



NEW YEAR'S EVE TRADING

December 2005

- Pubs and bars with a 'converted' Premises Licence are permitted to sell alcohol throughout New Year's Eve and right up to normal closing time on New Year's Day. This permission extends to the provision of entertainment and, unless a restriction has been applied by magistrates, there should be no need to apply for a Temporary Event Notice to sell alcohol overnight on New Year's Eve/Day.
- The Licensing Act **1964** was amended at S60 (1) (d) to allow alcohol sales from normally permitted closing time on 31 December through to normal opening time on 1 January. This arose from the Regulatory Reform (Special Occasions Licensing) Order that was first made in 2001, confirmed and extended to entertainment in 2002 and later enshrined in the 1964 Act. The permission is therefore an embedded right that is brought forward into the Licensing Act **2003**.
- Most operators will have pubs and bars etc that are converted from the old licensing regime and this advice applies only to such premises. Where new licences are obtained, operators cannot rely on this embedded right and should seek and obtain the hours for both liquor and regulated entertainment that they want for New Year as well as for the rest of the year.
- The sale of hot food and drinks after 11.0pm and before 5.0am is also a licensable activity but it is not covered by the de-regulation. It is hard to believe that operators will be prosecuted for such a trivial and technical offence and *ALMR* will seek guidance from DCMS.
- The de-regulation also allows for the police and others to apply to the magistrates for restrictions to be placed on trading in these particular hours at New Year. It may be that such applications for restrictions will be made in the future and operators should be alert for these.
- This Brief is to clarify the situation but those wishing to take advantage of trading on New Year's Eve outside the normal conditions of their licence may wish to take legal advice as well.