

# **Horsham District Council**



## **Licensing Act 2003**

### **Best Practice Guidance Document and Templates for Licensed Premises**

This document is relevant to premises licensed for the sale of alcohol for consumption on and off the premises. It is not an exhaustive list and is not designed to offer definitive legal opinion.

**November 2023**

## **Contents of Guidance**

1. Designated Premises Supervisor (DPS) sale of alcohol staff authorisation
2. Premises Age Verification Policy
3. Staff Training Log and Guide
4. Example Refusal/Incident Book
5. Official Visit Log
6. Table of Offences under the Licensing Act 2003
7. Key Contact List

This Guide provides examples of best practice documents and templates for premises licence holders and designated premises supervisors. These templates are designed to assist with compliance measures and the meeting of the requirements of the Licensing Act 2003. It is not designed as definitive legal opinion and you may wish to seek your own legal advice as an additional measure.

The enclosed templates provide guidance only and should be amended to reflect the operating procedures of each individual premises. Templates are not exhaustive and may require updating following changes or updates to legislation. You need to keep yourself apprised of these and amend your processes accordingly.

The enclosed templates are defined as 'best practice' guidance documents, however where the requirement for a written age verification policy, DPS authorisations, refusals/incident log or staff training records forms part of your premises conditions failure to comply with such requirements may constitute a breach of your premises licence conditions which is an offence under Section 136 of the Licensing Act 2003.

Please ensure that you read your full premises licence inclusive of conditions, both mandatory and as granted, to ensure you fully understand the terms of your premises licence.

Should you have any questions regarding the contents of this guide please contact [licensing@horsham.gov.uk](mailto:licensing@horsham.gov.uk)

# AUTHORISATION TEMPLATE

## Designated Premises Supervisor (DPS) sale of alcohol staff authorisation

I, (Full Name) ..... Designated Premises Supervisor (DPS)  
of (Premises Name and Address)

.....

hereby authorise the following persons to sell alcohol under the Licensing Act 2003 on these premises at any time during the permitted hours and in accordance with the premises licence issued under the Licensing Act 2003.

This authority applies whether or not I, or any other Personal Licence holder, are present on the premises at the time of the sale or supply of alcohol.

I can confirm these persons have been made aware of his/her legal responsibilities under the Licensing Act 2003.

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

We sign below in the knowledge that it is an offence to:

- Knowingly sell, attempting to sell or allowing sale of alcohol to person who is drunk
- Sell alcohol to a person under 18 years of age
- Allow licensable activities to be conducted otherwise than in accordance with the Premises Licence and the conditions it contains

I also understand that I require individuals who appear to me to be under 18 years of age (or any older age as may be specified in the premises licence holders age verification policy) to produce on request, before being served alcohol, **identification bearing their photograph, date of birth and a holographic mark\***

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

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Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

## **GUIDANCE**

- DPS authorisations should clearly identify the staff member / individual and what they are authorised to do.
- Staff should be aware of the authorisation and understand their responsibilities under the Licensing Act 2003 before agreeing and signing to be authorised.
- By signing the authorisation, staff are confirming that they have participated in and fully understand training material; including:

### **Acceptable Identification (ID)**

- With numerous forms of ID used in the UK it is important to understand what forms suitable and acceptable forms of identification. The “Challenge 25” Scheme suggests acceptance of Passports, Photographic Driver’s Licences and PASS approved cards. Lawfully, ID that includes a hologram, name, date of birth and a photo of the person in question is acceptable.

### **Awareness of counterfeit ID**

- The following link holds guidance for retailers to help them spot fake identification, this has been produced by the Home Office and is a useful toolkit when training staff <https://www.gov.uk/government/publications/false-id-guidance>
- Staff should be able to produce the written authorisation on request to an Authorised Officer. (including Authorised Local Authority Officer, Police Officer)
- Such authorisations should be updated regularly, approximately every 3 months – removing and adding incoming and outgoing staff members

**AGE VERIFICATION**

**Premises Age Verification Policy**

This policy applies to the sale or supply of alcohol on the following premises:

Name and Address of premises:

.....  
.....

Name of premises licence holder

.....

Name of **Designated Premises Supervisor**

.....

