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APLH Licensing

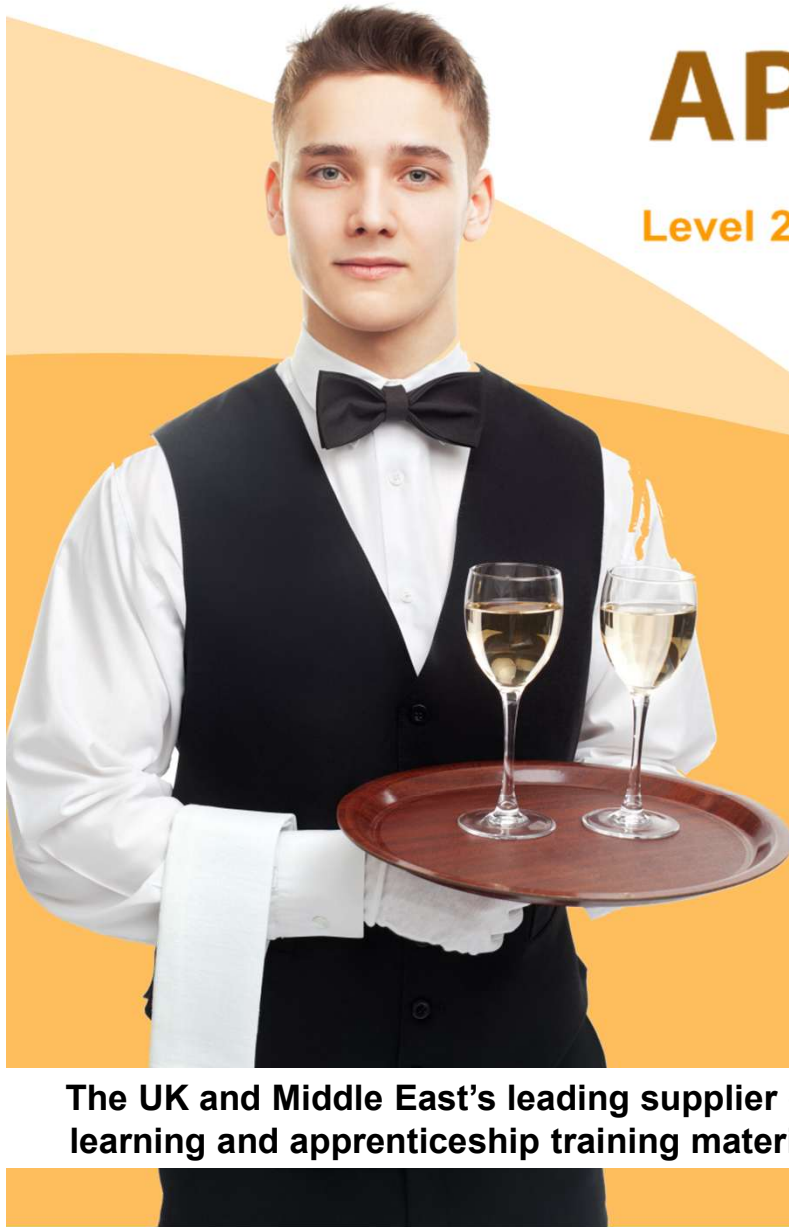
Level 2 Award for Personal Licence Holders



INTERACTIVE
Version



THE QUEEN'S AWARDS
FOR ENTERPRISE:
2016



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Module guide

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- 4 The Protection of Children**
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Licensing Law



The Licensing Act 2003

Came into force 24th November 2005

An Act of Parliament

- **Focus on the promotion of 4 licensing objectives**
- **Separate licensing of premises and individuals**

Key aims:

- **Protect public**
- **Provide enforcement powers**
- **Recognise role of licensed premises.**



Types of licence



Personal licence

allows holder to sell or authorise the sale of alcohol in accordance with premises licence or temporary event notice



Premises licence

allows one or more of the licensable activities to take place



Temporary event notice (TEN)

allows licensable activities, within certain limitations to take place at otherwise unlicensed events



Club premises certificate

allows qualifying club activities, such as the supply of alcohol to take place for members and guests.

The licensing objectives

KEY POINT

The fundamental principles on which the licensing system is based and which must be promoted

- 1 Prevention of crime and disorder
- 2 Public safety
- 3 Prevention of public nuisance
- 4 Protection of children from harm



All of the licensing objectives are of equal importance and understanding them is essential.

Steps to promote the licensing objectives



**Licensed
door
supervisors/
security
guards**

**Staff
training**

CCTV

**Bottle
tagging**

**Noise
reduction**

**External
lighting**

**Strategies to
prevent
underage
sales**

Licensable activities



Licensable activities

Those activities for which a licence or other authorisation is required



- Sale of alcohol by retail
- Supply of alcohol by or on behalf of a club or to the order of a member of the club
- Provision of regulated entertainment
- Provision of late-night refreshment

Different types of business or organisation undertake licensable activities including public houses, supermarkets, members' clubs, entertainment venues and late-night takeaways.

Sale of alcohol by retail



Alcohol

Any spirit, wine, beer, cider or other fermented, distilled or spirituous liquor in any state (powdered or vaporised) with an alcohol content over 0.5% of the total volume

- **A licensable activity**
- **Sale of alcohol directly to the consumer**
- **Must have a valid premises licence or other authorisation**
- **A named designated premises supervisor (DPS) who must be a personal licence holder.**

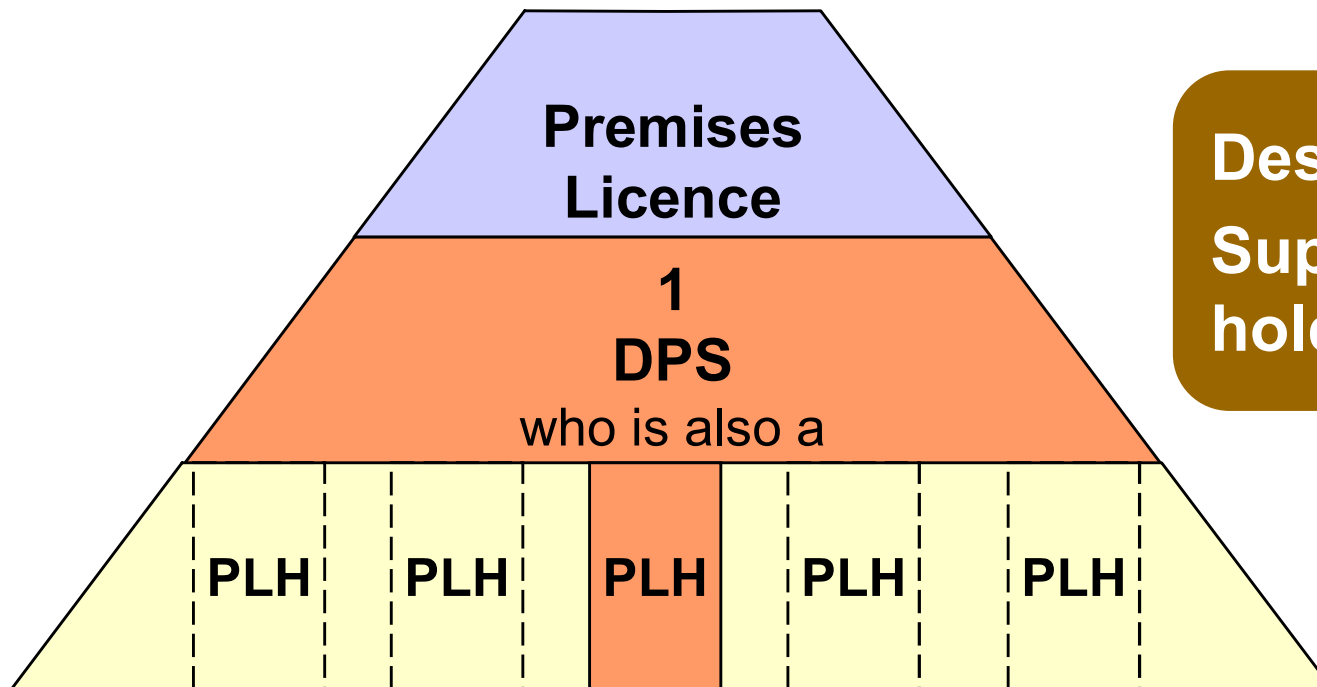


Requirements for the retail sale of alcohol



PLH

Personal Licence Holder



Designated Premises Supervisor (DPS) must hold a personal licence

How many PLHs work on your premises?
Who is the DPS for your premises?

