

Guidance in respect of Drinks Promotions

Licencees and premises supervisors are reminded of the mandatory conditions attached to all premises licences regarding irresponsible drinks promotions reproduced below:-

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- (3) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- (4) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Further mandatory conditions provide that:

- (5) The responsible person shall ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Any breach of a mandatory condition, or any other licence condition, is a criminal offence under the Licensing Act 2003.

Since the introduction of the mandatory code regarding drinks promotions in 2010, there has been considerable confusion amongst the licensed trade, the police and licensing authorities in the understanding of the meaning of an irresponsible drinks promotion. This has been largely due to difficulties in the interpretation of the relevant condition above. It is understood that the government intends to amend these mandatory conditions to ensure that everyone is clear on the meaning of an irresponsible promotion.

However, regardless of the legal meaning of an irresponsible drinks promotion, licensees and premises supervisors are reminded of their moral and social responsibilities in ensuring that they refrain from offering any promotions that are designed to encourage people to drink excessive amounts of alcohol, or drink more than they normally would do. Operators are asked to consult either the Police Partnership Team or the council's Licensing Office before proceeding with any drinks promotions.

Licensees and premises supervisors are also reminded of other serious consequences of selling alcohol to a person who is drunk.

Any person who knowingly -

- (a) sells or attempts to sell alcohol to a person who is drunk, or
- (b) allows alcohol to be sold to such person

commits an offence under Section 141 of the Licensing Act.

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