

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

INFORMATION

meeting date: 12 APRIL 2022
title: ALCOHOL LICENSING UPDATE
submitted by: CHIEF EXECUTIVE
principal author: STEPHEN BARKER, SOLICITOR

1 PURPOSE

1.1 To inform Committee of the current position in relation to changes in the law introduced on a temporary basis due to the pandemic, and to inform Committee of a consultation for relaxation of licensing hours to celebrate the Queen's Platinum Jubilee.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives }
• Corporate Priorities }
• Other Considerations }
- The Council aims to be a well managed authority and consideration of these issues will promote that aim.

2 BACKGROUND

2.1 The Government introduced a number of changes to legislation affecting licensed premises and other hospitality venues in response to the impact on the public caused by the restrictions, and to assist such venues in resuming trade in as safe a manner as possible. A number of these changes were temporary and are approaching key dates, either by way of expiry or in respect of proposals for temporary renewal or for permanent introduction. Included among these provisions are the increase in the number of days when licensing activities can be provided under a temporary event notice (TEN) in a year, use of external areas adjacent to premises (pavement licensing), and temporary permission for off-sales.

2.2 Further, the Government has carried out a consultation on whether on-licensed premises should be allowed to remain open until 1am for the sale of alcohol and/or the provision of regulated entertainment on Thursday, 2, Friday, 3 and Saturday, 1 June 2022, to reflect the introduction of an extra Bank Holiday for the Queen's Platinum Jubilee on Friday, 3 June 2022 (the Spring Bank Holiday having moved from Monday, 30 May to Thursday, 2 June 2022).

3 ISSUES

3.1 The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 came into force in September last year and increased the maximum number of days where licensable activities can be provided under a temporary event notice (TEN) in a year for a particular premises, from 21 to 26, from 1 January 2022. The number of events per year per premises has also increased from 15 to 20.

These 'extensions' apply for the duration of 2022 and 2023, but unless further legislation is introduced, will revert to the previous limits on 1 January 2024. There is no change to other provisions on TENs, including the requirement for there to be 24 hours between the end of one TEN and the start of the next. TENs can only be used

for up to 499 persons (including staff); and 10 clear working days' notice is required (or five clear working days' notice for a 'late TEN', for which there are limits per applicant).

- 3.2 Pavement licences allow furniture such as tables, chairs and umbrellas, to be placed on the public highway, such as pavements, or areas of roadway, which have restricted vehicle access. The Government issued guidance on a streamlined process for pavement licences in response to the COVID-19 pandemic, introduced under the Business Planning and Licensing Act 2020.

However, operators making use of pavement licences granted under the simplified procedure should remember that, although they can make use of such licences during the coming summer, as it currently stands, those licences will not be allowed to continue beyond 30 September 2022. It is, of course, possible that the Government could amend this by the introduction of further legislation, for example if they consider that the knock-on effects of the COVID-19 pandemic are continuing, but it is unlikely there will be any announcement on that until much closer to the time, if at all. Therefore, any operator who wants to make continued use of furniture on a highway over winter months should consider whether they will be able to apply to the highway authority under the lengthier procedure provided for in the Highways Act 1980, requiring 28 days' notice, with applications often taking around six weeks (but sometimes longer).

The grant of a pavement licence, whether under the Business Planning and Licensing Act 2020, or under the Highways Act 1980, does not affect any requirement to ensure that an area is covered by a premises licence, if sales of alcohol will actually take place in that area (for example, if there is a temporary bar).

The Government has consulted on whether such licences should be made permanent. The consultation closed on 11 February 2022 and the Government response is awaited.

- 3.3 30 September 2022 also marks the end of the temporary off-sales permissions granted by the Business Planning and Licensing Act 2020. That legislation permitted sales of alcohol for consumption off the premises for most premises where the premises licence only allowed the sale of alcohol for consumption on the premises. The purpose of the change was to make it easier for licensed premises to sell alcohol to customers for consumption off the premises in England and Wales, to allow businesses to trade and maintain social distancing, where closures and/or social distancing restrictions were in force and, thereafter, where demand was lower due to fears of transmission of COVID-19. However, the Government guidance on the temporary permission made clear from the outset that this change would only apply until 30 September 2022.

It is possible to apply to vary premises licences that only permit sales of alcohol for consumption on the premises, to also allow off sales. Therefore, operators who have relied on the temporary permission and wish to continue with delivery or click and collect services or similar, should consider submitting a variation application to the Council by the summer (such a variation would have a 28 day notice period and there are representations made, a hearing should be listed approximately four weeks after the end of that period).

- 3.4 The Government has carried out consultation on an extension to hours for the Platinum Jubilee, which it brought into force, might reduce the number of TENs that might be given in respect of the celebration. Consultation took place on a proposal to allow on-licensed premises to open until 1am on Thursday, 2, Friday, 3 and Saturday, 4 June 2022. This extension would not apply to premises licensed only for off-sales; and

opening beyond 1am would still require a TEN (unless permitted by the premises licence).

4 **CONCLUSION**

4.1 Committee is asked to note the contents of this report.

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For further information please ask for Stephen Barker, extension 3216.