

Irresponsible Drinks Promotions

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 has introduced 5 mandatory conditions which apply to premises licences which are already in existence as well as to new ones. The conditions are shown below and relate mainly to irresponsible drinks promotions.

The first 3 conditions are already in force (from 6th April 2010) and the other two are due to come into force on 1st October 2010.

Conditions 1 to 3 are now deemed to be part of premises licences alongside any other conditions that are already attached. The other two will form part of premises licences from 1st October 2010 unless the conditions are modified before then by the Department of Culture, Media and Sport. This webpage will be updated in the event of any changes.

The new mandatory conditions are mentioned in sections 10.38 to 10.40 of the guidance issued under section 182 of the Licensing Act 2003. This may be found at:

http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/images/publications/DCMS_LicensingGuidanceb.pdf

This Authority has decided that, due to the subjective nature of what constitutes an irresponsible drinks promotion, it will generally be a decision for each premises whether promotions are irresponsible and whether they hold them at their premises or not.

However, premises are expected to accurately risk assess the promotion and, in the event that problems ensue, may be held accountable and **risk sanctions**. The risk assessment must focus on the impact of the promotion upon the four licensing objectives.

The Home Office has an information booklet entitled "SELLING ALCOHOL RESPONSIBLY: Good Practice Examples from the Alcohol Retail and Hospitality Industries" which may be found at:

<http://www.alcoholconcern.org.uk/assets/files/Good%20practice%20examples%20-%20Selling%20alcohol%20responsibly%20-%20Home%20Office.pdf>

The mandatory conditions are:

1. (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. 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. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. (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. 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.