHAT CAN I DO ABOUT THIS?

You can apply for a temporary event notice.

IS THERE ANYTHING ELSE THAT LICENSEES NEED TO KNOW?

Yes, if you're a licensee you should review your licences on a regular basis to make sure they comply with all the conditions placed on the licence. For example, you need to check that the correct designated premises supervisor is on the licence and that all licences are up to date – we can help with this and with variations to your licence and of course if your licence is up for review with the local authority. You may also need some help with representation if your application goes to a local hearing at the council. We can also help local people to get a temporary licence for private events.

If you're not sure what to do, simply give Melanie Roberts a call on her direct line 01256 854677 or email Melanie on mroberts@phillips-law.co.uk.