

**AUGUST 2003**

# **HOW TO** get the **MOST** out of **THE LICENSING ACT** - a **LICENSEES' GUIDE**

Produced for licensees by The British Institute of  
Innkeeping and the British Beer and Pub Association

## **1) INTRODUCTION**

The Licensing Act 2003 has now been given Royal Assent. From 2005 it will replace the current licensing system completely – abolishing current liquor licences, Public Entertainment Licences, Special Hours Certificates, Supper Hours Certificates, Children's Certificates and a great number of other outdated pieces of licensing legislation. The new Act abolishes the terminal hour of 11pm and gives licensees the opportunity to apply for the hours that they believe would best suit their business. The new system will be controlled by local authorities, although they will be governed by strict guidelines on key matters, such as fees, which will be laid down by the Government to prevent inconsistency. Once the new Act comes into force (most likely to be in mid-January 2005) anyone who authorises the sale of alcohol will need to have a personal licence and any premises used for the sale of alcohol will need to have a premises licence.

This means that all existing licensees must register themselves and their pubs under the new system or they could be forced to cease trading when the new Act is brought into force. Existing licensees will have so-called "Grandfather Rights" – ie they will be allowed to transfer themselves and their current permissions automatically over into the new system (subject only to police approval).

Over the next six months or so, local authorities around England and Wales will be drawing up their own local policies within the Government guidelines and they will be consulting with licensees while doing so. The new Act represents a unique opportunity for licensees, police and local authorities to work together in partnership to build a thriving local social scene, with the emphasis on customer service, comfort and safety, and offering both customers and businesses the chance to enjoy more freedom than ever before.

To help licensees make the most of this opportunity to work with local authorities this document offers a brief outline of the key points included in the new Act and some pointers on the issues that will be raised at a local level during these consultations.

*(PLEASE NOTE: To help you make initial contact with your local authority and get involved in the consultations this booklet includes a tear-out form in APPENDIX 4 that you can fill in and send off to register your interest)*

## THE MAIN POINTS OF THE NEW LICENSING ACT

- The Bill received Royal Assent on July 10 and is now an Act of Parliament, although the new legislation will not come fully into force until the Second Appointed Day (the start of the new system) in 2005 (see APPENDIX 1 for the proposed timetable).
- Until then your old liquor licence will remain in force under magistrate control, although the Government is looking into abolishing next year's Brewster Sessions – please check with your local magistrates next year to confirm whether this has been done. You will, however, definitely have to renew your Public Entertainment Licence with the local authority should you have one.
- The new system will introduce split-licensing – with a personal licence for the licensee and a premises licence for the pub or place selling the alcohol
- The new premises licence will in its basic form be the same for all premises serving alcohol – pubs, restaurants, bars, hotel bars, cafés, off-licences etc. You will state the intended hours and style of operation in the operating schedule which is submitted when you apply for the premises licence.
- Licensees who hold a liquor licence under the existing system will have “Grandfather Rights”. This entitles them to:
  - a) register for a personal licence without retraining (see section on Personal Licences).
  - b) register their existing permissions in a new premises licence without the need for a full new application to be completed (see section on Premises Licences).NB. Recorded music, eg. jukebox, should be included as an existing permission.
- Responsibility for issuing licences will be transferred over to local authorities
- Magistrates will retain control of the old system until the start of the new regime (expected to be in January 2005) and will also be responsible for hearing appeals under the new system
- The Government has laid down national guidelines which govern how local authorities will run the new system. And these will include strict requirements to help prevent inconsistency. The guidelines are due to be published in full in September. The Government will also set fees centrally.

## 2) TRANSITION

### TIMETABLE FOR TRANSITION

*PLEASE SEE APPENDIX 1 FOR THE PROVISIONAL TIMETABLE FOR TRANSITION*

*(PLEASE NOTE: 1) this timetable is subject to review and 2) until the Second Appointed Day (the end of the old system), Magistrates will remain in control and old licences will still be valid)*

## **LOCAL AUTHORITY CONSULTATIONS**

- Local authorities will be consulting on their local licensing policies at the end of this year
- Many have already set up local licensing forums to facilitate this process, some will be writing to all licensees asking for input and some will approach key licensees and ask them to organise industry feedback
- The policies they draw up must follow the national guidance. For your copy of the guidance (currently available in draft form) please go to the Department for Culture, Media and Sport website listed at the end of this booklet or ask your local authority licensing officer
- The local authority is required by the new Act to consult on its local licensing policy with the following groups:
  - police
  - fire service
  - licensees
  - businesses
  - residents.
- This consultation will finish around the end of January 2004 and the authorities will then publish their official policies
- Licensees should work with local authorities during the consultation period and respond to policy plans, particularly if they feel they are not following the national guidance, are unnecessarily restrictive or may harm their businesses.

