

# Report to the Tyne and Wear Trading Standards Joint Committee

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## Licensing Act 2003 and Trading Standards' Role

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### **Purpose of the report**

To update the Committee on the continuing role of trading standards services under the Licensing Act 2003.

### **Licensing Act 2003**

1. All businesses, individuals and organisations who want to sell or supply alcohol in England and Wales must have a licence issued by the local licensing authority. The types of businesses that require a licence include:
  - Pubs and bars;
  - Cinemas;
  - Theatres;
  - Nightclubs;
  - Late-opening cafés;
  - Takeaways;
  - Supermarkets;
  - Off licences.
2. Every licence that is submitted to the local authority is circulated to the responsible authorities of which trading standards is one. The others include, police, fire and rescue, primary care trust, the licensing authority, local enforcement agency for the Health and Safety at Work Act, environmental health, planning authority, the body responsible for the protection of children from harm and any other licensing authority in whose area part of the premises is situated.
3. Trading standards must comment on any new applications received or variations to existing licences. They can sometimes reach agreement with the applicant on standard conditions that should be attached to the premises should it be granted.
4. Trading standards typically encourage conditions in relation to
  - A ban on irresponsible promotions;
  - Mandatory provision of free drinking water;
  - Adoption of an age verification policy;
  - Provision of smaller measures.
5. Age verification policies are very important and enhance the due diligence precautions around age restricted products which are set out in the Act.

6. All new or varied applications must ensure they have an adequate age verification policy for the premises in relation to the sale or supply of alcohol.
7. As a minimum this must require individuals who appear to the person serving to be under 18 years of age to produce appropriate age identification. Best practice schemes such as challenge 21 or Challenge 25 are encouraged.

### **Licence Reviews**

8. Every responsible authority can make an application to the licensing authority to review a premises licence or club premises certificate. Representation must relate to a particular premises and must be relevant to the promotion of the licensing objectives,
  - The prevention of crime and disorder;
  - Public safety;
  - The prevention of children from harm;
  - The prevention of public nuisance.
9. Reviews are often instigated by trading standards when there have been sales of alcohol or even tobacco to an underage volunteer.
10. The Licensing or Regulatory Committees for each council can hear the applications for a review. There are various options open to the committee in relation to what action should be taken in relation to the licence.
  - Decide that no action is necessary to promote the licensing objectives;
  - Modify or add conditions to the licence;
  - Exclude a licensable activity from the licence;
  - Remove the Designated Premises Supervisor;
  - Suspend the licence for a period, not exceeding three months;
  - Revoke the licence.

### **Recommendation**

11. The Committee is asked to note the information and the involvement of the local trading standards service in relation to the Licensing Act.

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