

NABMA

The voice of markets

MARKET SUPPORT DOCUMENTS

Alcohol Licensing in Markets - General Advice

Food courts are a growing and important factor in market halls and, together with individual traders wanting to sell alcohol, these are a very useful means to attracting customers to the markets by adding to their diversification and differentiation.

The Licensing Act 2003 is the appropriate legislation. Very useful Government Guidance is available on the internet (gov.uk/guidance/alcohol-licensing).

Market Managers may have need to consider whether they and their staff – and/or individual traders – or both should be applicants for alcohol licensing and very useful advice has been given, following a member query, through contributions to Basecamp by members.

It will be noted that there are some contrary opinions, so it may be appropriate for managers considering application methods to discuss factors with other colleagues who have gained operational experience.

Many thanks to NABMA Basecamp contributors for passing on their experience and advice.

Suzanne Sharp:

There are two ways of doing this. If the food court has a premises licence, then you could charge an additional charge on top of rent to cover the alcohol sales. We have a premises licence for one of our markets and do this for alcohol traders at that market.

If you do not have a premises licence the trader will have to apply for a TEN (temporary event notice) each time they trade, these are limited in number and the trader should have a personal licence to sell alcohol.

There is also a limit to the number that can be applied for one location, off the top of my head, 15 a year. If this trader is looking to become a regular trader a premises licence is the best route, with one of your market team become the designated premises supervisor to take overall responsibility for the licensing of the food court.

Jo Huntbach:

From my perspective (my previous role was in regulating alcohol licensing) the tenant should hold the premises licence for alcohol. The responsibility for the sale of alcohol and all the conditions attached to the licence is the responsibility of the licensing holder.

If you/your authority is the licence holder, then you would be liable for any prosecution under the legislation - not necessarily the tenant as you would authorise them under your licence. If they were to sell to an under-aged person, then again you would be liable for this. In addition, the premises can be solely the unit it relates to and restricts further sales around the market.

If you were to apply for a licence, which you could, you can list the whole premises as the licensable area. The cost of the licence is dependent on the rateable value of the premises, if you have separate assessments for each unit this would be cost effective for the tenant as it would be the lowest band (I suspect) but the whole premises could be in a higher band.

Karen Bates:

You may put the ownership on the tenant who will need to undertake personal licence training and apply for an alcohol premises licence. However, if you expand on your offer, the premises licence holder will need to provide permission for other outlets to serve alcohol, which can muddy the waters but take the responsibility from you.

At Chester we started out with bringing foodies in and then decided to apply for a premises licence, therefore myself and staffing manager completed the training. The Council became the premises licence holder and I the DPS (Designated Premises Supervisor).

Albeit traders had to request the sale of alcohol for their premises via the management team, we approved with licensing conditions and Challenge 25 posters.

Consideration needs to be given as to whether one sole trader in the market should have a monopoly with exclusivity.

Kate Gittins:

It is better to apply for a Premises Licence so that you have control over who sells what, where, when and how. I'm the DPS and have my own Personal Licence. Some of my stallholders hold their own Personal Licence but for those that don't I insist they complete an online alcohol awareness course, which gives me added protection. I can send you the link if you email me kate.gittins@shropshire.gov.uk

Andy Ward:

The way our licencing team advised us is almost exactly how Karen and Suzanne have described.

We have a premise licence that covers all the market as well as the Cookhouse food court and the Time Square public realm. So as long as each trader has their own personal alcohol licence, they can trade under our premise licence which is how the two bars operate - even though they have their own premise licences for the immediate vicinity of their bars. We cover the communal seating areas as it is the consumption of alcohol that is being licenced under a premise licence not the sale.

Both myself and our Operations Manager have personal alcohol licences and he is the designated premise supervisor (DPS) but I can also take on that role if necessary.

This avoids having to apply for TENS for one-off events at the market when individual traders selling alcohol can do so under our premise licence but responsibility for ensuring there is no abuse of the 2003 Act is down to them as a personal alcohol licence holder.