*(PLEASE NOTE: This is your one and only chance to make your views heard before the new system is introduced in your area so please use it!)*

## **WHAT DO LOCAL AUTHORITIES DO NOW?**

- Set up their internal licensing team
- Consult with licensees over local licensing policies either by writing to them or setting up local forums or groups
- Process licensing applications for both personal and premises licences on standard forms
- Charge a fee for each licence or variation of a licence - to be set by central government.

## **WHAT DO LICENSEES DO NOW?**

- Contact their local authority licensing department to find out how they can get involved in discussions on local licensing policies
- Make an application on a standard form to convert their existing permissions into a new premises licence
- At the same time apply for any variations they would like to their existing permissions
  - eg changing their trading hours, offering extra entertainment etc.

- Convert themselves and any other named individuals on their existing licence into personal licence holders.

## HOW DO I CONVERT MY EXISTING LICENCE INTO A NEW PERSONAL LICENCE?

- Anyone named on an existing licence is entitled to a new personal licence simply by:
  - a) Sending the original Justices' Licence to the local authority with an application form (if you have lost the original you should approach your local Justices Clerk for details of how to get a duplicate)
  - b) Copying the documents to the local police
  - c) Giving details of any relevant convictions since the grant of the Justices' Licence
  - d) Enclosing a personal photograph (endorsed)
  - e) Paying the appropriate fee (expected to be £30 for a 10-year personal licence)

*(PLEASE NOTE: You do not have to demonstrate you have a qualification or have a Criminal Record Check if you are an existing licensee converting to a personal licence)*

## HOW DO I CONVERT MY EXISTING LICENCE TO A NEW PREMISES LICENCE?

- Fill in an application form and send it in to your local authority
- Enclose a copy of your existing licence and any extra permissions (eg Public Entertainment Licence, Children's Certificate etc)
- Enclose a plan of your premises as submitted to the Licensing Justices
- Pay the appropriate fee
- Indicate the name of a Designated Premises Supervisor (DPS) who will hold overall responsibility for the sales of alcohol on the premises – although they do not have to be on the premises at all times
- Enclose a signed consent form from the DPS
- The DPS will usually be the manager, tenant, freeholder or lessee and must have a personal licence.

*(PLEASE NOTE: At the same time as you convert your existing licence into a premises licence you will also be able to apply for changes to your existing permissions under the new regime (eg longer hours etc) using the process described under the next section in this booklet. You can also apply to remove unnecessary or onerous conditions)*

# 3) LICENCE APPLICATIONS UNDER THE NEW SYSTEM

## PERSONAL LICENCES

- Applications are made to the local authority on a standard form
- Personal Licence holders must:
  - be over 18
  - have an approved qualification (the British Institute of Innkeeping (BII) is developing a National Certificate for Personal Licence Holders which will be available in March 04)

- have a Criminal Record Check to screen for relevant offences
- Pay a fee which the Government has said will be £30 for a 10 year licence.
- Existing licensees will enjoy what has been called “Grandfather rights” so they will not have to re-train but will register under the new system during transition (as detailed in the previous section) and pay their £30 fee.

## PREMISES LICENCES

- To apply for a premises licence, the licensee or premises owner will need to submit an operating schedule to the local authority which will include the hours they want to open, the style of business they want to run (for example, details of if they will be admitting children and when) and details of any entertainment or food served between 11pm and 5am
- Applications must show that the operation promotes the so-called “licensing objectives” set by the Government. These are: the prevention of nuisance, the protection of children from harm, the protection of public safety and the prevention of crime and disorder

For example:

- A. In addressing the prevention of crime and disorder it will be helpful to refer to industry good practice and guidance, eg. membership of a local Pubwatch, BII membership and qualifications eg. National Certificate for Licensees (Drugs Awareness) etc, and any staff training initiatives, BBPA guidance on drinks promotions, security in design, any involvement in local council/police crime and disorder forums.
  - B. A statement demonstrating awareness and compliance with health and safety and fire legislation should be sufficient to meet the public safety criterion in most cases. Where certain activities take place, eg. dancing, and the risk justifies it, it may be appropriate to consider a capacity limit. Again, reference to industry guidance may be useful, eg. the BBPA’s “Safety in Pubs”.
  - C. The operating schedule should outline any measures in place to minimise opportunities for public nuisance in those areas of the premises and its immediate environs or vicinity which are under the control of the licensee. For example, notices asking customers to leave quietly, any soundproofing in place, any other control methods such as keeping doors and windows closed etc.
  - D. Publicans will need to state a clear policy on children to address the protection of children from harm criterion, ie. whether children are allowed on the premises or restricted to certain parts of the premises (eg. restaurant area), whether there are any age restrictions over and above the requirements of the Act, whether there is a children’s play area and any stipulations relating to this etc.
- There will no longer be set licensing hours so licensees are free to apply for any hours they want – subject to objections by interested parties such as residents or