The supply of alcohol



Supply of alcohol

A term used to mean both the sale of alcohol by retail and/or the supply of alcohol in qualifying clubs

Members' clubs

- The supply of alcohol by or on behalf of a qualifying club may take place under a club premises certificate.





Regulated entertainment

Entertainment for an audience or spectators for which a licence or other authorisation is required

- **Performance of a play**
- **Exhibition of a film**
- **Some indoor sporting events**
- **Boxing or wrestling**
- **Contest, exhibition or display of boxing or wrestling with a martial art**
- **Some live music**
- **Recorded music**
- **Some dance performances.**



Some forms of entertainment are exempt and therefore not licensable.

Exempt and deregulated entertainment

Exempt entertainment includes:

- incidental or background music
- music to create ambience
- pub games – darts and pool
- Morris dancing

Deregulation - no licence for smaller-scale performances between 8am and 11pm of some:

- live music
- plays
- dancing
- indoor sporting events.



Late-night refreshment

The provision of hot food or hot drink between 11.00pm and 5.00am requires a licence

For consumption on or off the premises

May affect those premises not otherwise licenced to sell alcohol such as:

- takeaways
- fish and chip shops
- burger vans
- service stations
- late-night cafés.



Licensing authorities



Licensing authority

The body responsible for carrying out all licensing functions in an area

- Establish licensing committee of 10 to 15 members
- Publish licensing policy every 5 years
- Administer licensing system
- Keep register of licences
- Issue licences
- Act as a responsible authority
- Suspend or revoke personal licence following conviction of holder for relevant offence.

KEY POINT

A licensing policy shows how the licensing authority will promote the licensing objectives.



Purpose of a licensing hearing

To allow the licensing committee to decide what, if any, action to take following:

- **relevant representations to new premises licence or variation application**
- **objections to personal licence application**
- **objections to a temporary event notice**
- **review requests**
- **closure orders**
- **an application for the summary (fast track) review of a premises licence.**

KEY POINT

A hearing allows all involved to put forward their case to be considered by the licensing committee.

The right of all parties involved to challenge a decision made by the licensing committee



KEY POINT

An appeal must be made to a magistrates' court within 21 days of the licensing authority's decision.

Prohibited premises

These prohibited premises can never be licensed to sell alcohol:

- **most motorway service areas**
- **garages selling or repairing vehicles**
- **petrol stations selling mostly fuel**



Petrol stations with a retail shop selling groceries and other items may apply for a premises licence to sell alcohol.

It is an offence to sell alcohol on or from a moving vehicle.

No need for a licence to sell alcohol:

- on board an aircraft, hovercraft or train
- on board a ship on an international voyage
- at an approved wharf at a port, including in controlled areas at airports
- at a royal palace
- at premises occupied by the armed forces

KEY POINT

The sale of alcohol is not a licensable activity when it takes place on exempt premises.

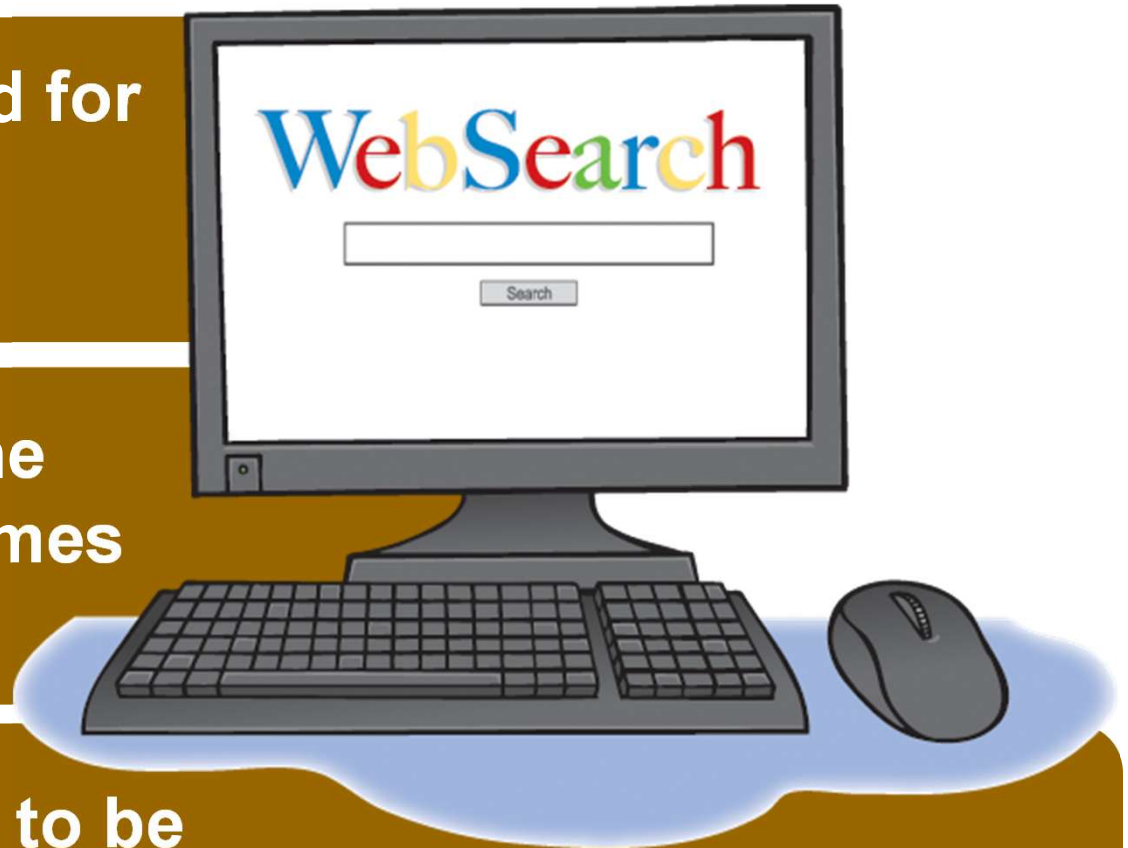
Internet mail order sales and delivery

Premises licence required for premises from where alcohol is despatched

No licence required for the place where the order comes into the business

Alcohol delivery services to be notified to licensing authority

No door-to-door sales from a vehicle.





Sales of alcohol by wholesale

The wholesale or trade sales of alcohol are not licensable and no premises licence is required.

This includes:

- **alcohol sales by breweries to licensed premises**
- **supplies of alcohol to the retail trade**
- **alcohol sales to the premises user who has organised a temporary event**
- **sales to club premises**

Alcohol Wholesaler Registration Scheme (AWRS)

Alcohol retailers must only purchase alcohol from wholesalers registered under AWRS and may be prosecuted if they buy from non-registered sources.

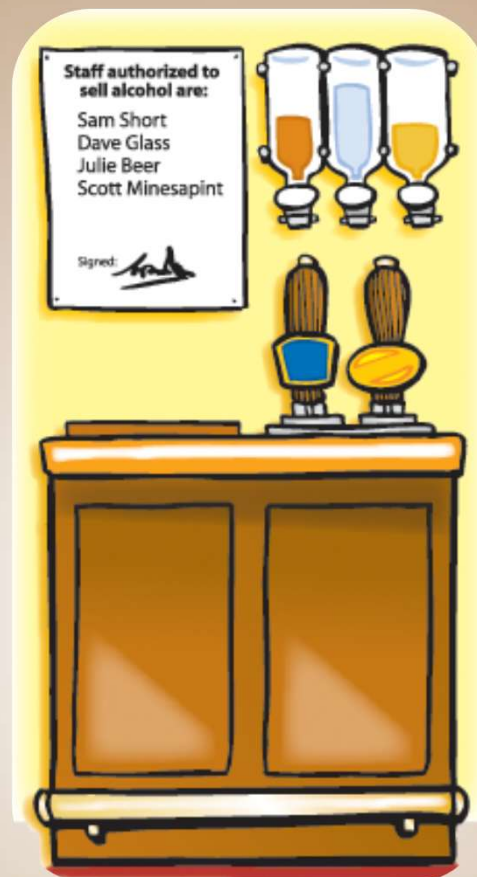


How much do you know?

