



PopplestonAllen

A **guide** to notices displayed at licensed premises

Contents

Why we wrote this guide	4
Licensing Act 2003	6
The Weights and Measures (Intoxicating Liquor) Order 1988 & associated weights and measures legislation	8
The Consumer Protection from Unfair Trading Regulations 2008	12
Children and Young Persons (Protection from Tobacco) Act 1991 as amended and The Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010	15
The Smoke Free (Signs) Regulations 2012	15
Music Licence, PRS and PPL Licence	15
The Companies (Trading Disclosures) Regulations 2008	17
CCTV Signage	17
The Health and Safety Information for Employees Regulations 1989	18
Health and Safety at Work Etc Act 1974	18
Food Allergen labelling and information requirements Regulation (EU) 1169/2011	20
Food Hygiene Rating Scheme	21
Employers' Liability (Compulsory Insurance) Act 1969	23
Further recommendations	23



Why we wrote this guide

Throughout my 20 year career as a licencing solicitor one of the most common questions I have found we are asked is “Which notices do I need to put on public display in my premises.”

Like many aspects of the law, there is no straight forward answer to this seemingly simple question. This is because it depends on what type of licensed premises you are running.

To help licensees and people working in day-to-day licensed operations understand which notices they need, we have produced this detailed guide.

So no matter what type of licensed premises you are running, from a traditional pub or restaurant through to a nightclub, late bar or convenience store, you should find this guide useful.

If you have any questions regarding the displaying of notices – or any other licensing issues for that matter – feel free to contact me or licensing solicitor and co-author of the guide, Suraj Desor.

Jonathan Smith

Tel: 0115 953 8500

Mob: 07768 845 695

Email: J.Smith@popall.co.uk



Suraj Desor

Tel: 0115 953 8500

Mob: 07880 382 193

Email: S.Desor@popall.co.uk



Licensing Act 2003

1. The Premises Licence summary (or a certified copy) must be prominently displayed at or on the premises concerned.
2. The Premises Licence Holder must display a notice at the premises specifying the position held at the premises by the person nominated to keep the Premises Licence or a certified copy under their control.
3. As a result of the updated Mandatory Conditions on all Premises Licences the following drinks if sold or supplied on the premises must be available in the following measures:
 - Beer or cider – half pint
 - Gin, rum, vodka or whisky – 25ml or 35ml (Note: You are only permitted to serve in single measures of either 25ml or 35ml as standard; only one or the other size may be used, not both)
 - Still wine in a glass – 125ml

As well as making the drinks available in the above measures, customers must be made aware of the availability of these measures – for example, by making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent place in the relevant premises (e.g. at the bar).

Customers must also be informed verbally of the availability of these smaller measures when, for example, the customer asks for ‘a beer’, ‘a whisky’ or ‘glass of wine’.

The above condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container.



The Weights and Measures (Intoxicating Liquor) Order 1988 & associated weights and measures legislation

Weights and Measures legislation governs the legal requirements for the quantities that specific types of alcoholic drinks must be sold in. These apply to beer, lager, cider, gin, rum, vodka, whisky, wine, and fortified wines such as port and sherry.

You must only sell certain alcoholic drinks in approved measures. These are:

Draught Beer, Lager & Cider must be sold in measures of:

- One third pint
- One half pint
- Two thirds pint (known as 'schooners')
- Multiples of one half pint, one pint

Note: These requirements do not apply when beer, lager or cider is mixed with other drinks for example a shandy.

Spirits- Gin, rum, vodka & whisky must be served by the glass in one of these quantities:

- 25ml or multiples thereof
- 35ml or multiples thereof

The same quantity (either 25ml or 35ml) must be sold in all bars of the same premises and a notice must be displayed clearly informing

customers which quantity is being used.

Note: Cocktails – A cocktail is defined as a drink which contains three or more different liquids (not counting water). The above requirements do not apply when gin, rum, vodka or whisky is served as a cocktail.

Note: As only gin, vodka, rum and whisky are officially defined as ‘spirits’, other products such as Sambuca, brandy, bailey’s, tequila etc. do not fall within this requirement and may be sold in other measures.

The measure which is used to dispense these ‘other spirits’ must be advertised for the consumer to be able to make an informed choice. You may wish to use the same measures for these ‘other spirits’ as those used for gin, vodka, rum and whisky, to provide more clarity for customers.

Still wine by the glass must be sold in measures of:

- Under 75ml (such as samples) • 125ml
- 175ml
- Multiples of 125ml or 175ml

Bottles of wine can also be sold.

Note: The quantity of wine by the glass served must be clearly indicated to customers on menus, price lists or on a displayed notice available before the sale is made.

However, please note the requirements of The Consumer Protection from Unfair Trading Regulations 2008 as to providing sufficient information at the point of sale so the customer can make an informed choice and

under the Mandatory Conditions to make customers aware of the availability of 125ml measures.

Wine served in open carafes (jugs) must be sold in either 250ml, 500ml, 750ml or 1 litre.

Fortified wine such as port or sherry must be sold in either 50ml or 70ml and the customer must be informed which quantities are being used.

Measurements

You must use officially stamped measures, metering equipment or glasses. For example, beer can be served using metered pumps or in stamped glasses.



The Consumer Protection from Unfair Trading Regulations 2008

There is now a general obligation to give sufficient information to customers at the point of sale, so that they are not misled on prices.

If customers are not informed about prices prior to placing an order they may have the right to refuse to accept and pay for drinks (for example where they have purchased some drinks and the price charged is excessively more than the customer would reasonably expect to have to pay).

