

# JOELSON WILSON

---

## JOELSON WILSON LLP LICENSING/GAMING TEAM

LICENSING LAW UPDATE: 23 DECEMBER 2009



JOELSON WILSON LLP  
Solicitors  
30 Portland Place  
London W1B 1LZ

T: (+44) (0)20 7580 5721  
F: (+44) (0)20 7580 2251  
E: [info@joelsonwilson.com](mailto:info@joelsonwilson.com)  
W: [www.joelsonwilson.com](http://www.joelsonwilson.com)  
DX: 9001 West End

## **THE PROVISION OF SERVICES REGULATIONS 2009**

As reported in our 30 October update, these come into force on 28 December and place an obligation on licensing authorities to make available an “Electronic Assistance Facility” enabling the vast majority of licence applications (not personal licences or Temporary Event Notices (“TENs”)) to be made on-line. The Regulations making the necessary amendments to the Licensing Act 2003 (“LA2003”) were laid before Parliament on 3 December and will also come into force on 28 December but our latest intelligence suggests that the vast majority of licensing authorities around the country will not have their electronic systems in place by the due date.

The Regulations place new obligations on operators too. From 28 December you will be required to make certain prescribed information available to customers on your premises. That information includes the legal status and form of your company, your head office address and an email address by which you can be contacted, the particulars of your local licensing authority and your VAT identification number. You will also have to provide suitable contact details where customers can request information about your services and make a complaint and there are new rules as well relating to the way in which complaints are actually handled.

Our urgent update circulated on 23 December provides further details.

## **CONSULTATION ON AMENDING LA2003 TO SIMPLIFY THE PROCEDURES FOR LICENSING STATEMENTS, INTERIM AUTHORITY NOTICES AND TENS**

DCMS is consulting on simplifying some of the procedures in LA2003. It proposes to:

- Remove the requirement that licensing authorities review their Statement of Licensing Policy every three years – the requirement to keep Statements under review and to carry out revisions as necessary will remain;
- Extend the period during which one can apply for an Interim Authority Notice (“IAN”) or the reinstatement by transfer of a lapsed licence upon the death, incapacity or insolvency of the licence holder from 7 to 28 days, to change the period during which the police may cancel an IAN to 2 working days and to extend the period during which an IAN may have effect to 3 months;
- Give police the power to confirm their agreement to a “late TEN” up to 3 working days before the event but extend the period during which police may object to a TEN to 3 working days.

The closing date for responding is 9 February 2009 and you should reply to [licensingconsultation@culture.gsi.gov.uk](mailto:licensingconsultation@culture.gsi.gov.uk).

## **CERTAIN PROVISIONS OF THE POLICING AND CRIME ACT TO COME INTO FORCE IN JANUARY 2010**

The Government has announced that it plans to bring certain of the provisions of the Act into force in January. These are:

- Section 28 (persistent sales to children - reduction of “three strikes” to “two strikes” over a period of three months);
- Section 29 (confiscation of alcohol from under 18s);
- Section 30 (new offence of persistently possessing alcohol in a public place by under 18s);
- Section 31 (extending Directions to Leave to those aged 10 or over); and
- Section 33 (allowing licensing authorities to act as interested parties in connection with licensing applications).

We will update you in the January edition.

## **CONSULTATION ON PROPOSALS TO AMEND THE DEFINITION OF “RELEVANT OFFENCES” IN LA2003**

The Government proposes to update the list of relevant offences in Schedule 4 to LA2003. If an applicant for a personal licence has been convicted of a relevant offence this gives the police the opportunity to object to the application. The Government would like to add the following offences to the list:

- Failure to co-operate with a preliminary test in relation to alcohol, impairment or drugs under the Road Traffic Act 1988;
- Conspiracy to commit a relevant offence;
- An attempt to commit a relevant offence.

The Government is also consulting on including unspent convictions for drunk and disorderly behaviour in a public place and the possession of a controlled drug in the list of relevant offences and on removing some relevant offences from the list in order to make it as concise as possible.

The closing date for responding is 12 March 2010. You can have your say at [licensingconsultation@culture.gsi.gov.uk](mailto:licensingconsultation@culture.gsi.gov.uk).

# JOELSON WILSON

---

**Need to know more?**

**Ask us. *“Truly proactive practitioners, well versed in licensing law, greatly knowledgeable and utterly dependable in fighting its clients’ battles ...” – Chambers Guide to the UK Legal Profession 2008.* For information/advice on alcohol or entertainment licensing matters, gaming, betting, lotteries or remote gambling, please contact:**

**David Clifton or Suzanne Davies**

**Joelson Wilson LLP**

**30 Portland Place, London W1B 1LZ**

**Telephone: +44 (0) 20 7580 5721**

**Fax: +44 (0) 20 7580 2251**

**e-mail: [drgc@joelsonwilson.com](mailto:drgc@joelsonwilson.com) or [scd@joelsonwilson.com](mailto:scd@joelsonwilson.com)**

**Web: [www.joelsonwilson.com](http://www.joelsonwilson.com)**

**This document is not intended to be a comprehensive review of all developments in the law or practice, or to cover all aspects of those referred to. Readers should take legal advice before applying the information contained in this publication to specific issues or transactions.**

**© Joelson Wilson LLP 2009**