

Your Legal Questions



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Q I run premises licensed to sell alcohol. Is it true that the Government has passed some new licensing laws?

A Unfortunately yes, the Government has passed into law the Police Reform & Social Responsibility Act. No commencement date has been set but the second half of 2012 seems most likely.

Much of the detail will be contained in regulations and revised statutory guidance yet to be published but the main provisions of the Act introduce a significant tightening of the control over licensed premises as well as raising the spectre of much higher licence fees. The concern for the trade is that councils may see it as a way to raise revenue to supplement their coffers.

Premises which open between midnight and 6am face even greater expense as licensing authorities can require licensees to pay a "late night levy" in addition to their licence fee. Non payment of the licence fee will, for the first time, result in automatic suspension of the licence which suspension will remain in force until the fee has been paid.

Those applying for a new Premises Licence may find it more difficult as the Government has extended the right to object to all those who live in the licensing authority's area regardless of their proximity to the premises. Further, the licensing authority, previously neutral, has been given the right to make representations and to instigate reviews. This blurring of the line between interested party and decision maker will inevitably give rise to allegations of bias whether justified or not.

Among the rest of a mixed bag of provisions, late night operators will be concerned by the new power to impose an "early morning restriction order" preventing opening during the period between midnight and 6am and the maximum penalty for persistently selling alcohol to children is increased to £20,000.00 coupled with the power to order closure of the premises for up to 14 days.

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