responsible bodies such as the police being upheld

- The initial one-off fee for this licence will be set on a sliding scale likely to be between £100 and £500 according to the size of the business and there will also be an annual charge of between £50 and £150
- There will also be a charge if you want to vary the licence in any way but this has yet to be agreed
- Applications for premises licences must be approved by the local authority as a matter of course unless there are objections from residents, police or any of the other parties allowed to object (see full list below)
- If there are objections the matter may be resolved in discussion with the local authority or may be referred to the local authority licensing committee and may be considered at a full hearing or by a sub-group
- Once granted, the premises licence does not need to be renewed unless there is a change to the style of the operation or any problems arise and the police request a review
- During the transition period existing pubs and bars will also have “Grandfather Rights” and will be able to transfer their current permissions and opening hours into the new system. At the same time, they will need to apply for any extra hours or other changes to their premises that they wish to make under the new legislation
- The operating plan must include the name of a Designated Premises Supervisor (DPS) so that councils and police know who is responsible for running the premises
- The DPS must be a personal licence holder and in many cases the licensee himself will be the DPS
- When the DPS changes the sheet of paper within the premises licence which names the DPS will need to be updated and there will be a small administrative fee for this. There will not be a need to complete a full new application
- A premises licence can be held by an individual or a company – in the case of a tenancy or leasehold pub it is up to both parties to decide who should apply and hold the premises licence.

## **WHO CAN MAKE REPRESENTATIONS RELATING TO A LICENCE APPLICATION?**

- The following groups or individuals may offer their views on a licence application:
  - Local Residents/Residents Associations
  - Local Businesses/Business Groups
  - Police
  - Fire Service
  - Planning officials
  - Health & Safety officials
  - Environmental Health officials
  - Bodies representing the protection of children
  - Any other licensing authority which covers any part of the premises.

*(PLEASE NOTE: Your regulars are entitled to make representations in support of your application in writing to the local authority – you may find this useful)*

## WHEN ARE OBJECTIONS VALID?

- If there are no objections the local authority must grant the licence in the form applied for.
- If there are valid representations, the local authority may discuss possible solutions with the licensee first or failing this the application may be dealt with at a licensing hearing by the local authority.
- This hearing can be of the full committee or selected members. It can dismiss the objection, refuse the licence or reach a compromise on imposing conditions in keeping with the national guidance. Licensees can appeal any decision to the magistrates. Objections are only valid if they are:
  - – Related to concerns over the effect of the application on the promotion of the four licensing objectives
  - Relevant – ie not “frivolous, vexatious or repetitious”
  - Made by one of the groups named above.

## 4) ISSUES RAISED BY THE LICENSING ACT

### CUMULATIVE EFFECT

Local licensing policies may include a section on cumulative effect – ie problems associated with a concentration of licensed premises in an area – and may consider this in relation to an application in very specific areas where there are a large number of existing premises. However, the Government has agreed that the Licensing Act is not the place to seek an overall remedy to these concerns. It is also appropriate to manage this issue in towns, cities and social environments through:

- better town/city planning;
- better utilisation of police resources;
- better targeting of those premises that maybe contributing to problems;
- better targeting and deterrents to those individuals who cause problems in these areas
- better acceptance by courts that the improper use of alcohol and drugs must not be used as mitigating circumstances, rather the opposite
- better involvement of the trade in local crime and disorder partnerships/forums
- better transport to and from pubs.

*(PLEASE NOTE: Local authorities may adopt a special policy on cumulative effect but cannot issue a blanket policy for their entire area on this – every application must be considered on its own merits)*

### CAPACITY

The law does not require that licensed premises must have a capacity limit. For those premises, including many pubs, where there is currently no capacity limit set the position will remain unaltered when converting the licence into a new style premises

licence. Where variations are applied for and in new applications the question of the need or otherwise of a capacity may arise. Where there are objections to a licence on the grounds of public safety, the relevant authority (namely the fire authority) may advise and make objections on those grounds. The operator can choose to accept the capacity limit or appeal against any decision that seeks to place a disproportionate condition on a premises in this respect. The introduction of standard requirements for capacity limits was firmly rejected by the Government.

