

Licensing Without Hiccups

May 2018



Relaxation of hours for the Royal Wedding. On 1 May 2018, the House of Lords approved the draft Licensing Act 2003 (Royal Wedding Licensing Hours) Order 2018, which will relax hours for the sale of alcohol on Friday 18 May 2018 and Saturday 19 May 2018. On both of these days, any premises licensed for the sale of alcohol up to or after 11 p.m. will automatically be entitled to trade until 1 a.m. the following morning for the purposes of alcohol sales. Such premises will also be entitled to provide late night refreshment (hot food and/or hot drinks) until 1 a.m. The relaxation does not apply to off-licences or licences that allow late night refreshment only. However, extensions for such premises could be obtained by way of Temporary Event Notice (TEN), in the usual way (the deadline for a short notice application will be Friday 11 May 2018). The Royal Wedding will coincide with the Emirates FA Cup Final, which will kick off at 5:15 p.m. on Saturday 19 May 2018.

Minimum unit price of 50 pence came into force on 1 May 2018 in Scotland. The Scottish government has provided [information for retailers](#), including details on how to calculate minimum prices. Minimum unit pricing will be enforced by Licensing Standards Officers (LSOs), who are employed by local councils.

Operators should plan now for any TENs and operational safeguards required for the World Cup Russia 2018, starting on Thursday 14 June. The World Cup is fast approaching. Dates and times for the matches are available on the [FIFA website](#). The latest kickoff (UK time) is 8 p.m.; therefore, the matches will be within normal licensed times for most premises. However, if you want to apply for extended hours, submit applications for TENs early so that you can plan accordingly. Remember, too, that if you are planning on showing some or all of the matches, it may be sensible to review the conditions on your premises licence, in particular in relation to any maximum numbers, or conditions that may apply when you show televised sporting events; conduct appropriate risk assessments and consider whether additional safeguards are required, such as the use of plastic glasses, SIA door supervisors, dispersal arrangements and/or enhanced ID policy; ensure your CCTV cameras and recording systems are in full working order; remind staff to record all refusals to sell alcohol due to age and/or drunkenness; and monitor noise from customers, particularly in external areas.

Licence revocations for immigration offences. In a previous [edition](#) of Licensing Without Hiccups, we reported on changes to licensing, introduced under the Immigration Act 2016. Over the past few weeks, there have been a number of reports of immigration inspections of licensed premises. There have also been a number of reports of licence revocations, including local press [reports](#) of a personal licence revocation by Slough Council back in February, for a man issued with a Civil Penalty Notice for employing an overstayer in one of his licensed premises (two premises licences owned and run by the personal licence holder were also revoked by [Hillingdon Council](#)); and, at the end of April, a restaurant's licence was revoked by Bracknell Forest Licensing Committee, following a review application by Home Office Immigration Enforcement, after a series of immigration offences were detected at the premises (see [council report](#)).



Dame Judith Hackitt's interim report on fire safety has implications for licensed operators.

Following the [interim report](#) on the inquiry that followed Grenfell, which concluded that the current regulatory regime for ensuring fire safety in high-rise and complex buildings is unfit for purpose, the government has written to local authorities. The [letter](#) recommends that consultations by building control bodies and the fire service are carried out "early" in the process of designing and commissioning new buildings. This may result in greater consideration of firefighting information included on plans submitted for new licences and variations to approve works. Trade press [articles](#) have already reminded hotel operators how to protect staff and guests in relation to fire safety and the government has a number of [guidance documents](#) for various types of business, including the hospitality industry and shops.

Breach of body piercing licence as to age held to be a strict liability offence. The High Court has decided ([London Borough of Hounslow v Aslim \[2018\]](#)) that whether or not the defendant took reasonable steps to establish the age of a customer was irrelevant when considering whether or not he was guilty and in breach of a licence he held to provide body piercing services. This is contrary to section 14(2) of the London Local Authorities Act 1991, which provides that where any premises with a licence in force are used as an establishment for special treatment, otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, the holder of the licence or other persons concerned with the conduct or management of the premises shall be guilty of an offence. It should be noted that the legislation also gives the Borough Council the power to revoke a licence if the holder is convicted. This case is a reminder for hotels and other operators with special treatment licences of the importance of robust procedures to ensure licence conditions, particularly in relation to age, are complied with.



Government issues revised [guidance](#) to licensing authorities, which includes a new section on beer gardens and other outdoor spaces.

The new sections on beer gardens/outdoor spaces (8.35-8.37) clarify that where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer, this should be treated as an off-sale and the garden would not need to be included on the premises licence (assuming off-sales are permitted under the licence). This is a marked change to the previous interpretation by many authorities, which required gardens to be licensed where there is table service. Other changes to the guidance (issued under section 182 of the Licensing Act 2003) include further guidance on TENs, including clarification that "premises" can mean any place and events authorised under a TEN can take place in public parks/on areas of land (i.e. not always within a building) (7.3); revisions to the advice on cumulative impact assessments (14.24 onwards); and additional advice on the evidence that needs to be adduced to satisfy licensing authorities that individuals applying for premises licences for the sale of alcohol or late night refreshment are entitled to work in the UK (8.38-8.40).

Revised application form for variation of designated premises supervisor (DPS) reflects requirement to notify outgoing DPS of application, without a requirement to send a copy of the application. The change was brought into effect by the [Licensing Act 2003 \(Premises Licences and Club Premises Certificates\) \(Amendment\) Regulations 2018](#), which notes in its explanatory memorandum that this change protects the personal data of the proposed DPS. The regulations came into force on 23 March 2018, although the amended postal form is not yet available on the [government website](#).

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