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Time, gentlemen, to evaluate!

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'Much media attention has been devoted recently to the publication of the Government's evaluation of the impact of the Licensing Act' says Melanie Roberts, solicitor at Phillips specialising in licensing law, 'If you are a premises licence holder there couldn't be a better time to evaluate your premises licence together with your business objectives.

This is the first review of its kind since the implementation of The Act in 2005 and it reveals a mixed picture. Overall crime and alcohol consumption is down but alcohol related violence has increased in the early hours of the morning, with some increase in disturbances.

It has always been the intention of the Secretary of State to monitor the impact of the Act on crime and disorder, public safety, the prevention of public nuisance and protection of children from harm. Licensees will well know these as the four statutory objections which should be borne in mind when making any business objectives or any business plans for the future.

The report highlights that in general the new licensing machine is running smoothly but suggests that future monitoring should focus on the effectiveness of local and national strategies. Licensees will be glad to know that the review also recommends simplification of the red tape involved in making an application for a new licence and a variation.

The immediate actions that came out of the report are:

- Easier to review premises licences
- Tougher sanctions on those breaching their licensing conditions, including the introduction of a red and yellow card system to strip shops, pubs and clubs of alcohol licences if they serve children or people who are drunk

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- Change to the offence of consistently serving alcohol to a person under 18, with three strikes to two strikes and three months
- An increase in fines for anyone not obeying an instruction to stop drinking or to give up drink in a designated public space from £500 to £2,500.

What should licensees do?

1. Review your licences on a regular basis ensuring that they comply with all the conditions placed on the licence. For example, check that the correct designated premises supervisor is on the licence.
2. Ensure that your premises are responsibly managed and educate managers to ensure that all bar staff are personal licence holders.
3. Ensure that no alcohol is taken off the premises unless you have an off-licence condition and confiscate any alcohol where there is reasonable suspicion that somebody may be concealing alcohol when leaving your premises.
4. If you have licence extensions until the early hours of the morning, put adequate procedures in place and train your door staff. You could make provisions for taxis to pick up outside in the early hours of the morning to ensure that groups are dispersed as quickly as possible with the minimum disturbance to neighbours.
5. Work closely with the police and local authority. Where a representation has been made by an interested party or neighbour it is worth being sympathetic towards their views whilst balancing these with your business needs.

'This is a good, opportune time for licensees to review their premises licence, balancing the needs of the community with their own business objectives' comments Melanie, '24 hour drinking is here to stay and although the licensing laws have not led to the fall in alcohol-related crime and disorder that the public were led to believe would happen, by working together with the local authority and police, licensees should be able to bring a greater unity to balance trade and the Government's implementation of legislation.'

Melanie Roberts will be presenting more on this subject at the Chamber lunch on May 20th at the Red Lion Hotel in Basingstoke. For help with your licence applications you can call Melanie on 01256 854677 or email her at mroberts@phillips-law.co.uk

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