## TEMPORARY EVENTS

These can be used up to 12 times a year at one premises to give notice of extended hours over and above the hours contained in the premises licence, or to enable one-off events to be held at venues that do not hold a full premises licence, provided that:

- 1) Notice is given to the Licensing Authority and the police not less than 10 working days before the event (more if possible)
  - 2) There will be less than 500 people attending at any one time
  - 3) The event is limited to 4 days and 24 hours must elapse between any two events
  - 4) Temporary event notices are used at any one premises for no more than 15 days in total any one year
  - 5) Objections can only be entertained from the police and only on grounds of prevention of crime & disorder
- A personal licence holder can hold up to 50 events at different premises each year so long as there are no more than 12 at any one premises
  - Publicans who hold a personal licence may choose to become the DPS and apply for a full premises licence for frequently-used venues such as village halls.

## CHILDREN

- Children under 16 must be accompanied by an adult where the sale of alcohol for consumption on the premises is the “exclusive or primary” purpose of the business

and

- Children under 16 must be accompanied by an adult in all premises (where alcohol is being sold for consumption on the premises) between 12 midnight and 5am (this is to ensure that premises that are not exclusively or primarily supplying alcohol escape the later restriction)

It will be for business to decide whether or not the exclusive or primary purpose is the sale of alcohol. It is arguable that any pub with a mixed business of food and drink is not covered by this provision. Many pubs, nevertheless, may be content with the restriction, but bear in mind that it will be an offence to allow unaccompanied children onto the premises as set out above with potentially serious consequences.

## ENTERTAINMENT

- The new premises licence is a single licence that covers the sale of alcohol and the provision of entertainment
- Types of entertainment that need to be noted on the operating schedule for the licence are :
  - Live & Recorded Music (except if the music is “incidental”)
  - Performance of plays, dance or showing of films,
  - Indoor Sporting Events, Wrestling & Boxing
  - or anything else of a similar nature
  - The facilities to make music or dance or any other of the above (this would include dance floors and probably a piano.
- Like ‘drinking hours’ there is no terminal hour for entertainment – operators are free to apply for whatever hours they want
- There will be a single charge for the “alcohol & entertainment” licence irrespective of the nature of the entertainment.

## WHAT HAPPENED TO THE TWO-IN-A-BAR EXEMPTION?

The new Act removes this exemption for the need for licensing when only two or less performers are involved. This is the exception to the retention of ‘grandfather rights’. Pubs wishing to retain the facility for this type of entertainment will need to consider either:

- Applying for a variation to include the ability to put on live music on the premises. Such a permission will not need to be restricted to only two performers nor limited to 11pm as at present

Or

- Publicans may wish to use the exemption for unamplified music (this does not carry a restriction on numbers of performers) which disappplies conditions relating to all four licensing objectives. Applicants will still need to include such entertainment in their applications and conditions could come into force following a review of the licence

Or

- The Act includes a disapplication for conditions relating to two of the licensing objectives, namely public nuisance and the protection of children, where the premises has a capacity limit of less than 200 people. The capacity limit has to be certified and is operable at all times the premises is open regardless of whether there is live music or not. The exemption only applies to premises used primarily for the sale of alcohol to be consumed on the premises and can be objected to on the grounds of crime & disorder and public safety and is therefore of little value.

And Finally,

- There is a further exemption applied to 'incidental' live or recorded music. Live music could be considered 'incidental' particularly where there is no charge for admission, there is no significant advertising and it can be regarded as incidental to the sale of food and drink or other activities in the premises. There is no requirement to notify the presence or otherwise of 'incidental' music.

## **WHAT IS NOT LICENSABLE AND CANNOT THEREFORE FORM THE BASIS OF AN OBJECTION?**

- Morris dancing or dancing of a similar nature or unamplified music which is an integral part of that dancing
- Incidental music of any kind
- Recorded Music (this is automatically licensed under the old system and should be mentioned as a Grandfather Right in your application to convert)
- Simultaneous Broadcasts. This includes live football and other sporting events; live broadcasts of music concerts
- Indoor sports played by customers (eg.darts, snooker etc. although exhibition matches or major competitions may be licensable)

## **5) COMMON QUESTIONS REGARDING LOCAL AUTHORITY POLICIES**

### **CAN LICENSING AUTHORITIES IMPOSE STANDARD CONDITIONS ON MY PREMISES LICENCE?**

No. It is not permissible to attach standard or blanket conditions to a group of premises:

- Eg. Bottle bans in all pubs in a high street/town centre would not be possible – a bottle ban would have to be justifiable on a per outlet basis
- Eg. Set closing times on all licensed premises in a given area on the grounds of public nuisance would not be possible unless it could be demonstrated on a per outlet basis that each establishment was the source of unacceptable noise/nuisance etc.
- Eg. Imposing a requirement for all premises to provide a capacity limit irrespective of the nature of each individual business.

