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To Premises Licence Holders and Club Secretaries

## **IMPORTANT – THIS COMMUNICATION AFFECTS YOUR BUSINESS**

April 2010

Dear Sir or Madam,

### **LICENSING ACT 2003 – NEW MANDATORY CONDITIONS**

You will be aware that the Government's Secretary of State for Culture Media and Sport has powers to prescribe by order up to nine additional mandatory conditions applicable to relevant premises licences and club premises certificates, in addition to the three existing mandatory licence conditions relating to Designated Premises Supervisors, films and door supervisors.

Using this power, the Secretary of State has now imposed the following mandatory conditions on your premises licence or club premises certificate – please note the dates when these conditions come into effect:

- 1. Irresponsible Promotions** - effective from 6<sup>th</sup> 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.*

**2. Alcohol Dispensed Directly into the Mouth** - effective from 6<sup>th</sup> 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** - effective from 6<sup>th</sup> 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** - effective from 1<sup>st</sup> 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.*

**5. Choice of Small Measures** - effective from 1<sup>st</sup> 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.*

For the purposes of these conditions:

“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 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.

The Licensing Authority, the Police and Trading Standards would 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 new mandatory conditions will be included on the document. In the meanwhile, the conditions apply to your licence or certificate whether or not they appear on the document. It will assist you to keep this letter with your licence for reference.

If you wish the conditions to be shown on your current licence or certificate in the interim, this can be effected by the return of both parts of the licence or certificate to us together with the fee of £10.50.

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 [licensing.eastleigh.gov.uk](http://licensing.eastleigh.gov.uk).

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 new responsibilities from your own independent legal adviser.

Yours faithfully,

for Head of Legal and Democratic Services