

Tendring District Council

Best Practice Guidance Document and Templates for Licensed Premises

Licensing Act 2003

This booklet is located on the Tendring District Council website so that the resources contained inside can be re-printed for future use:

<https://www.tendringdc.gov.uk/content/licensing-act-policy>

This document is relevant to premises licensed for the sale of alcohol for consumption on and off the premises. This is a best practice only; this is not designed to offer definitive legal opinion. Always bear in mind changes to the legislation and the issued date of this document.

Contents

1. Designated Premises Supervisor (DPS) sale of alcohol staff authorisation and guidance
2. Premises Age Verification policy and guidance
3. Staff Training Log and guidance
4. Example Refusal / Incident book
5. Official Visit Log
6. Table of Offences under the Licensing Act 2003
7. Premises checklist

This document provides examples of best practice documents and templates for premises. These templates are designed to assist with compliance and measures and the meeting of the requirements set out in the Licensing Act 2003.

The enclosed should provide guidance only and should be amended to reflect the operating procedures for each individual premises.

Templates are not exhaustive and may require updating following changes or updates to legislation. You will need to keep yourself apprised of these and amend accordingly.

Please ensure that you read your full Premises Licence including the conditions, both mandatory and as granted, to ensure you fully understand the terms of your Premises Licence.

Should you have any questions regarding the contents of this guide, please contact licensingsection@tendringdc.gov.uk

1. Designated Premises Supervisor (DPS) sale of alcohol staff authorisation.

As a DPS, you hold the authorisation to sell alcohol. When you are not at the premises, you will need to give written consent authorising all other staff members to sell alcohol on your behalf. You will need to do this regardless of if your staff hold a personal licence, as the DPS you hold the **only** authorisation to sell alcohol at your premises.

Guidance – DPS authorisation

Staff should be aware of the authorisation and understand their responsibilities under the Licensing Act 2003 before agreeing and signing to be authorised to sale alcohol on behalf of the DPS.

By signing the authorisation, staff are confirming that they have participated in and fully understand training material.

Staff should be able to produce the written authorisation on request to an authorised officer.

It is important any such authorisation is updated regularly when new staff members are employed.

A suggested text of written authorisation is listed below for information. You may wish to adjust this accordingly and insert the actual age within your age verification policy.

This form should be used in conjunction with Employee Training Records and not as a replacement for them. All employees must undergo suitable levels of training highlighting their responsibility under the Licensing Act 2003 and their role in promoting the Licensing Objectives.

2. Premises Age Verification Policy and Guidance

Acceptable Identification (ID)

With numerous forms of ID used in the UK it is important to understand what forms suitable and acceptable forms of identification. The “Challenge 25” Scheme suggests acceptance of Passports, Photographic Driver’s Licences and PASS approved cards. Lawfully, ID that includes a hologram, name, date of birth and a photo of the person in question is acceptable.

Awareness of counterfeit ID

The following link holds guidance for retailers to help them spot fake identification, this has been produced by the Home Office and is a useful toolkit when training staff

<https://www.gov.uk/government/publications/false-id-guidance>

Having a Premises Age Verification Policy is good practice for the Designated Premises Supervisor and Licence holder. This document confirms and understands that you have signed to know how to appropriately identify suitable forms of identification. Premises should be displaying at least one age challenge poster which should be in public view.



Age Verification Policy Template

Name and Address of Premises:

.....

Name of Premises Licence Holder:

.....

Name of Designated Premises Supervisor:

.....

Staff serving on the premises must request any individual(s) who appears to be under the age of 18 years (or any older age as may be specified in the premises age verification police i.e., Challenge 25) to produce, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

Examples of identification include:

- A passport
- A photo card driving licence
- A proof of age card bearing the PASS hologram

The Designated Premises Supervisor will ensure that the supply of alcohol at the premises is conducted in accordance with this policy.

Signed..... Print..... Date.....

The Premises Licence Holder will ensure that staff are made aware of the existence and content of this policy.

Signed..... Print..... Date.....

UNDER 25?

Please be
prepared to show
proof of age when
buying alcohol



drinkaware.co.uk



3. Staff Training Log and Guidance

All staff should be adequately trained regarding their responsibilities under the Licensing Act 2003. This ensures compliance with the terms of the premises licence and demonstrates due diligence by the Premises Licence Holder and Designated Premises Supervisor.

It is good practice that staff sign training records to confirm they have participated and fully understood the training material.