Where you have beer pumps and 'optic' stands you should ensure the advertising signs attached to these accurately indicate the brand of drink being dispensed.

How or where you display the required information is not prescribed but it should be clear and easily readable by the average consumer. The best way to ensure that customers are given the required information is by the use of detailed menus or clearly displayed price lists, so there is sufficient information to enable a consumer to make an informed decision before they are committed to a purchase. Menus and price lists should include all material information required by an average consumer to make an informed choice such as accurate description of the name including alcoholic strengths where appropriate, prices inclusive of VAT. It must also be made clear if you have a compulsory service charge, a cover charge or a minimum charge per customer.

For example, bars can show the price list at the bar where orders are taken. In cafes and restaurants, the prices can be marked in menus or price lists. So that customers are informed from the outset, prices could be displayed in your window or entrance to your premises.

To fail to show all or part of the information necessary, or to give misleading information, may be regarded as an unfair trading practice and constitute an offence. So that customers are informed from the outset, prices could



**NO SMOKING
PLEASE**

Children and Young Persons (Protection from Tobacco) Act 1991 as amended and The Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010

A warning notice must be displayed in a prominent position, which is clearly visible to anyone purchasing cigarettes, at every retail premises at which tobacco is sold. It must not be less than 297mm x 420mm (A3 size), with characters no less than 36mm high stating: **It is illegal to sell tobacco products to anyone under the age of 18.**

The Smoke Free (Signs) Regulations 2012

- A minimum of one no smoking sign must be displayed in the premises.
- It must be legible but the size and design is a matter for the premises.

Music Licence, PRS and PPL Licence

With your PRS and PPL licence there is no legal requirement to display the licence at the premises.



The Companies (Trading Disclosures) Regulations 2008

Every company must display a sign with its registered name at:

- Its registered office;
- Any inspection place, namely, where a company keeps available for inspection any company records which it is required to keep under the Companies Acts to keep available for inspection;
- At any location at which it carried on business (unless it is primarily used for living accommodation).

You must display a sign with your company name:

- In characters that can be read with the naked eye;
- In such a way that visitors to that office, place or location may easily see it;
- So that it can be seen at any time, i.e. not only during business hours;
- Continuously, but if the location is shared by six or more companies, each such company
- is only required to display its registered name for at least fifteen continuous seconds at least once in every three minutes.

CCTV Signage

You must let people know that they are in an area where CCTV surveillance is being carried out. Signs should:

- Be visible and readable by members of the public;
- Contain details of the organisation operating the system, the purpose for using CCTV and who to contact about the scheme (where these

things are not obvious); and

- Be an appropriate size according to the circumstances.

The Health and Safety Information for Employees Regulations 1989

If your premises employs anyone, you must display a health and safety law poster, or provide each employee with a copy of the equivalent leaflet/pocket card, which tells employees what they need to know about health and safety law.

You must display the poster where your employees can easily read it.

Health and Safety Law posters and pocket cards/leaflets are available from your Enforcing Authority which could be either the Health and Safety Executive (HSE) or the Environmental Health Department of your local council.

Health and Safety at Work Etc Act 1974

Health and Safety Policy Statement

A Health and Safety Policy statement sets out how a Company manages health and safety within their workplace.

It demonstrates the organisation's attitude towards health and safety and the steps, arrangements and systems the company has in place to ensure compliance with health and safety legislation. The health and safety policy statement should be displayed in a prominent position where employees can easily read it.



Food Allergen labelling and information requirements Regulation (EU) 1169/2011

Following the requirements which came into force in December 2014, you need to ensure you accurately track, record and communicate to the public 14 of the most common foods (including alcoholic and non-alcoholic drinks) known to cause allergic reactions.

You should ensure allergen information is supplied on the menu, chalkboards and other written formats. Alternatively, if you choose to provide allergen information verbally, notices are prominently displayed information customers of this.

Further details and information can be found on the Food standard Agency website: www.food.gov.uk

The 14 most common foods known to cause allergic reactions are:

- Celery
- Cereals containing Gluten
- Crustaceans
- Eggs
- Fish
- Lupin
- Milk
- Molluscs
- Mustard
- Nuts
- Peanuts
- Sesame seeds

- Soya
- Sulphur dioxide (sometimes known as sulphites)

Food Hygiene Rating Scheme

It is good practice to display your food hygiene certificate however it is not (at present) a legal requirement in England (unlike in Wales)- though this may change in the future.



Employers' Liability (Compulsory Insurance) Act 1969

Employers Liability Insurance Certificate

This must state clearly the minimum level of cover provided and the companies covered by the policy. You must display a copy of the certificate of insurance where your employees can easily read it.

Since 1 October 2008 companies have been allowed to display the certificate electronically. If you choose this method you need to ensure your employees know how and where to find the certificate and have reasonable access to it.

Further recommendations

Although the following is not a legal requirement, in light of a growing trend for Authorities to request sight of written age verification policies and an authorisation form to sell alcohol signed by the Designated Premises Supervisor, we advise that you ensure these documents are available, updated where necessary and fully completed.

You should also review your Premises Licence conditions to ensure compliance with any specific conditions relating to the display of additional notices.

If strobe lighting is used, signage should be erected to advise customers of strobe use.

PopplestonAllen

From pubs, clubs and restaurants to arcades, casinos and online gaming; some of the biggest operators rely on our legal advice to run their businesses. As do fast growing start-ups and one-off brands.

popall.co.uk

Nottingham: 0115 953 8500

London: 020 3859 7760

Licensing law. We get it.