

## Christmas and New Year are fast approaching: Time to review your licensing requirements?



Rebecca Thomas

Christmas cards and decorations fill the shops and the festive season is just around the corner. Christmas parties for work, friends and family, may mean a visit to a licensed premises.

This is the busiest time of year for licensed premises who should review their existing licensing arrangements to ensure that they are up-to-date. The Licensing Act 2003 states that licensable activities are:

- the sale of alcohol
- the supply of alcohol in a qualifying club
- the provision of regulated entertainment
- the provision of late night refreshment

If you are providing any of these activities, you will usually require a Premises Licence. Holders of Premises Licences should check the terms of their Licences carefully. Businesses often confuse the hours permitted under their liquor licence with those permitted under their entertainment licence with the result that they may be prosecuted or fined. It may be that an application should be made to vary the Premises Licence. The most common reason for variation of a Premises Licence is where there are alterations to the layout of the premises. In some cases, an application to vary can proceed by way of a minor variation. Specialist advice is needed in order to ascertain whether an application to vary the Premises Licence is required and if so, whether the application can proceed by way of a minor variation.

Similarly, if upon reviewing your Premises Licence you would like to increase the amount of time during which alcohol may be sold then a full variation application will usually need to be made. The procedure for such an application is similar to the procedure followed for a new

Premises Licence application, with all the attendant costs and the need to advertise the application at the premises and in the newspaper.

All licensed premises should have a Designated Premises Supervisor. The procedure to vary the Designated Premises Supervisor is streamlined and such applications do not have to be advertised at the premises or in the newspaper. That said, if the Designated Premises Supervisor has left and an application to vary the designated premises supervisor is not submitted, the premises cannot sell alcohol until a new one has been appointed.

It may be appropriate to obtain a temporary event notice (referred to as a TEN) over the festive season. A TEN permits licensable activities at temporary events consisting of less than 500 people and for less than 168 hours.

Landlords and those that retain the freehold of licensed premises should be aware that a Premises Licence automatically lapses in the case of the death, insolvency or incapacitation of the licence holder unless an interim authority notice is served. Landlords need to be mindful and act quickly if this situation arises as the value of the premises may be adversely affected in the event the Premises Licence lapses.

If you require licensing advice, please contact Rebecca Thomas, Director of Licensing at Duncan Lewis Solicitors who has over 20 years' experience in representing clients in relation to all aspects of licensing law.

**Author Rebecca Thomas** has acted for brewers, publicans, hoteliers, bars and restaurants, betting and gaming operators, nightclub owners and festival organisers. Rebecca applied for and obtained one of the first 24 hour premises licences in the O2 arena as well as a premises licence for a new festival on the Isle of Wight. The licensing lawyers at Duncan Lewis solicitors have a national reputation for providing clear and professional legal advice to their leisure, hospitality and retail clients.



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