



IMPORTANT INFORMATION FOR LICENCE/CERTIFICATE HOLDERS

New mandatory conditions affecting all ON licences and alcohol licensed members clubs

The Licensing Authority of Babergh District Council is hereby notifying all premises licence holders and designated premises supervisors of new mandatory premises licence conditions applying to ALL premises licences authorising the sale and supply of alcohol for consumption ON the premises. The new requirements also extend to members clubs benefiting from a Club Premises Certificate authorising the supply of alcohol for consumption by members and guests ON the premises. These new mandatory conditions do NOT apply to authorisations given under the Temporary Events Notices (TENS) provisions. The changes are brought about by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

In general terms, what are the new conditions and why have they been made by the Secretary of State?

In order to seek promotion of the licensing objectives, Central Government are through the licensing process trying to tackle 'irresponsible' drinks promotions, prohibit 'dentist's chair' type drinking games, require potable tap water to be freely available (where reasonably practicable), promote availability of smaller measures and require proof of age schemes to reduce the risk of underage sales/supply of alcohol.

An irresponsible promotion is one which encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which does not promote the licensing objectives.

Details of the full regulation are stated over the page, so please ensure that you and your staff are fully familiar with these provisions as they will be directly affected by the new requirements. Further detailed guidance on this matter is available from the Home Office at www.homeoffice.gov.uk/crime-victims/reducing-crime/alcohol-related-crime/

When do they take effect?

The new mandatory conditions prohibiting irresponsible promotions and alcohol from being dispensed directly by one person into the mouth of another, and the condition requiring tap water to be available, came into force on **6 April 2010**. The new mandatory conditions imposing an age verification requirement and a requirement to make small alcohol measures available will come into force on **1 October 2010**.

Do the new conditions need to be written onto the licence documents?

No. The Government has confirmed that these new mandatory conditions do not need to be physically added to licence documents, but shall apply to all licences authorising ON sales/supply of alcohol from the relevant effective date. Over time it is likely that the Licensing Authority will add the conditions to routine licence re-issues, variations, new licences etc as they are processed.

Who is responsible for ensuring that the mandatory conditions are complied with?

The duty to observe the new mandatory conditions will fall upon '**responsible persons**' as given meaning by section 153(4) of the Licensing Act 2003 – namely the Premises Licence holder, the designated premises supervisor (DPS) if any, or any individual aged 18 or over who is authorised to sell or supply alcohol by such a holder or supervisor. For members clubs holding a Club Premises Certificate any member or officer of the club present on the premises in a capacity which enables him to ensure compliance. Non-compliance may lead to serious offences being committed that carry a maximum penalty of £20,000 fine and/or 6 months imprisonment. The relevant licence may also be jeopardised, in whole or in part, via the review process.

What if I already have these (or similar) conditions on my licence?

The new mandatory conditions override any pre-existing conditions already included in a licence **insofar as the new conditions are identical to, or inconsistent with and more onerous than, any pre-existing conditions**. If you have a condition more onerous on your licence, for example a 'Challenge 21 or 'Challenge 25' type policy to prevent underage sales, then that would ordinarily override the mandatory condition on proof of age verification for those appearing to be under 18 years of age.

Please note: This document has been produced to inform and generally assist licensees with the new national requirements. The Authority accepts no liability for any unintentional error or omission. If you have any queries on licensing requirements you should contact the Licensing Authority or your own legal adviser accordingly.

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

(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 –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) 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 a holographic mark.
5. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.