

LICENSING AND SAFETY COMMITTEE

18 NOVEMBER 2014

LICENSING ACT 2003 - MANDATORY CONDITIONS AND CHANGES IN LEGISLATION

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Summary

The purpose of this report is to update members of the Licensing and Safety Committee on the current list of Mandatory Conditions under the Licensing Act 2003 and changes in legislation.

1. Budget and Policy Framework

- 1.1 The Council's statement of licensing policy in respect of its functions under the Licensing Act 2003 refers to the mandatory conditions.

2. Background

- 2.1 The purpose of this report is to update the Licensing and Safety Committee on the revised list of mandatory conditions under the Licensing Act 2003 and further changes in legislation.

3. Mandatory Conditions

- 3.1 The Licensing Act 2003 provides for mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified. Conditions 1 to 6 must be displayed on relevant licence/certificate. Conditions 7 to 11 do not have to be displayed on the licence/certificate but are enforceable and supersede any previous worded condition of a similar nature.

See **Appendix A** for conditions in full.

- 3.2 Statutory instrument - The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 - included changing the wording on irresponsible drink promotions in particular removing connection to crime and disorder, free potable water instead of tap water, extended the details around age verification policy and additional wording on advertising drink measures including price lists and menus. This Statutory Instrument also removes a previous condition in respect of dispensing alcohol into someone else mouth which has now been merged into the irresponsible drink promotion condition.

- 3.3 Statutory instrument The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 - Added the permitted price condition.

4. Changes in Legislation

- 4.1 Anti-social Behaviour, Crime and Policing Act 2014 - Over recent months, various provisions of the Anti-social Behaviour, Crime and Policing Act 2014 have come into force, on 20 October further sections came into effect which change the powers available to the police and local authorities to tackle anti social behaviour.
- 4.2 Of particular importance to licensed premises are the new closure notices and closure orders which can be issued by the Police or Local Authority, or ordered by the Court, restricting access to premises for up to 3 months or longer.

A summary of the changes that came into effect on 20 October can be found at **Appendix B**.

5. Risk Management

- 5.1 It is important that the Licensing & Safety Committee is kept fully informed of issues in respect of licensing matters.

6. Financial and legal implications

- 6.1 There are no direct financial implications arising from this report
- 6.2 The Council has produced its Statement of Licensing Policy as required by the Licensing Act 2003

7. Recommendations

- 7.1 That the committee notes the revised mandatory conditions and changes in legislation .

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Background papers

None