

## Licensing Without Hiccups

August 2018



**Minimum Unit Price approved for Wales.** We [reported](#) last year on the proposal to introduce a minimum unit price in Wales. The Public Health (Minimum Price for Alcohol) (Wales) Bill was passed in June, but does not yet provide any details on what the minimum price would be. It instead proposes that the level of the minimum price will be specified in regulations made by the Welsh Ministers. The Explanatory Memorandum to the legislation uses 50 pence as an example, which is, of course, the level of the minimum unit price introduced in Scotland. There is, as yet, no date provided for the minimum unit price to come into force, but it is anticipated in the [press](#) and by the [Welsh government](#) that this will be in the course of 2019.

**Hackney Council has approved plans to significantly increase size of the Shoreditch Special Policy area and to introduce “Core Hours”.** The [Statement of Licensing Policy](#) will require new applicants in Shoreditch and Dalston to demonstrate that the proposed activity will not add to issues of cumulative impact of licensed premises in the area (quality/track record of management, good character and extent of variation may not be sufficient). Even if it can be demonstrated that the new application will not add to the cumulative impact, a “core hours” policy will apply, which limits hours to midnight at weekends and 23.00 in the week. [Press coverage](#) of the decision has been widespread, with businesses warning this decision could “kill the one of the City’s top nightlife hotspots”. Trade press reports indicate that the BBPA has called on Hackney’s mayor to reconsider.

**Pubs fined over £300,000 for illegal screening of Sky Sports.** According to reports in the [trade press](#), Judges ordered the licensees and company directors of three pubs in Stafford, Birmingham and Wolverhampton to pay a combined total of £327,405, after a successful prosecution by the Federation Against Copyright Theft (FACT). Offenders were convicted of 64 charges in a combined case brought before the Birmingham Magistrates’ Court.

**Licensing appeal fees reduced.** The fees payable to the magistrates’ court for commencing a licensing appeal have been reduced from £410 (or £205 in the case of appeals by a resident) to £70 under the [Court of Protection, Civil Proceedings and Magistrates’ Court Fees \(Amendment\) Order 2018](#). This is clearly a significant saving and may encourage more appeals.

**Operators of licensed premises welcome new Planning Policy Framework reflection of “agent of change” principle.** The new Framework document was published in July and follows on from a consultation, which attracted strong support, according to the [government response](#). The principle is that the “agent of change” (or applicant for planning approval) should be responsible for mitigating the impact on their scheme of potential nuisance arising from existing development, such as live music venues and church bells. Therefore, developers of residential accommodation should be required to ensure sufficient soundproofing to prevent occupiers ultimately complaining of nuisance from neighbouring licensed premises.



**Appeal courts have recently upheld numerous recent revocation decisions on premises licences, including revocations due to illegal working and persistent sales to minors.** The London Borough of Southwark had revoked two convenience store licences and the Council [reports](#) that the revocations were due to various regulatory breaches at both premises, including the supply of super strength beers, underage sales of alcohol and breaches of various licensing conditions. There was also evidence of illegal migrant workers being on the premises in one of the stores (in Peckham) where the Home Office also issued a £10,000 civil penalty.

As reported in an earlier [edition](#) of "Licensing Without Hiccups", since 6 April 2017, there has been a right of entry into licensed premises, for immigration officers to investigate immigration offences. Further, it is not necessary for a crime to have been reported/prosecuted (as opposed to the imposition of a civil penalty), as an earlier case decided (see Local Government Lawyer article on *East Lindsey District Council v Abu Hanif [trading as Zara's restaurant and takeaway]*). Revocations of licences for immigration issues have not been limited to convenience stores, with [reports](#) over recent weeks including a licence revocation for a restaurant by Bexhill on Sea.

Wyre Council had revoked a licence following two failed test purchases, together with a seizure of vodka with counterfeit duty paid labels. After the licence was revoked and the appeal was lodged, there was a further test purchase failure. As well as confirming the Council's decision to revoke, the court ordered the appellant to pay almost £6,000 toward the Council's costs of defending the appeal. The outcome and a statement from the Council is reported on its [website](#).

**Proposed review of alcohol sales and consumption at airports.** It has been [reported](#) online that a Home Office spokesperson has indicated they will "issue a Call for Evidence to assess the impact that an extension of the Licensing Act to airside premises at airports in England and Wales could have on reducing alcohol-related disruptive passenger behaviour". We have not seen any official reports from the government confirming this, although the story does echo similar [reports](#) at the start of the year.

**DEFRA has published [Guidance](#) on animal licensing in England.** The Guidance includes notes for breeding dogs, boarding dogs in kennels, dog day care, boarding cats, selling animals as pets, the exhibition of animals and hiring out horses.



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