What is meant by 'the supply of alcohol'?

- A** Retail sales and supplies of alcohol without the need for a premises licence
- B** Both retail sales and supplies under a club premises certificate
- C** The sale of alcohol by retail only
- D** Alcohol sales and supplies that take place outside of permitted hours





Personal Licences

Module 2

Nature and purpose of a personal licence



Personal licence

Granted to an individual by a licensing authority allowing the holder to sell or authorise the sale of alcohol in accordance with a premises licence or temporary event notice

- All sales must be made or authorised by a personal licence holder
- Alcohol sales to take place only within permitted hours: times stated on the premises licence



Period of validity

A personal licence will last indefinitely unless surrendered, revoked or forfeited and there is no requirement to renew.

Eligibility criteria

Applicants must be eligible to work in the UK, pay an application fee and meet the following criteria:

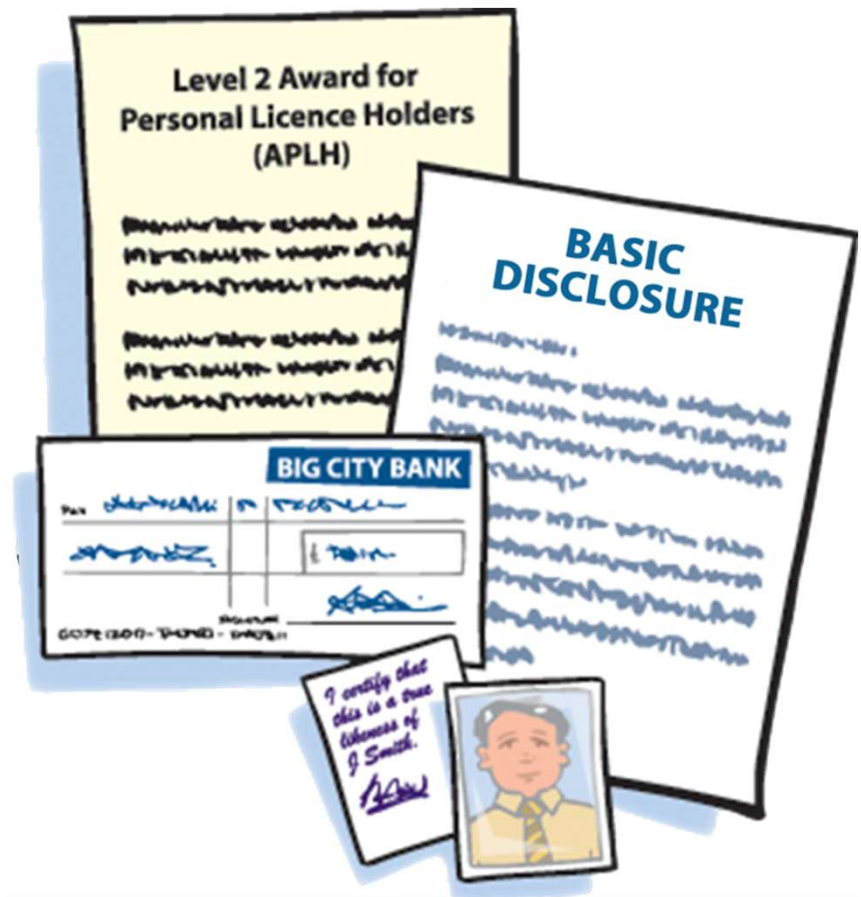
- **be at least 18 years old**
- **hold a licensing qualification**
- **have no previous licence forfeited within the previous 5 years**
- **convictions for relevant and foreign offences must be declared**

Where the criteria are met and the applicant has no unspent convictions for relevant or foreign offences, the personal licence must be granted.

Application procedure

Apply to the relevant licensing authority with:

- completed and signed application and disclosure of convictions declaration
- document showing right to work in the UK and in a licensable activity
- original certificate of qualification
- two photographs (1 endorsed)
- evidence of criminal convictions no more than 1 month old
- application fee.





Relevant licensing authority

Which licensing authority will you apply to for your personal licence?



Licensing authority process

Submit application
to relevant licensing authority

Are all the criteria met?

- Eligible to the UK
- 18 or over
- Qualified
- No licence forfeited in past 5 years

No
Applicant does
NOT meet criteria

Yes - applicant meets all criteria

Have convictions for relevant or foreign offences been identified or declared?

Inform chief officer of police
(Home Office Immigration)

Yes

Police raise no objection
(within 14 days)

Police raise objection
(within 14 days)

Hold hearing

NO

Grant
licence

Reject
application

Objection to personal licence application

Police may object on crime and disorder grounds where applicant has convictions for relevant or foreign offences.

Home Office may object on preventing illegal working grounds where applicant has immigration penalty or offence.

Objection notice must be issued within 14 days followed by a hearing.

If there is no objection, the personal licence will be granted.





Relevant and foreign offences

Only 'unspent' convictions are relevant.

Those listed in the Licensing Act 2003 include:

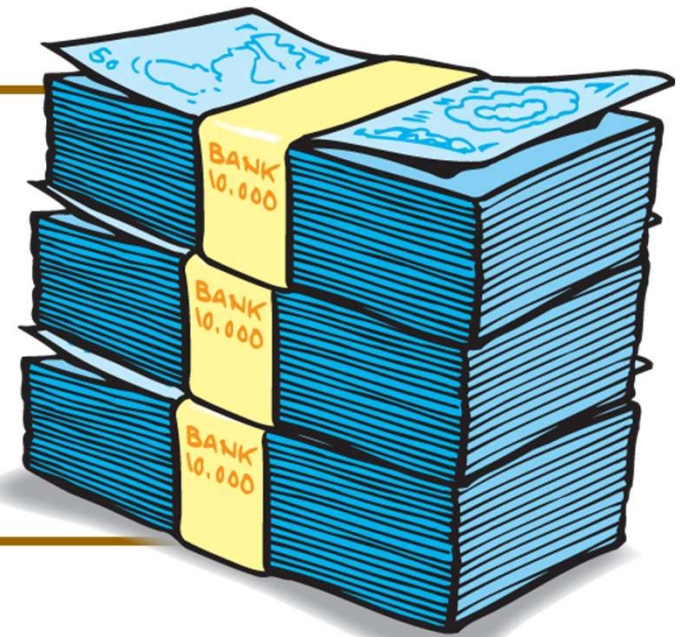
- **licensing offences since 1964**
- **serious crimes involving violence, firearms and terrorism**
- **dishonesty including theft, forgery and evasion of duty**
- **drink-driving or driving under the influence of drink or drugs**
- **failure to cooperate with an alcohol, drugs or impairment test**
- **immigration offences and most immigration penalties.**

A foreign offence is similar to a relevant offence but is committed outside England and Wales.

Personal licence applicant's duty

Must inform the licensing authority of convictions for any relevant or foreign offence during the application for a new licence.

Failure to declare convictions during application is an offence subject to a maximum level 4 fine of £2,500 and personal licence may be revoked.





Personal licence holder duties when charged

If charged with **relevant** offence, must produce personal licence to court, or inform court they are a personal licence holder.

If charged with a **foreign** offence, no need to inform the court but must inform licensing authority if convicted of an offence

Court will inform licensing authority of subsequent convictions

Conviction of a personal licence holder

Upon conviction for a relevant offence the court must notify Licensing Authority of:

- **details of conviction and sentence**
- **any order to suspend or forfeit personal licence**

Licensing authority to request personal licence is produced within 14 days for endorsement

KEY POINT

Conviction for drink-driving may lead to suspension of personal licence for up to 6 months or forfeiture.