For this Policy the 'responsible person' is one of the following:

- the holder of the premises licence;
- the Designated Premises Supervisor;
- a person aged 18 or over, who is authorised to allow the sale or supply of alcohol by an under 18

Staff serving alcohol on the premises must request any individual(s) who appears to be under the age of 18 years of age (***or any older age as may be specified in the premises licence holders age verification policy i.e. Challenge 25***) to produce, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature

Examples of appropriate identification include:

- A passport
- A photo card driving licence
- A proof of age card bearing the PASS hologram

The Designated Premises Supervisor will ensure that the supply of alcohol at the premises is carried on in accordance with this Policy.

Signed..... Print: ..... Date:

**DESIGNATED PREMISES SUPERVISOR**

The Premises Licence Holder will ensure that staff are made aware of the existence and content of this policy.

Signed..... Print: ..... Date:

**PREMISES LICENCE HOLDER**

## **GUIDANCE**

- In order to ensure compliance with the premises licence Mandatory Conditions, the Premises Licence Holder and Designated Premises Supervisor should take all reasonable steps to ensure that a proof of age policy is operated at their premises and state on the above document what this policy is i.e. Challenge 25
- The Designated Premises Supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- Staff must be aware of the scheme operated and be trained accordingly with written records kept of the training carried out.
- It is recommended the age verification policy that is carried out at the premises should be in writing, and documented within any training or authorisations.
- Staff involved with the selling of alcohol should be aware of the policy's existence and content. It is recommended that this is formally recorded.
- The above example is a suggested text for an age verification policy, as per Home Office guidance. The text is examples and you should adjust accordingly to insert the actual age and acceptable identification for the Age Verification Policy operated at your premises.
- It is also recommended that appropriate signage is displayed detailing the Age Verification Policy in operation at the premises.  
\*\*Free "point of sale" posters are widely available from various sources via the internet.\*\*



## **GUIDANCE**

All staff should be adequately trained regarding their responsibilities under the Licensing Act 2003. This ensures compliance with the terms of the premises licence and demonstrates due diligence by the Premises Licence holder and Designated Premises Supervisor (DPS)

It is recommended that staff sign training records to clarify they have participated in and fully understand training material.

Training subject matter should include (but is not limited to) the following. You may also wish to include additional topics under separate legislation:

- The Licensing Act 2003
- The promotion of the Licensing Objectives
- The premises licence activities
- The premises licence conditions
- DPS Authorisations
- The premises age verification policy
- The refusals/incident book
- Offences under the Licensing Act 2003
- How to deal with difficult customers
- Noise Impact Assessment/ Noise Management Planning
- Drugs Policy
- Dispersal Policy
- Health and Safety in the Workplace
- First Aid
- Emergency Evacuation Procedures
- Safe working Practices & Risk Assessments

It is recommended that refresher training is carried out and documented at least every six months.

Training records should be made available to the Police or Local Authority Officers on request

### **Relevant training material could include:**

Section 182 Guidance Issued under the Licensing Act 2003

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

Home Office Guidance on Mandatory Licensing Conditions

<https://www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions>

Horsham District Council Licensing Policy

<https://www.horsham.gov.uk/licensing>

Managing Noise from Licensed Premises

<https://www.gov.uk/guidance/noise-nuisances-how-councils-deal-with-complaints#noise-at-night-warning-notices>



Licensed Property Noise Control- The Beer and Pub Association

<https://beerandpub.com/licensee-guidance/noise-control/>

Drugs and Pubs- A Guide for Licensed Premises – The Beer and Pub Association

<https://beerandpub.com/2017/08/04/bbpa-publishes-updated-guide-on-drugs-and-pubs/>

Gambling – Alcohol Licensed Premises

<http://www.gamblingcommission.gov.uk/PDF/Advice-on-gaming-in-pubs-and-alcohol-licensed-premises.pdf>