### **DOES THE DESIGNATED PREMISES SUPERVISOR (DPS) HAVE TO BE ON THE PREMISES AT ALL TIMES?**

No. The DPS is not required to be on site at all times to supervise the sale of alcoholic drinks. The situation under the new law will be the same as presently, ie. the DPS will be responsible for any problems that arise in their absence, therefore it is in their interests to ensure that the premises are well managed (eg. through appropriate staffing and training) when they are away.

## WHAT IS MEANT BY “IN THE VICINITY OF THE PREMISES”?

The interpretation of “vicinity” is likely to vary according to the type and location of the premises. In a town centre/high street environment, where there may be a number of licensed premises next to each other, the scope of the “vicinity” will be limited to the curtilage of each premises. In an urban or rural community setting, however, the vicinity may extend slightly further beyond the premises itself. Licensees cannot, however, be held responsible for the behaviour of customers once they have left the vicinity of their premises. Other measures exist to tackle the anti-social behaviour of individuals.

## WHAT DO I NEED TO DO TO PROTECT CHILDREN FROM HARM?

The new licensing laws aim to promote family friendly environments in licensed premises. A realistic approach is necessary to what can be achieved in licensed premises with regard to protection of children. Licensees should consider what might be necessary to protect children from physical harm, eg. play areas should comply with the necessary health and safety standards and be properly managed with advice to parents to supervise their children when they play. However, it would be unreasonable for the licensing authority to expect:

- Trained child care professionals to be employed where children have access to premises
- Smoking to be banned where children are admitted. This is not reasonable due to general customer demands and expectations particularly for smaller, one room community pubs or where pubs are listed buildings and planning permission for alterations to the premises, including installation of ventilation etc, may not always be forthcoming. A more positive approach would be to encourage separate smoking and no smoking areas where possible and display Public Places Charter policy signs which will assist consumer choice.
- Noise levels to be limited. Regulations currently govern noise levels in the workplace, but there are no legal requirements (other than a general duty of care) to protect customers in this respect. It is not reasonable to expect licensed premises to do so. Noise levels tend to vary throughout the day, depending on the number of customers, music use etc. To get the issue in perspective, decibel levels in school playgrounds are probably far higher.

## 6) WHAT LICENSEES CAN DO NOW TO PREPARE

- Gather all your paperwork together.  
Make sure you have a copy of your licence (and any supplementary licences like your PEL) and a copy of the plans of your premises as submitted to the licensing Justices – you will need these. You will also need a personal photograph, endorsed that it is a true likeness, for your personal licence application (details of who will be able to endorse photographs will become available shortly).

- **Talk to your staff and your customers and local residents.**  
Find out what hours they would like to see you open and what kind of entertainment or food they would like you to offer.
- **Get to know your local authority and police.**  
Under the new system you will be working in partnership with your local authority, and police, to ensure the new regime runs smoothly and to tackle potential problems before they arise so it will be useful to make contact now. Approach your local authority and ask to be involved in the policy consultation if you have not already been invited to do so. To help you with this process this booklet includes a tear-out form in *APPENDIX 4* that you can send off to your local authority.
- **Attend an industry event**  
There are numerous pub industry events taking place to help explain the changeover. For example, the British Institute of Innkeeping (BII) is running a series of regional licensing roadshows that are open to members and non-members – for details see the BII website at [www.bii.org](http://www.bii.org).

## **7) WHO TO CONTACT FOR FURTHER HELP**

### **BRITISH INSTITUTE OF INNKEEPING (BII)**

The BII is the professional body for the licensed trade. It represents around 15,500 individual licensee members across the UK, providing information and best practice guidance to help them run successful profitable businesses. It also has a wholly-owned awarding body (BIIAB) which provides a national framework of qualifications for licensees and their staff.

*A full list of the qualifications offered by BIIAB can be found in APPENDIX 3.*

*For more information on how to join the BII visit the website at [www.bii.org](http://www.bii.org).*

### **THE DEPARTMENT FOR CULTURE, MEDIA AND SPORT (DCMS)**

The Government department that is responsible for licensing reform.

*For your copy of the Act or the guidance go to the DCMS website at [www.culture.gov.uk/alcohol\\_and\\_entertainment](http://www.culture.gov.uk/alcohol_and_entertainment).*

### **THE BRITISH BEER AND PUB ASSOCIATION (BBPA)**

The British Beer & Pub Association (BBPA) is the principal trade association for the beer and pub industry. Through its members it represents over 98% of UK beer production and the ownership of over half of the 60,000 public houses in the UK. The Association represents the beer and pub industry in discussions with Government and government bodies in both the UK and EU, with a view to protecting the commercial freedom of its members. The Association also provides information and guidance to its members on legislative and regulatory developments of relevance to the beer and pub industry.

