

Licensing Without Hiccups

October 2018



Consultation Launched on Minimum Unit Pricing for Alcohol in Wales. Following the decision to implement a minimum unit price for alcohol in Wales (as reported by the [Welsh government](#)), a [consultation](#) now seeks views on a proposed minimum unit price of 50p. Comments are due by 21 December 2018. The proposed minimum price per unit of 50p is, of course, the same level as the minimum price introduced in Scotland (despite earlier suggestions in the press that a higher minimum price of 70p was being considered). In July 2018, in a written parliamentary response, the government in England [said](#) that the minimum unit price remains under review and that Public Health England would be commissioned to carry out a review into the impact of minimum unit price in Scotland, but there has been no commitment to date to the introduction of a minimum unit price in England.

Christmas and New Year – Licensing Preparations and Drinkaware Campaign. As we remind our readers every year, with increased customers over the festive period, come increased risks of potential disorder and, in some areas, the likelihood of more licensing inspections and test purchase operations. It is never a bad idea to review the conditions on your licence, including any restrictions on occupancy; or to remind staff about age-checking at busy times, your proof of age policy and any other procedures they should be following (if you are using temporary or agency staff, they should receive and sign off on any required training). You should review or conduct risk assessments where appropriate, too, considering whether additional safeguards would be sensible, such as non-glass drinks containers, security and dispersal policies. It is also important to remember to cover any extra hours or activities needed for the season with Temporary Event Notices.

Drinkaware is urging operators to create an environment where customers can have a great time, while minimising the risk of alcohol-related harms. Its tips for operators (reported in [trade press articles](#)) include stocking a good selection of soft drinks, including no or low-alcohol options, choosing house wines with relatively low alcohol by volume levels and serving food throughout the times where alcohol is available. It has also produced a 'can't get served' poster in conjunction with the British Beer and Pub Association, for operators who want to make it clear to customers that you will not serve them if they are drunk, or are attempting to buy alcohol for a drunken friend. It is, of course, an offence to serve a person who is drunk, whether in a bar, restaurant or hotel (i.e. 'on' sales) or in a supermarket or local convenience store (i.e. 'off' sales). It is also an offence to knowingly obtain alcohol for a person who is drunk.

Blackpool Off-Licence Saturation Policy – Representations From Public Health. There have been local [press reports](#) that public health in Blackpool made representations to an application for a new off-licence for a discount store at the end of August, despite the fact that the business was simply relocating. Later [reports](#) indicate that the licence was granted but the permitted start time for the sale of alcohol was limited to 8:30 a.m. (the application originally sought a start time of 7 a.m.). Blackpool City Council introduced an 'off-licence saturation policy' in January 2009, the effect of which is to create a rebuttable presumption that any application for a new licence in certain wards of the City will be refused. Therefore, the policy is not 'new', but the story does reflect a growing trend of representations by public health and, in particular, on the grounds of an 'early' start time.

Consultation on Ban of Plastic Straws and Stirrers. The Department of Food and Rural Affairs (DEFRA) has [launched a consultation](#) on banning plastic straws, plastic cotton buds and plastic stirrers. Responses are due by 3 October 2018. This follows a significant focus on plastics over the past few months, with almost 100 UK businesses having signed WRAP's UK [Plastics Pact](#) and the EU Commission having proposed a Directive to Ban Single-Use Plastics. The ban would come into force some time between October 2019 and October 2020, depending on the responses received to the Consultation.



Licence Reviews for Immigration Offences – Bexhill Restaurant Loses Appeal and Cheltenham Reviews Shop’s Licence.

We reported in our [August edition](#) of *Licensing Without Hiccups* that appeal courts had upheld numerous revocation decisions on premises licences, including revocations due to illegal working and persistent sales to minors. This month, the local press has [reported](#) that a restaurant in Bexhill has been ordered to stop serving alcohol, after an appeal against the revocation of its licence was dismissed. The restaurant originally had its premises licence revoked by a panel of Rother District Council’s Licensing and General Purposes Committee in May 2018, after enforcement officers from the Home Office discovered illegal and underage workers at the restaurant on two separate occasions. In September, there were also [reports](#) of Cheltenham Borough Council reviewing a shop’s licence after immigration officials discovered a person allegedly living and working there, without the right to work in the UK (the Sub-Committee in that case deciding to remove the designated premises supervisor and impose additional conditions on the licence). These cases underline an apparent enforcement trend in some areas using powers of entry into licensed premises for immigration officers, to investigate immigration offences, under the Immigration Act 2016.

Local Government Information Unit (LGIU) and Portman Group Have Published Report Into Local Towns’ and Cities’ Approach to Managing Evening and Late Night Economy.

The [report](#) includes a number of findings, including that antisocial behaviour and crime is a major issue in the night time economy, with three quarters of local authorities (72%) placing it in their top three challenges, and most (92%) believing that the night time economy will play an important role in preventing the decline of high street retail. Nevertheless, currently, only one in five (22%) of authorities have a dedicated night time economy strategy. The report concludes that partnership working arrangements (i.e. collaborative approaches between local authorities, the police, health services, businesses, local charities and others) has produced good results and many would welcome a national framework to facilitate cross-agency partnership working.

A Reminder of the Importance of Good Relationships With Neighbours in Relation to Noise.

It has been [reported](#) that a pub in Oxfordshire is no longer authorised to provide entertainment following a licence review heard by the Vale of White Horse District Council. The Council’s [papers](#) indicate that the review application was made by an environmental health officer following numerous complaints by neighbours and a previous noise abatement notice being issued. The officer had visited the premises in July following a complaint and witnessed wholly unacceptable noise escape from a band in a marquee. According to the press reports, the pub will now need to rely on temporary event notices (TENs), but the grant of a TEN is not ‘automatic’ (environmental health can make representations to a TEN, as can the police and licensing authority). Furthermore, there is a limited number of TENs per premises per annum and various other restrictions on the number and duration of TENs. This is a stark reminder that if noise is not properly managed and neighbours are disturbed, a licence can be revoked.

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