Suspension, forfeiture or revocation of a personal licence

When ordered by the court upon conviction

- With immediate effect
- Suspension for a maximum of 6 months
- May take into account previous convictions
- During suspension or forfeiture, personal licence holder will lose the right to authorise the sale of alcohol

Forfeiture

- A further personal licence application cannot be made for 5 years following forfeiture

KEY POINT

A personal licence holder should inform their employer or manager if their licence is suspended or forfeited.



Legal duties of a personal licence holder

Inform licensing authority of:

- change of name or address
- convictions for relevant offences or foreign offences



Failure to meet legal duties is an offence subject to a level 2 penalty (£500)

KEY POINT

A personal licence holder authorising alcohol sales must produce their licence when requested to do so by the police or an authorised officer of the licensing authority.

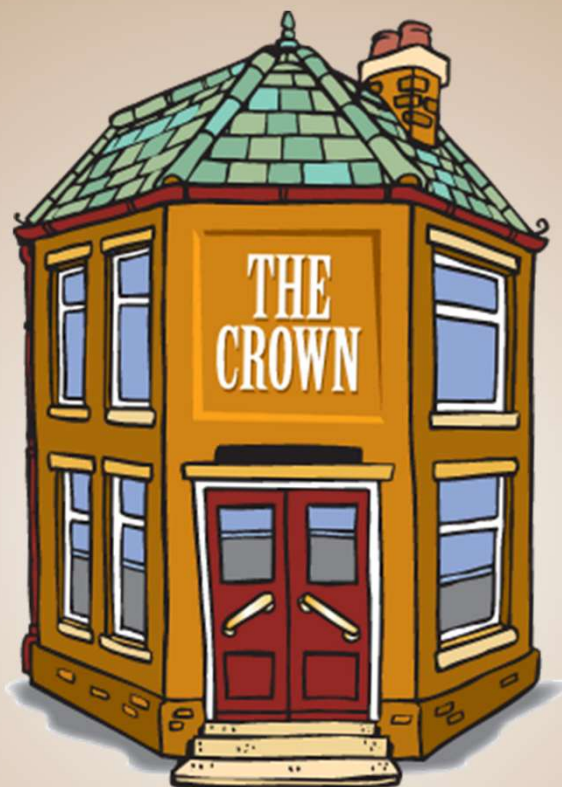


How much do you know?

The best definition of a foreign offence is:

- A** any relevant offence committed by a person without a UK passport
- B** similar to a relevant offence committed outside of England or Wales
- C** any offence committed in a country outside of England or Wales
- D** a relevant offence which, due to the passage of time is now spent





Premises Licences



The purpose of a premises licence



Premises licence

A single licence issued to a premises allowing 1 or more of the licensable activities to take place

- Premises may be any building, open space, moveable structure, vehicle or vessel
- Issued by the licensing authority for the area where premises are situated
- Each premises licence is unique.



Premises licence validity

A premises licence will continue until:

- it is revoked
- premises cease to be used for licensable activities
- it is surrendered
- the premises licence holder (where an individual) dies, becomes incapacitated or bankrupt. Where this occurs an interim authority notice may be used

Unless:

- it is issued for a specific time
- the premises licence holder dies, is incapacitated or bankrupt (and there is no interim authority notice).



Application procedure



Premises licence applications

An application in writing or electronically made by an individual (aged 18 or over), a company or organisation must be granted before any licensable activities can take place on the premises

Application to include:

- operating schedule
- premises plan
- DPS details and consent form
- appropriate fee

For written applications:

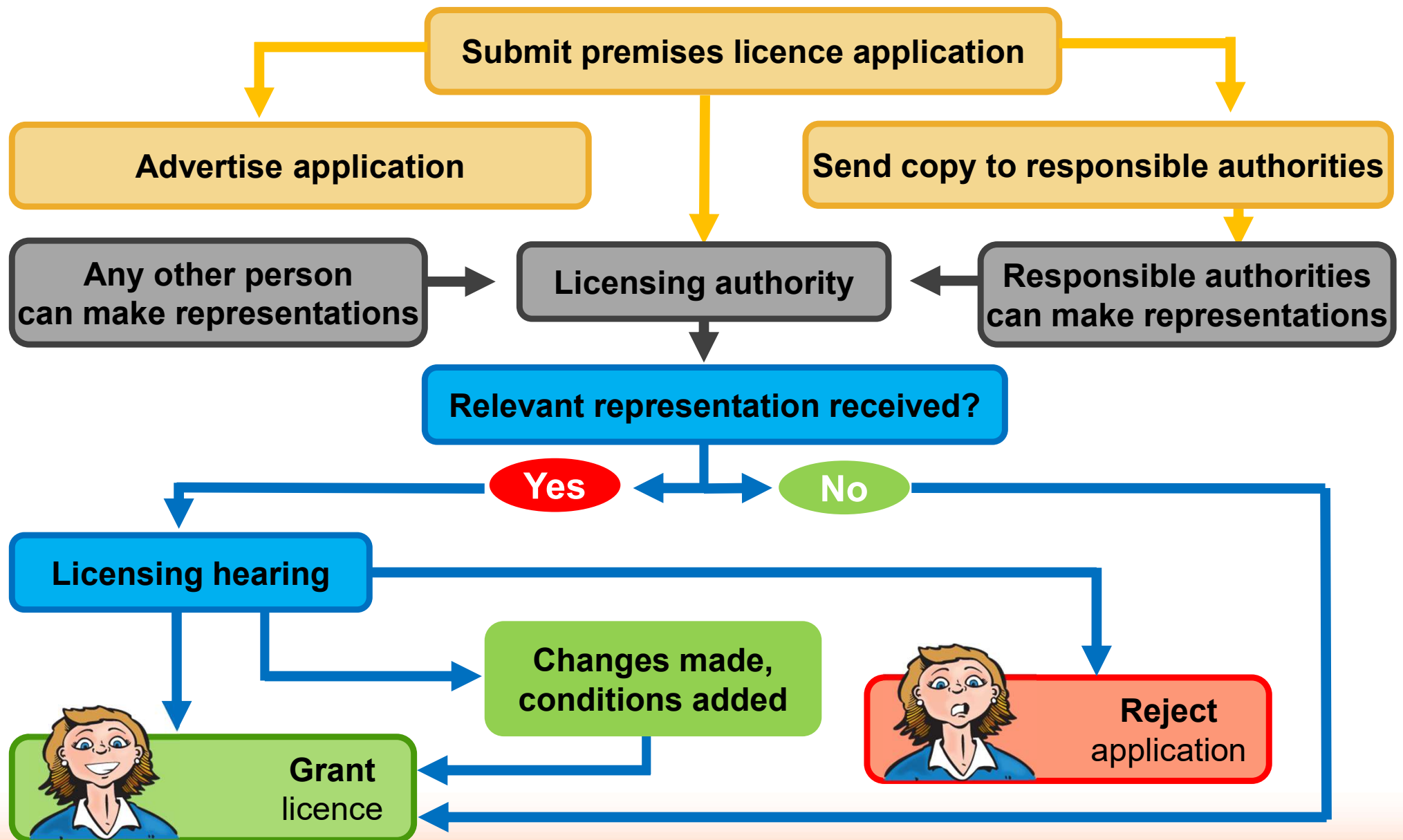
Send a copy to each responsible authority

For electronic applications:

Licensing authority sends to responsible authorities.



Application process



Responsible authorities

Public bodies who must be notified of a premises licence application or a full variation and may make representations

- Chief officer of police
- Fire and rescue service
- Health and safety enforcement
- Planning authority
- Environmental health
- Child protection body
- Weights and measures (trading standards)
- Relevant licensing authority
- Local authority's director of public health or local health boards
- Home Office Immigration Enforcement.



Representations

A premises licence application must be advertised to allow other persons to raise representations.

KEY POINT

Representations from any other persons must be relevant otherwise they will be rejected. They will be disregarded if frivolous or vexatious.

An application for a new premises licence or a full variation may lead to:

- **relevant representations by responsible authorities**
- **relevant representations by other persons**

There will need to be a hearing if relevant representations are received.

