

LEGISLATIVE & INDUSTRY UPDATE

Committee	Licensing Committee
Officer	Legal Services
Wards	All

HEADLINES

This report advises Licensing Committee of the recent legislative, case law and industry updates.

RECOMMENDATION

That the Committee notes the report.

SUPPORTING INFORMATION

Licensing Fees

When a business default on their annual premises licence fee, local authorities have a discretion under s.55A Licensing Act 2003 to suspend their premises licence. In response to the Covid19 pandemic Kit Malthouse MP in a ministerial letter dated 8th April 2020 said:

“Local authorities have discretion when considering non-payment or late payment of an annual premises licence fee or a late-night levy charge. While section 55A of the Licensing Act 2003 requires that the licence be suspended, it is possible to delay when that suspension takes effect. Where businesses are experiencing difficulties, I would expect them to make their licensing authority aware. The authority should consider delaying any suspension of the licence where the delay in payment or non-payment is related to COVID19.”

The Local Government Association in their guidance published on 17th April 2020 recommended delaying suspension with a view to seeking outstanding fees once the business becomes fully operational again.

Legislation Update

In response to the impact of the Covid19 pandemic the legislature introduced The Business and Planning Act 2020 which came into force on 22nd July 2020. This piece of legislation introduced **pavement licences** on application to local authorities and an automatic extension on existing premises licences to allow **off-sales**.

The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 extends the above provisions to 30th September 2022 however, there are proposals (see clause 184 & Sch.17 of the Levelling up and Regeneration Bill 2022) to make **pavement licences**

permanent. The Home Office has confirmed in a letter to the Institute of Licensing that the Regulatory easement in respect of off-sales of alcohol will cease in September 2022:

"...Given the absence of Covid restrictions in England and Wales, there is no legal basis for a further extension and, accordingly, the measure will lapse on 30 September 2022. Any premises licence holder who wishes to continue to benefit from the changes that the easements allowed will need to apply for an off-sales licence. Whilst they are not obliged, licensing committees might decide to consider whether any such applications could be decided via the minor variations process, in particular for premises licence holders who are currently taking advantage of the easements."