Training subject matter should include (but not be limited to) the following which you may also add additional topics under the premises legislations -

- The Licensing Act 2003
- Promotion of the licensing objectives
- Premises licence activities
- Premises licence conditions
- DPS authorisations
- Premises age verification policy
- Refusal / Incident book
- Offences under the Licensing act 2003
- How to deal with difficult customers
- Noise Impact assessment or noise management planning
- Drugs policy
- Dispersal policy
- Health and Safety – safe working practices and risk assessments
- First aid
- Emergency evacuation procedures

Training records should be made available to the Police or Local Authority Officers on request, and it is recommended that refresher training is conducted and documented at least every six months.



Training Subject / Course title	Brief synopsis of subject matter covered	Test / training result	Completion date	Staff signature and date

6. Table of Offences under the Licensing Act 2003

Section	Offence	Offender	Penalty Level 1-5 fines Level 1 - £250 Level 2 - £500 Level 3 - £1000 Level 4 - £2500 Level 5 - £5000 Penalty notices for disorder - PND
Premises Licence			
33	Failure to notify licensing authority of change in name or address	PLH	Level 2
57	Failure to keep or produce premises licence or certified copy at the premises	PLH	Level 2
59	Intentional obstruction of authorised person exercising power of inspection prior to grant, variation or review of premises licence or issuing of provisional statement	Anyone	Level 2
General Offences			
136	Knowingly allowing or carrying on unauthorised licensable activities	Anyone (S134)	6 Months Imprisonment and/ or unlimited fine
137	Unauthorised exposure for sale of alcohol	Anyone	6 months imprisonment and/or £20000 fine.
138	Unauthorised possession of alcohol with intent to sell or supply	Anyone	Level 2
158	Knowingly or recklessly making false statement in connection with licensing application	Anyone	Level 5
179	Intentional Obstruction of entry of authorised person to investigate unauthorised use of premises for licensable activity	Anyone	Level 3
146	Knowingly allowing sale of alcohol to person under 18 or knowingly allowing supply of alcohol to club member or guest under 18	Anyone	Unlimited fine

Table of Offences under the Licensing Act 2003 – Guidance

The details listed above in relation to offences and penalties are sub sectioned briefly in line with the Licensing Act 2003. Premises should consider it may be subject to change following updates to relevant legislation. For further information regarding Penalty Disorder Notices please refer to the Ministry of Justice Guidance.

Useful Tips

The person selling the alcohol:

by selling alcohol to a person under 18 it is YOU that commits the offence.

The customer:

A customer who purchases alcohol for a person under 18, or attempts to do so, commits an offence.

The licence holder:

Selling of alcohol to children is defined as selling alcohol on the same premises to a person who is under 18 on two or more occasions within a single three-month period. Currently there are three avenues by which action can be taken against premises to be persistently selling alcohol to children.

1. The licence holder, if prosecuted, can plead not guilty and go to court and if found guilty can be given an unlimited fine with up to 3 months suspension of the alcohol licence.
2. As an alternative to prosecution, the police or trading standards officers can give the licence holder the option to voluntarily accept a 48-hour closure notice rather than face criminal liability.
3. The police can make a representation to the relevant licensing authority to ask them to review the licence. this can also happen in addition to options 1 and 2.

7. Premises Checklist

Use the below to check off the following statements and questions. If you have checked the below and everything is in place, then the premises should be showing compliance on visits and inspections.

- Do I have Part B of the Premises Licence on Display to the public?
- Do I have Part A of the Premises Licence stored in a safe location on the premises?
- Have all my staff been authorised in writing to sell alcohol in the authorisation to staff document?
- What is my age verification policy? Have I got posters displayed?
- Do I have my Gaming Machine Permit displayed? Or my notification on site?
- Am I compliant with the conditions on my licence?
- Are staff aware of the conditions on my licence if I was not there?
- Have I got my refusal book in a safe place to log all alcohol sales that are refused? do my staff know how to complete this?
- Have I completed all of my staffs training records?
- Have I got my incident book in a safe place to log any incidents? Do my staff know how to complete this?
- Is my CCTV working? Do I know or have staff able to access this on request from a responsible authority?
- Do I have signage displayed to tell customers CCTV is in use?
- What is my closing down policy at the end of the evening? Is it documented?
- What measures are in place to prevent drug use at the premises? Is this documented?
- What measures are in place to prevent noise nuisance? Are they documented?
- Is my fire risk assessment up to date? Do I know my capacity in the premises?
- Is the premises, including fire doors, clear of obstructions?
- Is the premises licence holder address and DPS information correctly displayed on my licence?

