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Our ref:

Please ask for:

Licensing

To all premises licence holders and club secretaries

15 May 2014

IMPORTANT – KEEP THIS LETTER WITH YOUR LICENCE OR CERTIFICATE

Dear Sir or Madam,

LICENSING ACT 2003 – CHANGES TO MANDATORY CONDITIONS

You will be aware that the Government has powers to prescribe up to nine additional mandatory conditions for premises licences and club premises certificates, in addition to the three mandatory licence conditions relating to designated premises supervisors, films and door supervisors set out in the Licensing Act 2003.

With effect from 28 May 2014, the Home Secretary has imposed an additional mandatory condition prohibiting the sale of alcohol at a price below the total of duty plus VAT.

Set out overleaf are all the additional mandatory conditions to which premises licences or club premises certificate may be subject, whether or not they appear on your current licence or certificate:

The Licensing Authority, the Police and Trading Standards recommend that a policy under condition 4 (Age Verification) should be in accordance with the well-established Challenge 21 or Challenge 25 procedures. Acceptable forms of identification are a PASS accredited ID card, passport, photo card driving licence or national ID card.

When it is necessary to reissue a licence or certificate, the appropriate mandatory conditions will be included on that document. You must keep this letter with your licence or certificate for reference.

If you wish the conditions to be shown on your current licence or certificate now, you can return both parts of the licence or certificate to us, together with the fee of £10.50, for an updated licence to be issued.

Further information, including links to the legislation, the revised Licensing Act 2003 Statutory Guidance and Home Office guidance on these mandatory conditions is available on the Borough Council's web site at <http://licensing.eastleigh.gov.uk>. A calculator for the duty and VAT is available on the web page.

Please note that the section 136 of the Licensing Act 2003 makes non-compliance with these mandatory conditions an offence punishable, on summary conviction, by imprisonment for a term not exceeding six months or a fine not exceeding £20,000, or both.

You may wish to take advice on these responsibilities from your own independent legal adviser.

For the purposes of the mandatory conditions, unless otherwise defined:

- *“relevant premises” means either licensed premises or premises in respect of which there is in force a club premises certificate*
- *“responsible person” means, in relation to licensed premises, the holder of a premises licence, the designated premises supervisor, or any individual aged 18 or over who is authorised by such a holder or supervisor, and, in relation to club premises certificates, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.*

Yours faithfully,

Licensing Manager
for Head of Legal and Democratic Services

1. Irresponsible promotions - from 6 April 2010 - on sales/supply only

- (1) *The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.*
- (2) *In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—*
- (a) *games or other activities which require or encourage, or are designed to require or encourage, individuals to—*
 - (i) *drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or*
 - (ii) *drink as much alcohol as possible (whether within a time limit or otherwise);*
 - (b) *provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);*
 - (c) *provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;*
 - (d) *provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—*
 - (i) *the outcome of a race, competition or other event or process, or*
 - (ii) *the likelihood of anything occurring or not occurring;*
 - (e) *selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.*
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2. Alcohol dispensed directly into the mouth - from 6 April 2010 - on sales/supply only

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. Free tap water for customers - from 6 April 2010 - on sales/supply only

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. Age verification policy - from 1 October 2010 - on and off sales/supply

- (1) *The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.*
- (2) *The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.*
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5. Choice of small measures - from 1 October 2010 - on sales/supply only

The responsible person shall ensure that—

- (a) *where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—*
- (i) *beer or cider: ½ pint;*
 - (ii) *gin, rum, vodka or whisky: 25 ml or 35 ml; and*
 - (iii) *still wine in a glass: 125 ml; and*
- (b) *customers are made aware of the availability of these measures.*
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6. Alcohol minimum permitted price - from 28 May 2014 - on and off sales/supply

1 *A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price..*

2 *For the purposes of the condition set out in paragraph 1 —*

(a) *“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;*

(b) *“permitted price” is the price found by applying the formula —*

$$P = D + (D \times V)$$

where—

(i) ***P** is the permitted price,*

(ii) ***D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and*

(iii) ***V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;*

(c) *“relevant person” means, in relation to premises in respect of which there is in force a premises licence —*

(i) *the holder of the premises licence,*

(ii) *the designated premises supervisor (if any) in respect of such a licence, or*

(iii) *the personal licence holder who makes or authorises a supply of alcohol under such a licence;*

(d) *“relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and*

(e) *“value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.*

3 *Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.*

4 (1) *Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.*

(2) *The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.*