Determination of an application

Assessment of application by licensing authority includes:

- Does it meet legal requirements?
- Has it been correctly advertised?
- Have any relevant representations been received?

Each application must be considered on its own merits and in accordance with licensing policy.



Possible outcomes of a hearing on a new premises licence application:

- application rejected
- appointment of DPS refused
- licence granted:
 - as requested
 - with additional conditions
 - with licensable activities excluded

The licensing committee may take steps necessary for the promotion of the licensing objectives

Right of appeal within 21 days.

Operating schedule

A key part of a premises licence application showing the type, style and character of the premises along with the proposed:

- **licensable activities**
- **opening times**
- **DPS**
- **steps to promote the licensing objectives**

Contents of the operating schedule will become part of the premises licence.



Risk assessment against the licensing objectives



- **Assesses the potential hazards**
- **Helps identify measures necessary to support the licensing objectives**

KEY POINT

DPS may carry out risk assessment against the licensing objectives.

Review of a premises licence

An opportunity to reappraise a premises licence

Responsible authority or other person may request a premises licence review at any time:

- usually following problems or incidents
- following a failed test purchase
- following a closure order

May result in:

- suspension of licence for up to 3 months
- revocation of licence
- removal of DPS or licensable activities

All parties have a right of appeal against the decision of a review hearing.

Summary review and interim steps

A summary (fast track) review of licenced premises associated with serious crime and/or disorder by the licensing authority

- **May take interim steps pending a review hearing**
- **Interim steps include:**
 - **modifying licence conditions**
 - **excluding the sale of alcohol**
 - **removing the DPS**
 - **suspending the premises licence.**

Non-payment of annual fee

KEY POINT

If the annual fee is not paid within 21 days of its due date, a premises licence may be suspended until the fee is paid

It is an offence to provide licensable activities during a period of suspension.



Duties of the premises licence holder

- Keep the premises licence (or a certified copy) at the premises
- Display a summary of the licence
- Inform the licensing authority of change of DPS
- Inform of change of name/address of DPS
- Put age verification policy in place.



Licence conditions



Licence condition

The parameters within which the premises must operate

Types of conditions:

- **PROPOSED** - included in the operating schedule
- **IMPOSED** - conditions attached at a hearing
- **MANDATORY** - compulsory for all licensed premises

Some mandatory conditions apply only to on-sales.

Mandatory licence conditions

These apply to all premises licensed for the sale of alcohol by retail:



- a DPS (holding a personal licence) must be appointed
- sales of alcohol must be made or authorised by a PLH
- an age verification policy must be in place
- no below cost selling of alcohol
- where the presence of door supervisors are required as a condition, they must hold a licence granted by the Security Industry Authority (SIA) under Private Security Act 2001

If conditions not followed then sale becomes unauthorised.

Mandatory conditions

Apply to on-licenced premises only:

- no irresponsible alcohol promotions
- free potable water when requested
- availability and awareness of small measures

KEY POINT

Non-compliance with a mandatory condition is an offence subject to an unlimited fine and/or 6 months in prison.



Unauthorised activities

Activities undertaken without or not in accordance with a premises licence, which include:



- the sale of alcohol outside of permitted hours
- undertaking licensable activities without an appropriate licence
- operating outside conditions of the licence
- allowing unauthorised activities.

Offences carry a maximum penalty of:

**Unlimited fine and/or 6 months
in prison.**





What is due diligence?



Due diligence

A defence against conviction if reasonable precautions were taken to avoid the offence

- Due to a mistake
- Relying on another person
- Circumstances beyond control
- All reasonable precautions were taken.



- **Personal licence holder named on the premises licence**
- **In day-to-day control of premises**
- **Main point of accountability**
- **Must ensure premises operate legally**
- **Implement measures identified by risk assessment**
- **Promote licensing objectives**
- **Ensure the age verification policy is adopted and implemented**

KEY POINT

Selling alcohol without a DPS appointed is an offence.

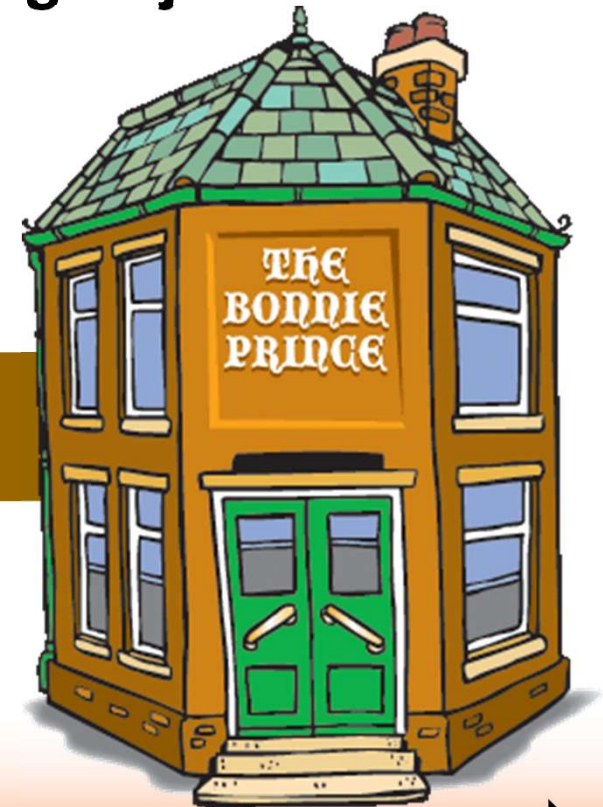
An application to change an existing premises licence:

A full variation

- **Changes which may impact on the licensing objectives**
- **Permanent change to opening times**
- **Adding licensable activities**
- **Extending premises**

A minor variation e.g. change of DPS

- **No adverse impact upon licensing objectives**
- **Faster process.**





How much do you know?

For a due diligence defence it is necessary to show that:

- A** what happened was a one-off and is unlikely to happen again
- B** what happened was the fault of the customers
- C** all reasonable precautions were taken to avoid the offence
- D** all training records were correctly completed and signed





The Protection of Children



The need to protect children and young people

Everyone working on licensed premises has a legal responsibility to protect under-18s from harm, including:

- psychological harm from unsuitable or adult content
- physical harm from unsafe premises
- harm to health from consuming alcohol

KEY POINT

Alcohol is an age-restricted product – it must never be sold or served to anyone under 18.



It is an offence to:

- sell or allow the sale of alcohol to an under 18
- allow the consumption of alcohol by an under 18
- deliver or allow the delivery of alcohol to an under 18
- send an under 18 to collect alcohol
- allow an under 18 to sell alcohol
- purchase or attempt to purchase alcohol for an under 18



KEY POINT

Its is an offence to sell alcohol to an under 18 at any time.

Purchase of alcohol by or for under 18s

Those aged under 18 commit an offence if they purchase or attempt to purchase alcohol