## LICENSING ACT 2003 OFFENCE LIST

**TABLE OF OFFENCES – LA2003**

SECTION	OFFENCE	OFFENDER	PENALTY LEVEL 1-5 FINES LEVEL 1 - £250 LEVEL 2 - £500 LEVEL 3 - £1,000 LEVEL 4 - £2,500 LEVEL 5 - £5,000 PENALTY NOTICE FOR DISORDER - PND
<b>Premises Licence</b>			
33(6)	Failure to notify licensing authority of change in name or address	Premises licence holder	Level 2 fine
57(4)	Failure to keep premises licence or certified copy at the premises	Premises licence holder	Level 2 fine
57(4)	Failure to display summary of premises licence or certified copy and notice specifying any nominated person	Premises licence holder	Level 2 fine
57(7)	Failure to produce premises licence or certified copy to authorised person for examination	Premises licence holder or nominated person	Level 2 fine
59(5)	Intentional obstruction of authorised person exercising power of inspection prior to grant, variation or review of premises licence or issuing or provisional statement	Any person	Level 2 fine
<b>General Offences</b>			
136(1)	Knowingly allowing or carrying on unauthorised licensable activities	Any person (exceptions: s 134(2))	6 months' imprisonment and/or unlimited fine.
137(1)	Unauthorised exposure for sale of alcohol	Any person	6 months' imprisonment and/or £20,000 fine
138(1)	Unauthorised possession of alcohol with intent to sell or supply	Any person	Level 2 fine
140(1)	Knowingly allowing disorderly conduct on premises with premises licence, CPC or TEN	Any person authorised to prevent	Level 3 fine
141(1)	Knowingly selling, attempting to sell or allowing sale, or supplying, attempting to supply or allowing supply, of alcohol to person who is drunk	Any person authorised to prevent	Level 3 fine or PND £90
142(1)	Knowingly obtaining or attempting to obtain alcohol for consumption by person who is drunk	Any person	Level 3 fine
143(1)	Failure to leave premises with premises licence, CPC or TEN, or attempting to enter premises, by a person who is drunk or disorderly, following request by person in authority	Any person	Level 1 fine
144(1)	Knowingly keeping unlawfully imported goods on relevant premises	Any person authorised to prevent	Level 3 fine
158(1)	Knowingly or recklessly making	Any person	Level 5 fine

	false statement in connection with licensing application		
179(4)	Intentional obstruction of entry of authorised person to investigate unauthorised use of premises for licensable activity	Any person	Level 3 fine
<b>Underage Offences</b>			
145(1)	Knowingly allowing unaccompanied child under 16 on premises when open and used for sale or supply of alcohol for consumption there	Any person authorised to prevent	Level 3 fine
146(1)(2)(3)	Selling alcohol to person under 18 or supplying alcohol to club member or guest under 18	Any person or club	Unlimited fine or PND £90 (s 146(1) and (3))
147(1)(3)	Knowingly allowing sale of alcohol to person under 18 or knowingly allowing supply of alcohol to club member or guest under 18	Any person authorised to prevent	Unlimited fine.
147A(1)	Unlawful sale of alcohol on 3 or more different occasions on same premises within period of 3 consecutive months	Premises licence holder or premises user under a TEN	Unlimited fine
148(1)(2)	Sale or supply of liqueur confectionary to person under 16	Any person or a club	Level 2 fine
149(1)(3)(4)	Purchase or supply of alcohol by or on behalf of person under 18, or attempt to do so	Person under 18 or person purchasing on his behalf	Level 3 fine (person under 18) Level 5 fine (person on behalf of under 18) or PND £90
150(1)	Knowingly consuming alcohol on premises with premises licence, CPC or TEN when under 18	Person under 18	Level 3 fine
150(2)	Knowingly allowing consumption of alcohol by person under 18 on premises with premises licence, CPC or TEN	Person working at premises, member or officer of club who could have prevented	Unlimited fine or PND £60
151(1)(2)(4)	Delivering or allowing delivery to person under 18	Person working at premises, member or officer of club who could have prevented	Level 5 fine or PND £90 (s 151(1) and (2))
152(1)	Sending person under 18 to obtain alcohol for consumption off the premises	Any person	Level 5 fine
153(1)	Knowingly allowing person under 18 to sell or supply alcohol without approval on premises with premises licence, CPC or TEN	Premises licence holder, designated premises supervisor, or person over 18 authorised by either	Level 1 fine
160(4)	Knowingly keeping premises open or allowing premises to be kept open in breach of closure order in identified area	Any manager, premises licence holder, designated premises supervisor or premises user for temporary event	Level 3 fine
161(6)	Permitting identified premises to be kept open in breach of closure order	Any person	3 months' imprisonment and/or £20,000 fine
165(7)	Permitting premises to be kept open in breach of magistrates'	Any person	3 months' imprisonment and/or £20,000 fine

	court closure order		
168(8)	Allowing premises to be kept open in breach of closure order pending appeal against revocation of premises licence	Any person	3 months' imprisonment and/or £20,000 fine

