



# Local Licensing News

## A Licensing Act 2003 Update



Issue 2

Christmas Edition

### Welcome

It is a year since the Licensing Act 2003 ushered in a brave new dawn on the licensing world. Twelve months on and things are settling down but there is still lots to think about and we hope that this second edition of our newsletter proves helpful especially with Christmas and the New Year approaching.



### Think Safe, Drink Safe

The Safer Devon Partnership will be launching a campaign throughout Devon at the end of November to encourage safer drinking throughout the Christmas period and to deliver the "Think Safe, Drink Safe" message across Devon. Please support this campaign and display posters where you can. Posters can be obtained through the Licensing Team – contact details at the end of this newsletter.

### New Year's Eve and other Seasonal Variations

With Christmas and New Year approaching you should check your entitlements for New Year's Eve and other Bank Holidays. Please take the opportunity now to check that your licence permits you to open for the hours you plan over the Christmas holiday period. If you haven't specifically requested extended times you will be restricted to your normal everyday hours for Christmas Eve and the Bank Holidays. If you just converted your old licence and did not vary your licensing hours you will still be allowed to open from normal opening time on New Year's Eve until normal closing time on New Year's Day. Remember you don't get Christmas extensions of hours through the courts as you used to. Should your licence not permit you to open for the hours you want, you should consider in the longer term applying for a variation. In the short term you can extend your licensing hours by the use of a Temporary Event Notice. See below for information on TENS.



### Temporary Event Notices (TENS)

We are continuing to receive a high volume of Temporary Event Notices. A number of premises have reached or are nearing their annual limit of 12 TENS or 15 days worth of TENS per calendar

year. Please keep a close eye on how many events are going on at your premises as once the annual limit has been reached no more TENS can be authorised until next year. Remember that you start again on the 1 January when the total will be reset to zero. Finally, we are still receiving some late TENS. We cannot accept a TEN unless it has reached both the Police and us at least 10 clear working days before the day of the event. 10 clear working days notice is the minimum legal requirement. Please do not leave these notices to the very last minute. Further information including notice forms can be obtained from the licensing pages on our website or direct from the Council's Licensing Team. If you need a TEN for an event in January 2007 ensure you apply in time.

### Ten Steps to Getting on with your Neighbours

1. **Hold regular meetings** – why not try a coffee morning at 10am on a Saturday with your neighbours and take minutes of that meeting for circulation afterwards for those who didn't attend!
2. **Notify neighbours** if there are going to be exceptional, late-night events or occasions where you are expecting a lot more customers.
3. **Control the amplification/noise in the pub** where possible and make sure your neighbours don't lose sleep.
4. **Display a sign in the pub near the exit:** "This is a residential area. Please bear this in mind when leaving the premises late at night, as many of our neighbours may be asleep. Thank you."
5. Follow this up with **signs in the car park.**
6. **Follow the example of some pubs** who give out lollipops at night to stop customers from talking loudly as they leave.
7. **Ask taxi drivers** not to sound their horns when collecting customers.
8. **Invite your neighbours** to any special occasions where appropriate.
9. **If any of your staff smoke**, ask them to check external areas for noise and nuisance when they are outside.
10. **Talk to other licensees** and share ideas with each other. Try a Licensing Association, Pubwatch or British Institute of Innkeeping meeting. Experience in dealing with such matters has led us to the firm conclusion that having open channels of communication with your local residents significantly reduces the chances of running into

problems with them during the course of operating your business.

(With thanks to Poppleston Allen Solicitors)

## Copyright and Royalties

Copyright law is intended to safeguard the livelihood of authors, composers, arrangers, playwrights, filmmakers, publishers and makers of recordings and is extremely important.

Offences relating to copyright are "relevant offences" in terms of the Licensing Act 2003.

Licence-holders are strongly reminded of the need to obtain Performing Right Society (PRS) licences

and Phonographic Performances Ltd (PPL) licences and to observe other copyright arrangements. Failure to observe the law in this area could lead to an application

for the Review of your Premises Licence or the Club Premises Certificate on grounds of undermining the Crime Prevention objective.

If you are authorised under the terms of your Premises Licence or Club Premises Certificate for relevant regulated entertainment, please ensure you have the necessary Copyright and Royalty permissions. Further advice can be sought from the following websites: -

Performing Rights Society – [www.prs.co.uk](http://www.prs.co.uk)

Phonographic Performances Ltd – [www.ppluk.com](http://www.ppluk.com)



for the Review of your Premises Licence or the Club Premises Certificate on grounds of undermining the Crime Prevention objective.

## Know Your Limits

The Government has launched its first national campaign involving alcohol. The 'Know your limits' campaign aims to bring about a change in the binge drinking culture in England. The advertising campaign is focusing primarily on young people who drink too much. This follows research showing that 18-24 year olds are most likely to drink irresponsibly and get hurt as a result, or cause harm to others. The Government claims that it is not its intention to stop young people going out and having fun or enjoying a drink. Instead, they want to focus attention on the repercussions of overdoing it and to educate and encourage young people to 'Know their limits'.

Website – [www.knowyourlimits.gov.uk](http://www.knowyourlimits.gov.uk)

## Displaying the Premises Summary

We have noticed that a number of businesses do not have their Premises Licence on site. Please be aware that you must keep the Premises Licence or a certified copy at the premises. You must also display the summary part of the licence (Part B) or a certified copy on the premises at all times in a position where it can be clearly read. The same rules apply to Club Premises Certificates.



## Producing the Licence upon Request

You must allow a Police Officer or other authorised person to inspect the licence if they request to do so. You can ask to see their ID if you do not recognise them. However, you should be aware that if you fail to allow inspection without reasonable excuse you will be committing a criminal offence. The same rules apply to Club Premises Certificates.



## Gaming!

The Gambling Act 2005 comes into full force on 1 September 2007. The three objectives of the Act are: -

- Keeping gambling crime free
- Making sure that gambling is fair and open
- Protecting children and vulnerable adults

Over recent months the Council has been consulting on its Statement of Gambling Policy which was agreed on the 22 November and has been published on our website. The new Act will no doubt provide a whole new set of challenges for us all. Watch out for information on the transitional arrangements in our next newsletter and on the licensing pages of the Council's website.

## Holiday Office Hours

The North Devon District Council Offices will be closed from 4.30 pm on Friday 22 December 2006 until 8.30 am on Tuesday 2 January 2007.

**If you are arranging an event to take place between 10 January and 17 January 2007 which requires service of a Temporary Event Notice the Licensing Team would be grateful for the notice to be served no later than Noon on Friday 22 December 2006.**

## The Future

During the coming year Licensing and Police Officers will be visiting premises to ensure that everything is in order, endeavouring to assist and advise wherever possible. In the meantime if you have any queries or problems you wish to discuss please don't hesitate to contact us.

Finally, we in the Licensing Team take this opportunity to wish you and your staff a very Happy and Prosperous Christmas and New Year.

### For further information please contact us at:

Licensing Team  
North Devon District Council  
Civic Centre, Barnstaple, Devon, EX31 1EA

Telephone: 01271 388870  
Email: [licensing@northdevon.gov.uk](mailto:licensing@northdevon.gov.uk)  
Website: [www.northdevon.gov.uk](http://www.northdevon.gov.uk)