

9.14 It is proposed that licensing authorities should be able to enable holders of community events to notify them of their intention to provide licensable activities through a mechanism set out locally by the licensing authority (such as an email or a letter) instead of applying for a TEN through the usual process. This could mean, for example, that community groups could notify their licensing authority of all their upcoming events involving licensable activities for a certain period (such as a year).

9.15 There may be a concern among licensing authorities and local police that such a process could create loopholes or make processes more bureaucratic locally. However the intention is that the decision as to whether to introduce a local approach would be entirely discretionary for licensing authorities. As a safeguard, it is proposed that the current TEN process under the 2003 Act should continue to be available alongside any local approach in all licensing authority areas to ensure that a consistent process remains available, including for members of other EU states. This would ensure that the TEN process continues to comply with the European Services Directive.

Consultation Question 23:

Do you agree that licensing authorities should have the power to allow organisers of community events involving licensable activities to notify them through a locally determined notification process? (Please select one option):

Yes ☐ No ☒ Don't know ☐

Consultation Question 24:

What impact do you think a locally determined notification would have on organisers of community events? (Please select one option in each row):

		Yes	No	Don't know
A	Reduce the burden	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Increase the burden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

An extension of the TEN limit at individual premises

9.16 There is currently a limit of 12 TENs per year at individual premises. Following recent reforms of the TEN system, additional safeguards to the TEN process now exist in that the environmental health authority can object to TENs as well as the police, and both bodies can object on the grounds of any of the four licensing objectives (rather than only on the prevention of crime and disorder). Furthermore, where a TEN is given in relation to licensed premises, licensing authorities can now impose the same conditions on the TEN which apply to the premises' licence or club premises certificate.

9.17 Given these safeguards it is proposed that the number of TENs which can be given in respect of individual premises should be increased. We propose increasing the number of TENs which can be given from 12 to either 15 (an increase of 25%) or 18 (an increase of 50%).

Consultation Question 25:

Should the number of TENs which can be given in respect of individual premises be increased?
(Please select one option):

Yes

☐

No

☐

Don't know

☒

Consultation Question 26:

If yes, please select one option to indicate which you would prefer:

15

☐

18

☐

Don't know

☒

Late night refreshment

9.18 Late night refreshment is the provision of hot food and drink to the public after 11pm and before 5am. It requires a licence because of the problems that can occur, for instance outside late night takeaways. The police and other agencies greatly value the safeguards licensing provides, such as the ability to impose conditions on these premises.

9.19 While we believe that the ability to regulate late night refreshment should continue, there is scope to reduce the burdens of licensing requirements for businesses that provide late night refreshment but do not sell alcohol and are not associated with the alcohol-related late night economy.

9.20 The Government is consulting on two proposals, which are not mutually exclusive.

- The first proposal is to introduce local discretion on whether late night refreshment should be licensable. This could be done in two ways. Licensing authorities could be given powers to determine that premises providing late night refreshment (and no other licensable activities) should be exempt from the requirement to have an authorisation under the 2003 Act in certain parts of their area. Alternatively, licensing authorities could exempt certain types of premises in their area.
- The second proposal is to add new centrally prescribed exemptions to those in schedule 2 of the 2003 Act, similar to those that already apply to the provision of late night refreshment to which access is limited (such as workplace canteens or private clubs) and other exemptions such as hot-drink vending machines and the provision of late night refreshment by a charity.²⁴ We propose a further exemption for motorway service areas (MSAs) as we believe that they are not part of the wider night time economy, and indeed could be considered as totally separate because the late night refreshment they provide is not linked to alcohol consumption.

²⁴ The full set of exemptions can be found in schedule 2 of the Licensing Act 2003.

Consultation Question 27:

Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways? (Please select one option in each row):

		Yes	No	Don't know
A	Determining that premises in certain areas are exempt.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Determining that certain premises types are exempt in their local area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Question 28:

Do you agree that motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment? (Please select one option):

		Yes	No	Don't know
A	Motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment.	NO CHANGE = NO NEED FOR EXEMPTIONS. SEE QUESTION 19.		
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 29:

Please describe in the box below any other types of premises to which you think a nationally prescribed exemption should apply (keeping your views to a maximum of 100 words):

See question 19.

