

LICENSING ACT 2003

HOW IT AFFECTS YOU

FEBRUARY 2005

It is anticipated that the Licensing Act 2003 will come into effect in November 2005. Media attention on the new Act has focused on the abolition of the licensing hours. However, the Act is far more wide reaching and will impact on anyone who provides almost any form of entertainment and anyone (subject to some exceptions) who provides late night refreshment. As a result new licences will be necessary for individuals, businesses, clubs, committees and bodies who had not previously required a licence.

DO YOU NEED A LICENCE?

Are you one of the many businesses, which will now require a licence under the new regulations?

New licensable activities

Sale/supply of alcohol	Regulated entertainment	Late night refreshment
Retail sales of alcohol Supply of alcohol by club to a member	including: Performance of a play Exhibition of a film An indoor sporting event A performance of live music Dancing	Hot food and drink for consumption on or off premises between 11pm and 5am.

WHICH LICENCE?

If you wish to carry out any of the above licensable activities you will require a premises licence, a club premises certificate, a personal licence or a temporary event notice. If you are selling or supplying alcohol a personal licence will also be necessary.

Premises Licence

If one or more of the licensable activities is taking place at your premises you must obtain a premises licence (unless you hold a club premises certificate or a temporary event notice). The premises licence must contain an 'operating schedule' setting out which of the licensable activities will be carried out at the premises and between what times. We can help you to **get it right the first time** to avoid costly applications to vary the schedule!

If the licensable activities include the sale of alcohol a Designated Premises Supervisor (a DPS), who must be the holder of a personal licence, must be named in the operating schedule.

Choose your DPS carefully. No sales of alcohol may be made when there is no DPS or that DPS does not hold a personal licence. Consider what would happen if your DPS walked out!

Club Premises Certificate

'Qualifying clubs' will not need a premises licence. Instead you will need to apply for a club premises certificate. There are new stricter rules relating to children, which you will have to consider. We are happy to review the rules of your club to ensure that they conform to the new law and make the application on your behalf.

Temporary Event Notices

These replace 'extensions', "occasional licences" and "occasional permissions". These notices can be used to cover events not catered for in the operating schedule of the premises as well as events in unlicensed premises. Individual premises are not allowed more than 12 notices a year. There are also rules regarding the length of the event, the number of people attending and the timing of the event.

Personal Licence

A personal licence authorises an individual to supply alcohol or authorise the sale of alcohol.

A personal licence is only required for the sale of alcohol. A designated premises supervisor must hold a personal licence. Not all bar staff will require one but every sale must be authorised by a personal licence holder.

CONVERTING AN EXISTING LICENCE - DON'T MISS THE BOAT!

All applications must be made before 6th August 2005.

If you are the holder of an existing Justices' licence or club registration certificate you can apply to convert this to a "premises licence" and a "personal licence" or "club premises certificate". Save in rare circumstances this application will be automatically granted on the same terms upon application.

If you do not wish to be restricted to your existing terms you can apply for a variation. We would be happy to discuss your individual requirement with you and make the appropriate application on your behalf.

For further information and advice on how your business can comply with the new licensing regulations, contact Partner **Louise Bland** at Ellisons Solicitors .

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