



# Licensing Act 2003

## Licensee's Responsibilities

Licensing Unit  
Environmental Services

### Duties of Licensees

#### The Law is Changing!

The Licensing Act 2003 radically changes the law relating to licensing the sale of alcohol, the provision of entertainment and the provision of hot food late at night.

The Council, as the new Licensing Authority, will be responsible for enforcing licence conditions from November 2005. This leaflet gives guidance on the duties of Premises Licence holders and clubs operating under Club Premises Certificates. It is also relevant to people who have served a Temporary Event Notice on the Licensing Authority.

This leaflet provides a brief summary only of the new law. It is the responsibility of the licensee to know what the law requires - and to comply with it.

Failure to comply with any of these duties is an offence for which the Premises Licence holder or other people (such as Club Secretaries or club officers) may be prosecuted. Penalties on conviction vary but go as high as 6 months in prison and a fine of £20,000. There is also the risk that licences may be restricted or removed following proven breaches.

#### Licence Conditions

All Premises Licences will be granted subject to conditions. These will include the hours during which alcohol can be sold or supplied, or entertainment provided. Such conditions must be complied with.

Temporary Event Notices do not have conditions attached but the event must be held in accordance with the information supplied as part of the Notice, and failure to do so is an offence.

#### Name and Address

The Licensing Authority must be notified if the licensee or the "Designated Premises Supervisor" change their name or address.

#### Who can sell Alcohol?

Retail sales of alcohol may only take place in premises with a Premises Licence where there is an appointed "designated premises supervisor" who holds a personal licence. Every sale of alcohol must be made by or authorised by a person who holds a Personal Licence.

This does not mean that only Personal Licence holders can make sales, or that they must be personally present at every transaction. A Personal Licence holder can authorise members of staff to make sales whilst they are temporarily absent, perhaps taking a meal break or changing a barrel. They remain responsible for the actions of those who they authorise.

Where a sale of alcohol is by someone under the age of 18 then each and every individual sale must be specifically authorised by someone over the age of 18 who is authorised to sell alcohol.

Where there is a Temporary Event Notice in force other requirements may exist.

### **Children and alcohol**

Alcohol must not be sold or supplied to under 18s, or to anyone purchasing it on their behalf. Children must not be allowed to consume alcohol on licensed premises (except some types of alcohol with table meals for 16 and 17 year olds). Under 16s must not be sold liqueur chocolates. Under 16s are not allowed on premises used primarily for the sale or supply of alcohol for consumption on the premises unless they are accompanied by an adult (someone over 18)

### **Drunkenness**

Disorderly conduct must not be allowed on licensed premises and it is an offence to serve alcohol to someone who is drunk.

### **Clubs**

If a club changes its name or its rules or its registered address the Club Secretary must notify the Licensing Authority. Any club official or member of the club must act to prevent the supply of alcohol to under 18s (except under an exemption for some types of alcohol to be consumed with table meals by 16 and 17 year olds).

### **Cinemas**

You may not show a film that doesn't have a BBFC certificate and you must not allow children into films in contravention of that certificate.

### **Entertainment**

Provision of regulated entertainment is a licensable activity regardless of whether there is also the sale or supply of alcohol. Unless authorised by a licence it is an offence to allow it to go on. Spontaneous music, singing or dancing wouldn't count, but clearly a Premises Licence holder should take reasonable steps to curtail it.

### **Late Night Refreshment**

The provision of late night refreshment (which means the supply of hot food or drink to the public between 11pm and 5am) is a licensable activity and unless you have a Premises Licence which allows this you must not do so.

### **Rights of Entry**

Generally, officers from law enforcement bodies such as the Police, the Council and Trading Standards Officers have a right to enter premises at any time to check whether a licensable activity is taking place in accordance with an Premises Licence, Club Premises Certificate or Temporary Event Notice. It is an offence to not allow them free entry or to obstruct them in any way.

### **Display of Licence**

Anyone who holds a Premises Licence or who has served a Temporary Event Notice on the Council must keep it (or a certified copy) at the premises under their control and prominently display a summary of it.

### **Smuggled Goods**

Anyone who works on licensed premises and allows smuggled goods to be kept there commits an offence.

### **Other Legislation**

Compliance with the Licensing Act 2003 and any licence conditions etc does not mean that other legislation can be ignored. The provisions of the Health and Safety at Work etc Act 1974, Fire Safety, Food Safety and other related legislation must also be complied with.

**Further Advice**

If you are in doubt as to your responsibilities you can contact us for advice.

This leaflet provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice.

We would welcome your comments on this or any other of our leaflets, so as to ensure that they meet the needs of the users of our services.

We can make this leaflet available as a large print version or on audio cassette. Please contact us to ask for either of these versions

Head of Environmental Services

Ivor Pumfrey

Licensing Officer

Phil Browning

Licensing Unit

Environmental Services

Malvern Hills District Council

The Council House

Avenue Road

Malvern

WORCS WR14 3AF

Tel: 01684 862151

Fax: 01684 862481

Minicom: 01684 862186

Email: [phil.browning@malvernhills.gov.uk](mailto:phil.browning@malvernhills.gov.uk)

Acknowledgement to Elmbridge BC for leaflet design