*For further information on published BBPA guidance documents visit the website at [www.beerandpub.com](http://www.beerandpub.com).*

### **THE GUILD OF MASTER VICTUALLERS AND THE NATIONAL PARLIAMENTARY COMMITTEE OF LVAS**

These are trade organisations representing freetraders, lessees and tenants.

*For more information contact John Madden, Executive Officer, on 01708 447899.*

## **NATIONAL PUBWATCH**

This is the national body which supports local Pubwatch schemes around the country. Pubwatch links local police and licensees to help combat crime and violence in pubs by excluding trouble-makers and encouraging best practice.

*If you want help setting up a local scheme or would like to join an existing group contact your local police licensing officer or National Pubwatch C/O 17 Chace Avenue, Potters Bar, Herts, EN6 5LX or e-mail [National.Pubwatch@btinternet.com](mailto:National.Pubwatch@btinternet.com).*

## **LICENSED VICTUALLERS WALES**

Licensed Victuallers Wales (LVW) Limited is a non-profit making organisation which exists to promote and protect the interests of its self-employed on-licence members. Gareth John, Executive Officer of LVW, has been part of the government advisory group throughout the licensing process.

*More details with the view to becoming a member are available by calling 01873 830415, by e-mailing [gjohnlwales@hotmail.com](mailto:gjohnlwales@hotmail.com) or writing to Licensed Victuallers Wales, 2 Derwin Deg, Station Road, Gavilon, Abergavenny, Monmouthshire, NP7 9RG.*

## **FEDERATION OF LICENSED VICTUALLERS ASSOCIATIONS**

The FLVA looks after the interest of self employed licensees. It ensures all its members receive, via regular newsletters and leaflets, details of changes to legislation and responsibilities. Members can receive advice by telephone 365 days a year, plus free visits to their pub if needed, to discuss drawing up business plans, undertaking rent negotiations or preparing for tribunals.

*For details and enquiries, contact Tony Payne on 01484 710534, email [Admin@flva.fsbusiness.co.uk](mailto:Admin@flva.fsbusiness.co.uk) or visit the website at [www.flva.co.uk](http://www.flva.co.uk).*

## **ASSOCIATION OF LICENSED MULTIPLE RETAILERS**

The Association of Licensed Multiple Retailers (ALMR) is the only trade body dedicated to representing the interests of pub and bar operators, as well as those of other licensed retailers. Through its member companies it represents around 30,000 individual outlets - roughly half of the UK's pub estate. The Association provides timely and accurate information and advice to members on issues affecting the trade, and represents the views of companies to Government and other regulatory bodies. It has spearheaded industry campaigns on initiatives such as the Charter on Smoking in Public Places and red tape.

*For further information on the Association's work visit the website at [www.almr.org.uk](http://www.almr.org.uk)*

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## APPENDIX 1

# LICENSING ACT 2003

July 03  
RA

← SIs required for transition to be put in place. LAs to prepare policies, consult on them and publish them

RA: Royal Assent  
SI: Statutory Instrument  
AD: Appointed Day  
PL: Personal Licence

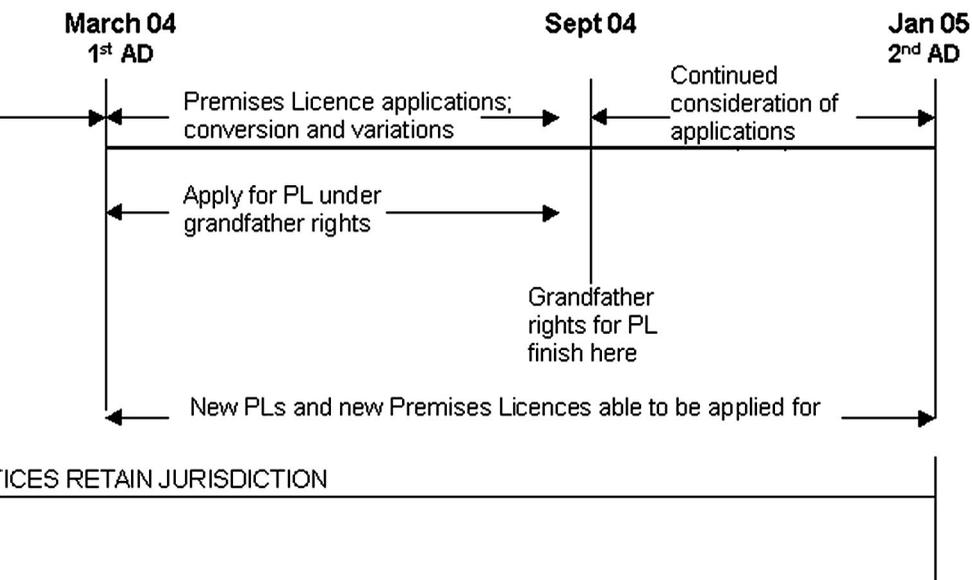
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## APPENDIX 2

