

PROTOCOL (F) – PROMOTIONS

Background

1. Holders of Premises Licences often allow other organisations or persons to use or operate on Licensed Premises. The type of arrangement varies from long term leasing to a tenant to an on-day event by promoters. Most events cause no concerns but on a few occasions, when alcohol is supplied, irresponsible promotions may occur or drunkenness and disorderly conduct may take place, which will not promote the licensing objectives.

Obligations that Apply

2. The supply of alcohol can only take place where it is authorised by a premises licence, a club premises certificate or temporary events notice. Where there is an authorisation, the supply must comply with the terms of the authorisations, including conditions.
3. There are a number of people who have obligations to ensure that a licenses premises are properly managed:-
 - a. The premises licence holder (in the case of a Premises Licence);
 - b. The Club (in the case of a Club Premises Certificate);
 - c. The premises user (in the cast of a Temporary Event Notice);
 - d. The Designated Premises Supervisor (in the case of a Premises Licence). Unless the alternative licence condition applies, there must be a Designated Premises Supervisor holding a personal licence (that has not been suspended) in relation to all Premises Licences at any time when alcohol is supplied;
 - e. Personal Licence Holders (in the case of a Premises Licence). Every supply of alcohol under a Premises Licence must be made or authorised by a Personal Licence Holder;
 - f. The Management Committee of community premises where the alternative licence condition applies. This provides that every supply of alcohol must be made or authorised by the management committee.
 - g. Staff employed to supply alcohol.
4. These people have primary responsibility to ensure that licensed premises are operated properly.

Mandatory Conditions

5. As well as the general requirement to comply with the terms of the authorisation, there are a number of mandatory conditions that apply to

Premises Licences and Club Premises Certificates that establish a set of minimum standards in the way that alcohol is sold. Responsibility for ensuring that these mandatory conditions are adhered to are placed on the “responsible person” – the premises licence holder, the Designated Premises Supervisor or someone over 18 authorised by them. The mandatory conditions cover:-

- a. Banning irresponsible promotions;
- b. Alcohol not to be dispensed directly into the mouth;
- c. Provision of free tap water suitable for drinking;
- d. Requirement of an age verification policy* ;
- e. Opportunity to choose smaller measures.

* Only condition d. applies to off-licences.

Enforcement - Offences

6. To encourage compliance with these obligations, there are a number of offences for which these persons can be prosecuted:
 - a. Carrying on or attempting to carry on an unauthorised licensable activity – 6 months’ imprisonment or a fine of £20,000 or both.
 - b. Knowingly allowing a licensable activity to be carried on without authorisation – 6 months’ imprisonment or a fine of £20,000 or both.
 - c. Allowing disorderly conduct on licenses premises – level 3 fine.
 - d. Selling or attempting to see alcohol to a person who is drunk – level 3 fine.
 - e. Sale of alcohol to children – level 5 fine.
 - f. Allowing the sale of alcohol to children – level 5 fine.
 - g. Persistently selling alcohol to children - £20,000 fine.
 - h. Allowing consumption of alcohol by children – level 5 fine.
 - i. Delivering of alcohol to children – level 5 fine.
 - j. Unsupervised sales by children – level 1 fine.

Enforcement - Closure

7. There are various powers to make closure orders:-
 - a. Magistrates' Closures Orders – Closure of Premises in a Geographical Area where there is expected to be disorder.
 - b. Police Closure Orders – Closure of Identified Premises for Disorder and Public Safety or Prevention of Noise Nuisance & Subsequent Review.
 - c. Police Closure Notices – Identified Premises for Persistently Selling Alcohol to Children.
 - d. Closure Notices and Closure Orders – Closure of Identified Premises for Unauthorised Sale of Alcohol.

Enforcement - Review

8. There is also power for a Responsible Authority or any other person to apply for a review of a Premises Licence or a Club Premises Certificate. Where an application is made there will be a hearing. On a review, there is power to modify the conditions (permanently or temporarily for up to three months), exclude a licensable activity/qualifying club activity from the scope of a licence (permanently or temporarily for up to three months), remove a designated premises supervisor, suspend a licence for up to three months, revoke the licence or withdraw a certificate.

Ensuring the Proper Operation of the Premises

9. The Council will take robust action to ensure that premises are operated properly and do not harm the licensing objectives.
10. In particular, where the licence holder allows a third party to operate from the premises, the Council will expect Licence Holders and Designated Premises Supervisors to ensure that the premises are operated properly and do not harm the licensing objectives.
11. The Council considers that Licence Holders and Designated Premises Supervisors cannot simply wash their hands of their responsibilities by allowing other persons or organisations to operate from the premises. Licence Holders and Designated Premises Supervisors will remain responsible for ensuring the proper operation of the Premises.
12. Licence Holders and Designated Premises Supervisors should consider whether such premises are appropriately supervised by a Personal Licence Holder employed by them at all times.
13. They should ensure that the arrangements with the Promoters are properly documented in a contract that identified the respective responsibilities and the provision of named Personal Licence Holders present throughout the

promotion.

14. Licence Holders and Designated Premises Supervisors should monitor and ensure that the premises are operated properly throughout the promotion.
15. Licence Holders and Designated Premises Supervisors should ensure that should difficulties arise there can be no dispute as to who was responsible for the management of the premises at the time in question. If there is any uncertainty, the Council will consider that responsibility will lie with the Licence Holder and the Designated Premises Supervisor.