*Please Note: The details listed above in relation to offences, penalties, fines and PND's issued in line with the Licensing Act 2003 may be subject to change following updates to relevant legislation. For further information regarding Penalty Disorder Notices (PND's) please refer to the [Ministry of Justice Guidance](#).*

### **TIPS**

#### **The person selling the alcohol:**

By selling alcohol to a person who is under 18, it is **YOU** that commits the offence. You could receive a penalty notice of £90 or an unlimited fine if prosecuted.

#### **The customer:**

A customer who purchases alcohol for a person under 18, or attempts to do so, commits an offence. They could receive a penalty notice of £90 or a fine of up to £5,000 if prosecuted.

A customer who is under 18 and purchases alcohol or attempts to do so, or consumes alcohol on the premises also commits an offence. They could receive a penalty notice of £90 or a fine of up to £1,000 if prosecuted.

#### **The licence holder:**

Persistently selling of alcohol to children is defined as selling alcohol on the same premises to a person who is under 18 on two or more occasions within a single three month period. Currently there are three avenues by which action can be taken against premises to be persistently selling alcohol to children.

1. The licence holder, if prosecuted, can plead not guilty and go to court and if found guilty can be given an unlimited fine with up to 3 months suspension of the alcohol licence.
2. As an alternative to prosecution, the police or trading standards officers can give the licence holder the option to voluntarily accept a 48 hour closure notice rather than face criminal liability.
3. The police can make a representation to the relevant licensing authority to ask them to review the licence. This can also happen in addition to options 1 and 2.

## KEY CONTACT LIST

<p>Licensing Horsham District Council Parkside Chart Way Horsham West Sussex RH12 1RL</p> <p><a href="mailto:Licensing@horsham.gov.uk">Licensing@horsham.gov.uk</a></p>	<p>Chief Officer of Police Licensing Officer Centenary House Durrington Lane Worthing BN13 2PQ</p> <p><a href="mailto:WS_Licensing_WOR@sussex.pnn.police.uk">WS_Licensing_WOR@sussex.pnn.police.uk</a></p>
<p>WSSC Fire &amp; Rescue Service (FAO Fire Safety) West Sussex Fire &amp; Rescue Service Business Fire Safety Horsham Fire Station Hurst Road Horsham West Sussex RH12 2DN</p> <p><a href="mailto:BusinessFireSafety@westsussex.gov.uk">BusinessFireSafety@westsussex.gov.uk</a></p>	<p>Health and Safety Environmental Health Horsham District Council Parkside Chart Way Horsham West Sussex RH12 1RL</p> <p>01403 215479</p>
<p>West Sussex Trading Standards West Sussex County Council County Hall North Chart Way Horsham West Sussex RH12 1XH</p> <p><a href="mailto:intel@westsussex.gov.uk">intel@westsussex.gov.uk</a></p>	<p>Director of Public Health Public Health Licensing First Floor The Grange Chichester PO19 1QT</p> <p><a href="mailto:PublicHealth.Licensing@westsussex.gov.uk">PublicHealth.Licensing@westsussex.gov.uk</a></p>
<p>Home Office (Immigration Enforcement). Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p><a href="mailto:Alcohol@homeoffice.gsi.gov.uk">Alcohol@homeoffice.gsi.gov.uk</a></p>	<p>Horsham District Council Planning and Environmental Services Parkside Chart Way HORSHAM West Sussex RH12 1RL</p> <p>01403 215609</p>
<p>Pollution Services Environmental Health Horsham District Council Parkside Chart Way Horsham West Sussex RH12 1RL</p> <p>01403 215479</p>	<p>Children's Safeguarding Unit Room 24 Durban House Durban Road Bognor Regis PO22 9RE</p> <p><a href="mailto:cputeam@westsussex.gov.uk">cputeam@westsussex.gov.uk</a></p>