### LIST OF SELECTED PUB INDUSTRY GUIDANCE

<u>TITLE</u>	<u>PUBLISHED</u>
<i>Keeping the Peace</i> Available from The Portman Group website ( <a href="http://www.portmangroup.org.uk">www.portmangroup.org.uk</a> ) – Free	1998 – <i>The Portman Group</i>
<i>Safety in Pubs – A comprehensive guide to health, safety and security</i> Printed publication available from Brewing Publications – 7.99 each to non-BBPA members	1994 – <i>BBPA</i>
<i>Licensed Property - Security in Design</i> Printed copies can be purchased from Brewing Publications - £8.50 each* to non-BBPA members; text downloadable from the BBPA website ( <a href="http://www.beerandpub.com">www.beerandpub.com</a> )	1997 – <i>BBPA</i>
<i>Licensed Property: Noise Control</i> Printed copies can be purchased from Brewing Publications - £2.75 each* to non-BBPA members; text downloadable from the BBPA website ( <a href="http://www.beerandpub.com">www.beerandpub.com</a> )	2000 – <i>BBPA</i>
<i>Point of Sale Promotions: A Good Practice Guide for Pub Owners and Licensees</i> Printed copies are available to members/non-members free of charge from the BBPA. The text can also be downloaded from the BBPA website ( <a href="http://www.beerandpub.com">www.beerandpub.com</a> )	2001 – <i>BBPA</i>

# PROVISIONAL IMPLEMENTATION PROGRAMME



## TITLE

## PUBLISHED

*Drugs and Pubs – A Video Training Package for the detection and prevention of problems in pubs*

**BBPA**

Whole package is available from Brewing Publications - £23.50 to non BBPA members. Leaflets are 30 pence each. Posters are 17.62 for a pack of 25.

*Wheelwatch Good Practice Guides*

**BBPA anti-drink drive initiative**

Printed guidance available to members/non-members free of charge from the BBPA

*I'll Be Des*

**Campaign against drink-driving**

Information on this and other schemes available from The Portman Group ([www.portmangroup.org.uk](http://www.portmangroup.org.uk))

*Portman Group Proof of Age card*

**Proof-of-age card scheme accredited by PASS**

Information on this and other schemes available from The Portman Group ([www.portmangroup.org.uk](http://www.portmangroup.org.uk))

*National Pubwatch information*

**Information on setting up Pubwatches**

Available free of charge from National Pubwatch.

\* Rates on a sliding scale depending on numbers ordered (eg. 1-10, 11-49 etc.)

# BIIAB - QUALIFICATIONS AT A GLANCE

### ***BIIAB LEVEL 2 NATIONAL CERTIFICATE FOR LICENSEES (ON-LICENCE) (OFF-LICENCE) (PART IV LICENCES)***

Highly recommended pre-requisite for applicants of a Justices' Licence, which seeks to instil the knowledge of basic licensing law and the social responsibilities of selling alcohol.

(PLEASE NOTE: THIS QUALIFICATION IS BEING UPDATED ACCORDING TO THE NEW LICENSING LAWS AND WILL BE AVAILABLE IN ITS NEW FORM FROM EARLY NEXT YEAR)

### ***SCOTTISH LICENSEE'S CERTIFICATE (SLC) (OFF SALE AND ALL OTHERS)***

As with the National Certificate for Licensees, but for Scottish licensing law.

### ***BARPERSON'S NATIONAL CERTIFICATE***

Aims to provide bar staff with the relevant knowledge of licensing law and social responsibilities associated with selling alcohol. One unit of the Professional Barperson's Qualification.

### ***PROFESSIONAL BARPERSON'S QUALIFICATION***

Designed to provide bar staff with the knowledge and skills needed to work professionally in the bar. It comprises two units - the Barperson's National Certificate (as detailed above) and Customer and Drinks Service, which covers bar preparation and service skills, customer care, selling skills, and more.

### ***BIIAB LEVEL 2 NATIONAL CERTIFICATE FOR DOOR SUPERVISORS - LICENSED PREMISES***

A benchmark qualification outlining the role of the door supervisor. It is knowledge based and incorporates licensing law, procedures in dealing with searches, use of force, health and safety and social skills. There are also additional modules which are primarily skills based; first aid, fire safety, drugs awareness, conflict management and physical interventions.

### ***BIIAB LEVEL 2 NATIONAL CERTIFICATE FOR ENTERTAINMENT LICENSEES***

Designed to assist licensees and managers by providing the basic knowledge of entertainment licensing law and the social responsibilities attached to running premises with an entertainment licence.