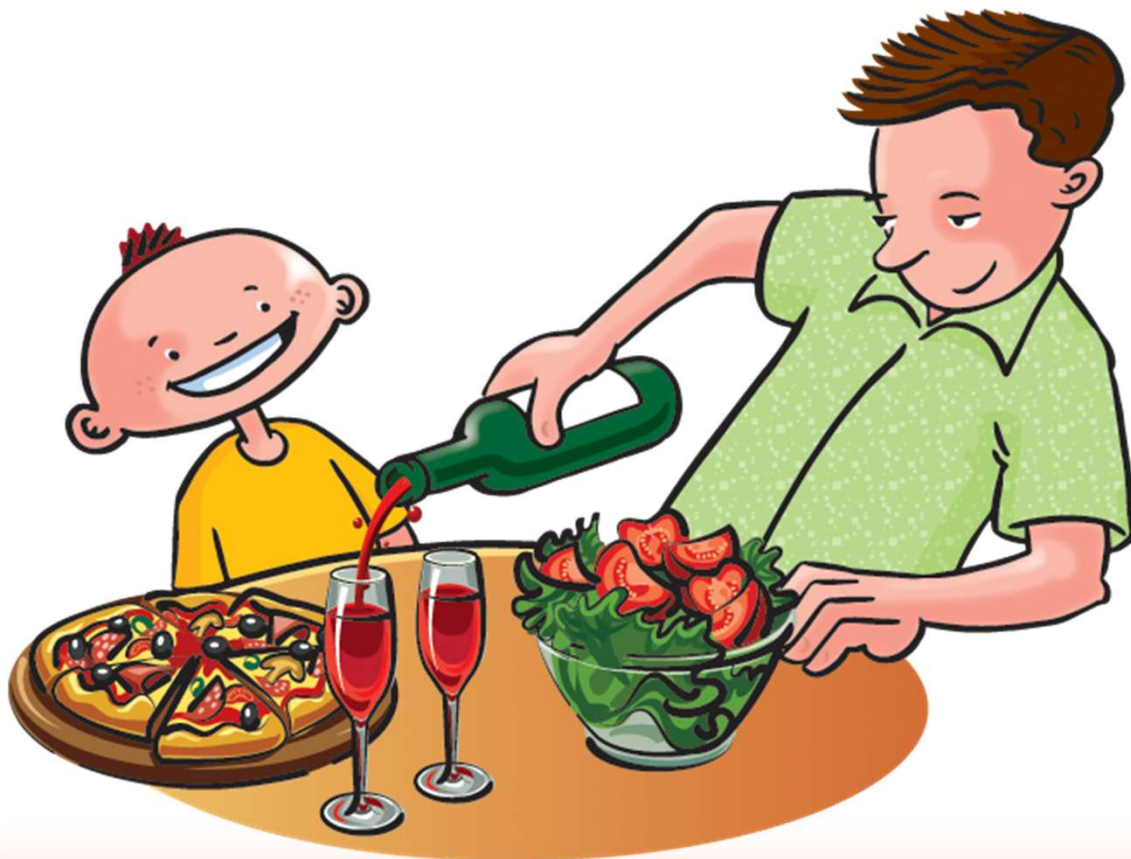


The person under 18 may be fined up to £1,000

KEY POINT

It is an offence for an adult to purchase or attempt to purchase alcohol for an under 18. This is known as a 'proxy sale'.

An offence to allow under 18s to drink alcohol on licensed premises



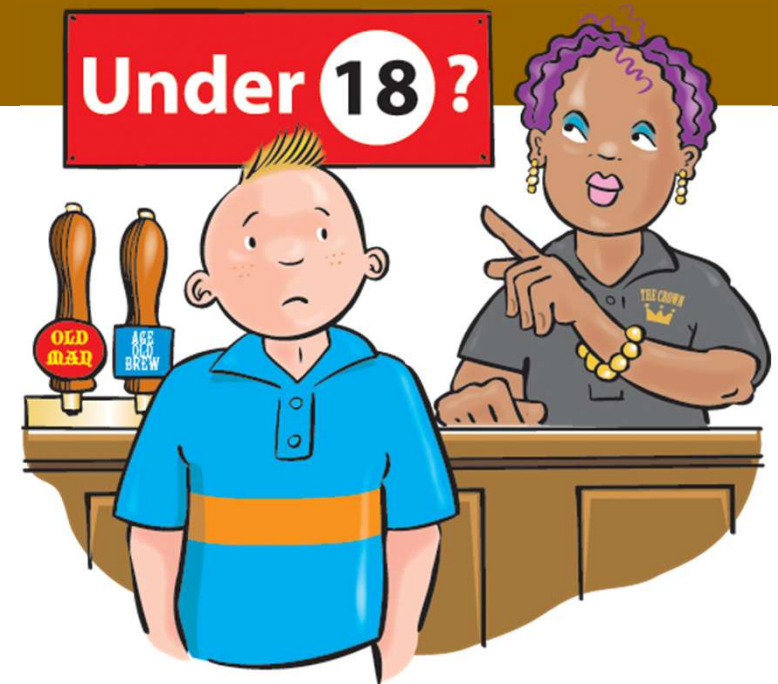
Exception:

- an accompanied 16 or 17-year-old may drink beer, wine or cider with a table meal
- the alcohol must be purchased by an adult.

Sale of alcohol by under 18s

It is an offence to allow an under-18 to sell alcohol unless:

- **each and every sale is specifically approved by a responsible person**
- **the alcohol is for consumption with a full table meal**



KEY POINT

An under-18 may take delivery of alcohol when working on licensed premises if this is part of their duties.

- A person aged 18 or over found guilty of selling alcohol to under 18s may receive an unlimited fine
- Police may issue a fixed penalty notice of £90 to the individual making a sale to an under 18
- The premises licence may be reviewed.





Evidence and due diligence defence for underage sales

Evidence required for prosecution:

- That the sale took place (a receipt or reliable witness)
- That the person was under the age of 18

Defence:

- believed the person was aged 18 or over
- all reasonable steps taken
- no-one suspected they were under 18

Reasonable steps:

- requesting and checking acceptable photographic proof-of-age documents
- having in place an age verification policy, such as Challenge 25
- undertaking regular staff training in underage sales.

Persistent underage sales

Occurs where a premises is caught selling alcohol to under 18s twice in a consecutive 3 month period

- **No due-diligence defence for persistent underage sales**
- **Voluntary closure of premises for between 2 and 14 days as an alternative to prosecution**

Maximum penalty of an unlimited fine and/or suspension premises licence for up to 3 months.





Can you guess this person's age?



Eye contact is
essential

25



70

NEXT





Proof-of-age policy

It is a mandatory condition for all premises licenced to sell alcohol to have an age verification policy in place

Best Practice Policy - anyone who appears to be under 21/25 must be asked to provide proof he/she is 18 or over

KEY POINT

No proof of age, no sale of alcohol.

How do licenced premises prevent underage sales?





Acceptable ID

The following are most often acceptable. However, this may differ depending upon the policy of the premises:

- **A valid passport**
- **A European Union photo card driving licence**
- **A photographic identity card bearing the Proof-of-Age Standard Scheme (PASS) hologram**

ID must, as a minimum, include a photograph and date of birth



Which ID documents are acceptable in your premises?

PASS accredited cards include a PASS hologram

Acceptable forms of ID include:

- 1ID4U
- Citizen card
- Young Scot
- Validate UK
- Age Entitlement card



KEY POINT

ID must include a photograph which is a true likeness of the person.

Checking documents

**Staff must be trained to check ID is valid and acceptable.
Take the document, examine both sides carefully using the
5 point check:**