### ***BIIAB LEVEL 2 NATIONAL CERTIFICATE FOR LICENSEES (DRUGS AWARENESS)***

A qualification designed to provide licensees and managers with knowledge of the prevailing drugs scene, legislation associated with misuse of drugs and licensed premises and operational guidelines for identifying drug misuse and dealing and drug strategies.

### ***BIIAB LEVEL 2 NATIONAL CERTIFICATE IN LICENSED RETAILING***

Provides entrants to the licensed trade with the theoretical knowledge and practical skills required.

### ***INDUCTION EXAMINATION CERTIFICATE***

An intensive introduction for entrants to the licensed trade; incorporating the National Certificate for Licensees.

***AQS: LICENSED RETAIL BUSINESS DEVELOPMENT CERTIFICATE***

Skills training in appraisal of current trade and how to maximise business potential; incorporating managing change, strategic management, marketing and financing development plans.

***AQS: LICENSED RETAIL FINANCIAL MANAGEMENT CERTIFICATE***

Practical knowledge of basic accounting practices and terminology, enabling licensees to understand the financial structure and control of their business and improve their skills in managing a more profitable operation.

***AQS: LICENSED RETAIL CATERING MANAGEMENT CERTIFICATE***

Provides skills for setting up and managing a pub catering operation and capitalising on the growing market for good pub food; stage by stage process through design and operations management.

***AQS: LICENSED RETAIL PRACTICAL TRAINER CERTIFICATE***

2 day programme which aims to turn licensees into practical trainers; literally practical training within a pub setting, with realistic time limits.

***AQS: LEADERSHIP AND MOTIVATION CERTIFICATE***

Enables licensees to develop their skills in managing and motivating staff; includes the role of management objectives, reward schemes, team effectiveness, and managing poor and good performance.

***AQS: CUSTOMER SERVICE MANAGEMENT CERTIFICATE***

Market analysis training to allow licensees to develop ideas and ability to attain excellent customer service management; understanding customer expectancy, service, staff, attracting new customers and repeat business.

***AQS: CELLAR AND BEER QUALITY MANAGEMENT CERTIFICATE***

Aims to allow licensees to manage efficient cellars and serve optimum quality beer to increase sales and decrease wastage; demonstrates knowledge of the purchasing process, stock control, managing quality and systems.

***AQS: THE WINE RETAIL CERTIFICATE***

Practical analysis of wine enabling licensee's to profit from growing demand in pubs and restaurants; encompassing types, supply, service, merchandising and compilation of a wine list.

***AQS: THE SPIRIT RETAIL CERTIFICATE***

Skills in marketing strategy for spirit sales; including product range, merchandising, and effective presentation.

***AQ DIPLOMA***

Candidates have to have achieved 5 pre-requisite Advanced Qualifications from which to take action points and action plans, then demonstrate application, understanding, success and evaluation.

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**DISCLAIMER:**

*PLEASE NOTE THAT THIS DOCUMENT IS INTENDED TO GIVE A GUIDE TO THE NEW SYSTEM AND OFFERS GENERAL ADVICE ON KEY ISSUES ONLY.*

*IT DOES NOT OFFER A DEFINITIVE LEGAL GUIDE TO THE REGIME, WHICH IS STILL IN ITS VERY EARLY STAGES, AND LICENSEES ARE STRONGLY ADVISED TO SEEK INDEPENDENT LEGAL ADVICE SHOULD THEY ENCOUNTER ANY PROBLEMS OR NEED MORE DETAILED GUIDANCE IN ANY AREA.*

*IT IS LIKELY THAT THE NEW LEGISLATION WILL EVOLVE OVER THE COMING MONTHS AND LICENSEES SHOULD BE AWARE THAT SOME OF THIS ADVICE MAY BE TIME SENSITIVE. THE ORGANISATIONS WHICH PRODUCED THIS GUIDE ACCEPT NO RESPONSIBILITY FOR ANY LEGAL OR TRADING ISSUES THAT MAY ARISE FROM FOLLOWING ANY INFORMATION OR ADVICE IN THIS GUIDE.*

**APPENDIX 4**

*TO: The Head of the Liquor Licensing Department*

(insert name and address of your local authority):  
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(insert date):  
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*Dear Sir or Madam,*

*I run a pub in your area and would very much like to be involved in the discussions and consultation on the introduction of the new licensing regime. I have included my contact details below and would welcome any information you could send me on the local licensing policy or details of any licensing forums or local meetings that you have planned on this issue.*

*I look forward to hearing from you in due course.*

*Yours sincerely,*

(insert name in block capitals):  
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(insert pub name, address and telephone number):  
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