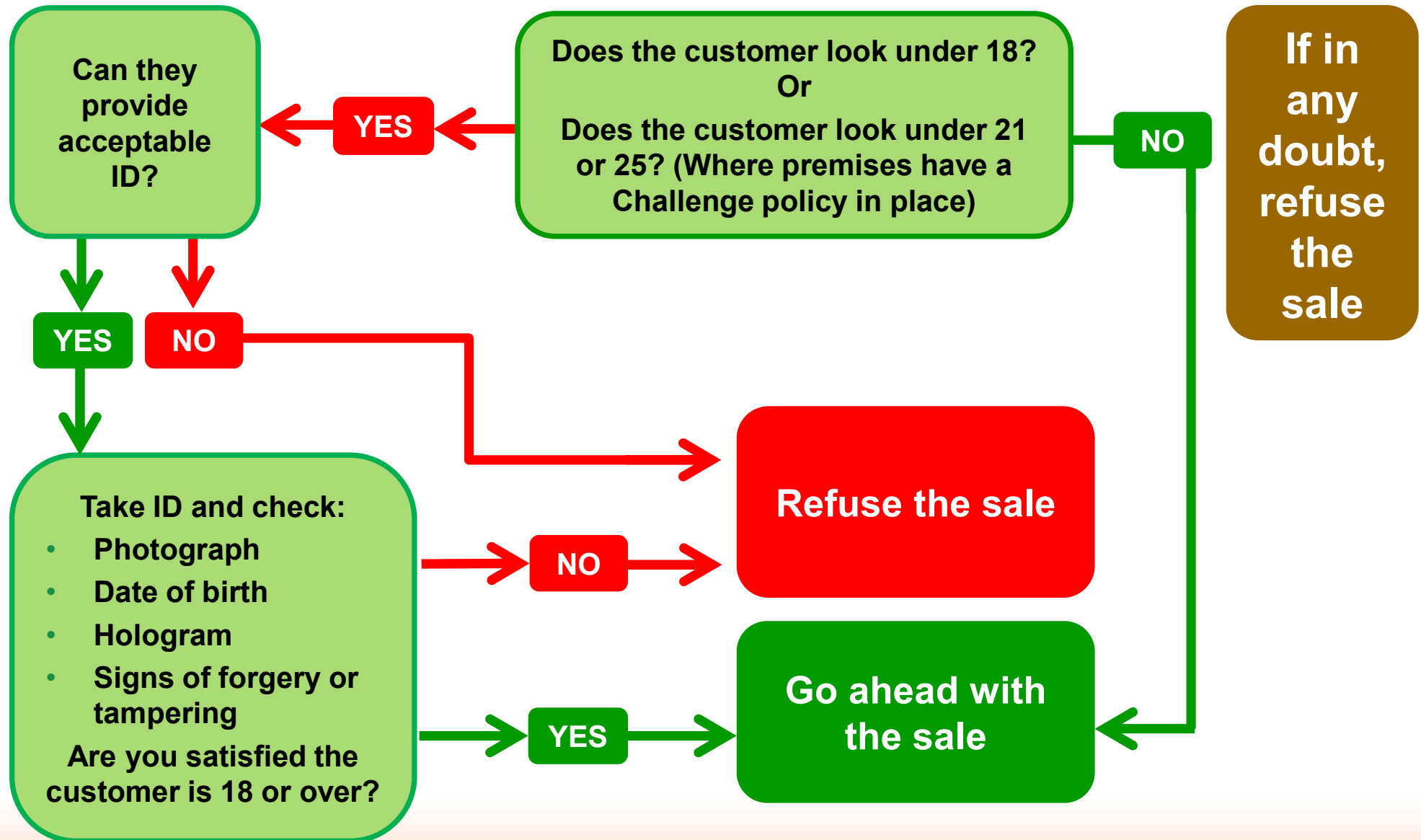
- 1. Date of birth shows person is 18 or over**
- 2. Photograph is a true likeness of the person**
- 3. Hologram is present and genuine**
- 4. Not a forgery, been altered or tampered with**
- 5. Valid, current and has not expired**

KEY POINT

Look out for ID which has been borrowed.



Age verification process





Recording refusals

- Licensed premises should operate a system to record refusals – in a book, log or electronically
- Refusals must be recorded accurately
- May help to reduce the risk of underage sales

What are the benefits of recording refusals?

- Provide a due diligence defence
- Identify underage groups or individuals who regularly attempt to buy alcohol
- Identify trends in use of false or borrowed ID
- Useful for staff training.





Remember: LADS

L

OOK

Look carefully at all persons attempting to buy alcohol

A

SSESS

Assess their likely ages. Do they look under 18 (or under 21/25)?

D

ECIDE

Decide whether or not to ask for proof-of-age documentation

S

URE?

Make sure they are 18 or over. Is the documentation acceptable?

Test purchasing



Test purchasing

A planned, attempted purchase of alcohol by a person under 18



KEY POINT

Test purchasing is carried out by police or weights and measures (trading standards) officers.



Causes of, and preventing, underage sales

Causes:

- Not looking at or making eye contact with customer
- Lack of understanding about the law
- Not checking ID
- Authorising sales by under 18s without checking
- Not implementing an age verification policy.





Other age-restricted products

- Tobacco and nicotine-inhaling products

18

- Videos/DVDs

12

15

18

- Knives

18

- Fireworks

18

- Party poppers

16

- Lighter refills

18

- Solvents

18



Children on licensed premises

The operating schedule must show:

- whether or not the nature and style of the premises would be appropriate for children
- measures taken to protect children from any harm
- where, when and under what circumstances children are welcome.



Restriction on unaccompanied children

- Legal restrictions on under 16s
- Unaccompanied children under 16 are not allowed on:

On-licence premises used solely or mostly for the sale of alcohol

Any licensed premises between the hours of midnight and 5.00am when open.





How much do you know?

Which list contains only products which must never be sold to a person under the age of 18?

A

Knives, cigarettes and party poppers

B

Knives, solvents and cigarettes

C

Matches, lighter refills and fireworks

D

Fireworks, liqueur chocolates and knives





Powers and Enforcement

Module

5



Powers under the Licensing Act



The Act gives police, local authorities and other responsible authorities certain powers including powers to:

- **Close licensed premises**
- **Request the review of licensed premises**
- **Enter and inspect licensed premises**
- **Search licensed premises.**

Powers to close licensed premises

- Where public disorder may be anticipated to prevent disorder or nuisance
- Police superintendent to make application to magistrates for the closure of all licensed premises in a specific area for up to 24 hours



Illegal working closure

Where immigration officers suspect illegal working, licensed premises may be issued with a closure notice for up to 48 hours.

Powers to close individual licensed premises

Closure powers in 2 linked stages:

Stage 1

Closure notice

Stage 2

Closure order



Aim to allow the quick closure of premises causing or likely to cause disorder or nuisance.

Individual premises - closure powers process

Problems caused by premises ▶	Closure notice up to 48 hours ▶	Application for closure order ▶	Closure order for up to 3 months ▶	Action following a closure order
Nuisance – either has occurred or is likely to occur	Closure notice by police inspector or local council for up to 24 hours	Application to Magistrates	Serious nuisance to the public or disorder likely to occur through use of premises	Review of the premises licence by the licensing authority within 28 days of closure order.
Disorder - either has occurred or is likely to occur	Closure notice by police Superintendent or council Chief Executive up to 48 hours. Cannot prevent access to premises by those living on a premises	To be considered within 48 hours of closure notice issue (unless cancelled) Temporary orders – to extend closure notice for further 48 hours or for up to 14 days where hearing adjourned	Disorderly, offensive or criminal behaviour on the premises	Extended closure for further 3 months (up to a maximum 6 months)

NB The above table shows a simplified process regarding the closure of premises and is intended for training purposes only. Premises or persons affected by closure powers must consult a legal advisor.

The right of entry during application

Police, licensing authority or other responsible authorities may:

- **enter the premises at any reasonable time to assess a premises licence application or temporary event notice against the licensing objectives.**



Rights of entry to licensed premises

Police or authorised persons may enter licensed premises at any time:

- to investigate whether the licensable activities taking place or about to take place are licensed
- to check if the activities are in line with the licence conditions

Immigration officers have the right of entry to licensed premises to investigate illegal working.



KEY POINT

It is an offence to prevent or obstruct police or authorised persons.



Police or authorised persons may enter licensed premises at any time:

- The police may enter and search licensed premises if they suspect an offence under the Licensing Act 2003 is taking place or is about to take place
- The police do not need a search warrant to enter and search licensed premises.



Who are authorised persons?



What action should be taken if police or an authorised person visit licensed premises?

Keeping of smuggled goods

An offence to keep smuggled goods on licensed premises

- HM Revenue and Customs have the right to enter and search licensed premises (not in 2003 Act)
- They can seize goods where duty has not been paid
- If entry required at night then must be accompanied by a police officer.





How much do you know?

A police superintendent may apply to magistrates for a closure order requiring all licensed premises in a specific area to close for:

A

Up to 12 hours

B

No more than 5 days

C

No more than 24 hours

D

Up to 24 hours





Temporary Event Notices

Module

6

Permitted temporary activities

- **Proposed event involving one or more licensable activities**
- **Event operated within limitations**
- **Licensable activities at premises without a premises licence**
- **Activities or times not covered by the premises licence**

Notice submitted by premises user.

Temporary Event Notices (TEN)

- Submitted by premises user to the licensing authority

Two types of TEN:

Standard TEN

- Notification to licensing authority must be made at least 10 working days prior to proposed event

Late TEN

- Notification must be received by the licensing authority no earlier than 9 working days and no later than 5 working days prior to the scheduled event.

Temporary Event Notices (TEN)

A TEN may be submitted in writing or electronically

If in writing must send:

- **At least 1 copy to licensing authority**
- **1 copy each to police and environmental health.**

Premises user limitations

- A PLH may submit 50 TENs including 10 late TENs
- Any other person aged 18 or over may submit 5 TENs including 2 late TENs

Notices by associated persons are counted together.





Permitted temporary activities

- **Maximum 15 events per calendar year**
- **Duration of events up to 21 days per calendar year**
- **A minimum 24 hours between events**
- **Each event may last for up to 168 hours (7 days)**
- **The event must have fewer than 500 people attending at any one time**

Premises user must display notice or ensure it is available for inspection during the event.



Objection to a TEN

- From police and environmental health officers
- Grounds for objection – all 4 licensing objectives
- Hearing to consider objection
- Right of appeal against objection.





How much do you know?

During an event covered by a temporary event notice, the premises user has a legal responsibility to:

- A** keep 2 copies of the notice or ensure it is available for inspection
- B** clearly display the notice or ensure it is available for inspection
- C** print the notice on blue A4 paper and display it above the entrance
- D** ensure it is produced if requested by a local resident





Responsibility in Alcohol Retailing



The strength of alcoholic drinks

An intoxicating substance with an alcohol by volume (abv) of over 0.5%

Amounts of alcohol in drinks as a percentage abv:

- **Most spirits 40%**
- **Wines 8 - 16%**
- **Beers 3 - 9%**
- **Ciders 3 - 8.5%**

Alcohol-free – no more than 0.05%

Low-alcohol – no more than 1.2%



Must provide customers with accurate information regarding alcohol content and the availability of small measures.



Alcoholic drinks

Different types and quantities of drinks contain different amounts of units of alcohol

A unit of alcohol is either:

8 grams of alcohol, or

10 millilitres of alcohol

To calculate the number of units use the following formula:

$$\begin{aligned} &\text{Volume of drink (ml) x abv (\% alcohol by volume) x 0.001} \\ &= \\ &\text{number of units of alcohol} \end{aligned}$$

Units of alcohol

Work out the following:

- a) double shot of gin (50ml) at 40%
- b) pint of bitter (568ml) at 4.5%
- c) glass of wine (125ml) at 13%



These drinks contain approximately 1 unit:

**A single shot of
(25ml) of spirits**



**A small (125ml) glass of
wine with an abv of 8%**



**An ordinary measure
(50ml) of sherry/port
or vermouth, abv 20%**



**Half a pint of normal
strength (abv 4%)
beer/lager or cider.**





Effects of alcohol consumption

Consumption affects emotional, physical and mental state

A person becomes drunk when alcohol enters the body quicker than it is eliminated

The speed at which it enters the bloodstream, depends upon:

- **quantity and strength consumed**
- **size of person**
- **gender**
- **age, tolerance and general health**
- **amount and type of food eaten**
- **time of day**

**1 hour to remove
1 unit of alcohol.**

Guidelines and patterns of consumption

UK Chief Medical Officer's lower-risk drinking guideline

Categories of consumption:

- Sensible drinking
- Hazardous drinker
- Harmful drinker
- Binge drinking

Sustained heavy or chronic drinking may lead to alcoholic addiction and health problems.



MEN

**14 units per week
to be spread over
the week**

WOMEN

**14 units per week
to be spread evenly
over the week**





Blood alcohol levels

- **Never assess a person's ability to drive legally**
- **Best advice is not to drink and drive**
- **Blood alcohol concentration (BAC) is an objective measure used in drink-driving offences**
- **Driving limits BAC of 80mg of alcohol in 100ml of blood or 35 micrograms in 100ml of breath**

Drunkenness is a subjective assessment of a person's behaviour.

Promoting lower-risk drinking

Give clear information on alcohol content

Encourage awareness of smaller measures

Provide lower-strength alternatives

Display products responsibly

Offer range of food and hot beverages

Provide wide range of soft drinks

Train staff to promote lower-risk drinking.



The premises licence holder, the DPS and those with the authority to sell alcohol have a legal duty to:

- **prevent disorderly conduct**
- **refuse to serve a person who is drunk**
- **ask disorderly or drunken persons to leave**

Maximum Penalty £1000

KEY POINT

It is an offence to sell or permit the sale of alcohol to a person who is drunk

Alcohol must not be sold if it is intended for a person who is drunk.



Irresponsible alcohol promotions

Promotions that encourage over-consumption of alcohol contributing to anti-social behaviour and drunkenness

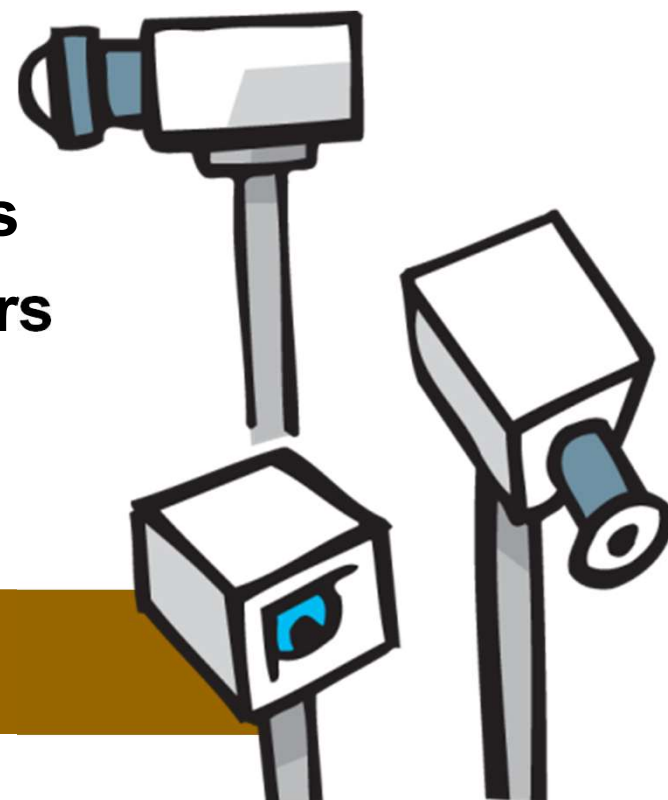
A mandatory condition on licensed premises and club premises must not allow irresponsible promotions such as:

- **drinking games**
- **unlimited or unspecified free alcohol**
- **offers or incentives for specific groups**
- **alcohol as a prize**
- **promotions linked to sporting events**
- **promotional signs or posters encouraging drunkenness**
- **dispensing alcohol directly into the mouth.**



How can the threat of conflict be reduced?

- **Remain vigilant**
- **Provide efficient and effective service**
- **Depersonalise refusals**
- **Monitor areas including toilets/car parks**
- **Employ security guards/door supervisors**
- **Use CCTV**
- **Encourage a social mix of customers**



For on-trade also consider:

- **search policy**
- **anti-violence policy**
- **door supervisors.**



- It is an offence to turn a blind eye to drug activity
- Adopt a zero-tolerance approach
- Increase staff vigilance and checking of customer toilets
- Not taking action may lead to an increase in crime and disorder
- Seek advice and assistance from police

KEY POINT

Discourage staff from approaching those suspected of drug activity.



Partnerships

Community Safety Partnerships

Local schemes involving licence holders, retailers, police and others

Radio-link schemes

Share good practice

Improve communication

Support the licensing objectives.





How much do you know?

What are the Chief Medical Officer's lower-risk guidelines for maximum weekly alcohol consumption by women?

A

At least 14 units a week

B

Up to 21 units a week

C

Up to 14 units a week

D

3 – 4 units per day





How much do you know?

Following the refusal to serve a customer with alcohol, what would be the best strategy to reduce the risk of violence?

- A** State legal obligation regarding the refusal and explain it's not personal
- B** Call the police to remove the person
- C** Call the manager to deal with the situation
- D** Refuse to give a reason for refusal





The important things to do now are...

- 1 to put into practice what you have learnt
- 2 to develop competency in your work activities
- 3 to keep your knowledge up-to-date
- 4 to pass the examination.



Thank you for listening

quality, value, service & integrity