Further proposals to reduce burdens on business

- 9.21 At present, those applying for new licences and club premises certificates or making full licence variations must advertise their applications in a local newspaper or circular. We propose to remove this requirement. The way people consume news locally is changing, both in its frequency and form. Local residents have opportunities to learn about applications online or by notices on the premises themselves.
- 9.22 The Government is also considering deregulating more widely elements of the ban on alcohol sales that applies to motorway service areas (MSAs). Licensing legislation and current Government guidance results in a general prohibition of the sale of alcohol at MSAs. One option is to lift this centrally imposed restriction and make on-sales and off-trade sales (see glossary) of alcohol at MSAs a matter for licensing authorities to determine locally, in the same manner as any other application for a licence. There is a separate question as to whether lodges and other overnight accommodation at MSAs should be able to serve alcohol to residents. These proposals must be balanced against strong messages against drink-driving.
- 9.23 Finally, under the 2003 Act, each sale of alcohol under a premises licence must be made under the authority of a personal licence holder. All personal licences must be renewed after a ten-year period to be valid. This consultation invites views on whether this requirement should be removed or simplified to reduce the burden on responsible businesses. The onus would continue to be on personal licence holders to ensure their licences are up-to-date in terms of personal details and photograph and to declare them on conviction for any relevant criminal offences, as well as to declare such convictions to their licensing authority. There are various existing criminal offences covering failure to make these declarations and the police already have powers to check personal licences. Sentencing guidelines also make reference to the courts' powers to order forfeit of a personal licence if a personal licence holder is convicted of a relevant criminal offence.
- 9.24 Finally, we continue to welcome views on additional or alternative proposals for reducing burdens on responsible businesses. The consultation therefore also provides the opportunity for interested parties to propose further ways in which other sections of or processes under the 2003 Act could be removed or simplified.

Consultation Question 30:

Do you agree with each of the following proposals? (Please select one option in each row):

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers.		<input type="checkbox"/>	<input type="checkbox"/>
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.		<input type="checkbox"/>	<input type="checkbox"/>
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – "lodges".	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Less Regulation is a good thing.

Consultation Question 31:

Do you think that each of the following would reduce the overall burdens on business? (Please select one option in each row):

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – "lodges".	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 32:

Do you think that the following measures would impact adversely on one or more of the licensing objectives (see glossary)? (Please select one option in each row):

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – "lodges".	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Question 33:

In addition to the suggestions outlined above, what other sections of or processes under the 2003 Act could in your view be removed or simplified in order to impact favourably on businesses without undermining the statutory licensing objectives or significantly increasing burdens on licensing authorities? (Please specify in the box below keeping your views to a maximum of 200 words):

10. Impact assessments

10.1 Impact assessments for the proposals in this consultation have been published alongside this document. Consultation respondents are encouraged to comment on these documents.

Consultation Question 34:

Do you think that the Impact Assessments related to the consultation provide an accurate representation of the costs and benefits of the proposals? (Please select one option in each row):

		Yes	No	Don't know
A	Minimum unit pricing.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Multi-buy promotions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Health as a licensing objective for cumulative impact.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	Ancillary sales of alcohol.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E	Temporary Event Notices.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F	Late night refreshment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G	Removing the duty to advertise licence applications in a local newspaper.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H	Sales of alcohol at motorway service stations.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I	Personal licences.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Question 35:

Do you have any comments on the methodologies or assumptions used in the impact assessments? If so, please detail them, referencing clearly the impact assessment and page to which you refer.

Yes

☐

No

☒

Don't Know

☐

If yes, please specify in the box below, referencing clearly the impact assessment and page to which you refer (keeping your views to a maximum of 400 words).

11. List of questions

Consultation Question 1:

Do you agree that this MUP level would achieve these aims?

Consultation Question 2:

Should other factors or evidence be considered when setting a minimum unit price for alcohol?

Consultation Question 3:

How do you think the level of minimum unit price set by the Government should be adjusted over time?

Consultation Question 4:

The aim of minimum unit pricing is to reduce the consumption of harmful²⁵ and hazardous²⁶ drinkers, while minimising the impact on responsible²⁷ drinkers. Do you think that there are any other people, organisations or groups that could be particularly affected by a minimum unit price for alcohol?

Consultation Question 5:

Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?

Consultation Question 6:

Are there any further offers which should be included in a ban on multi-buy promotions?

Consultation Question 7:

Should other factors or evidence be considered when considering a ban on multi-buy promotions?

²⁵ Harmful drinking is defined as when a person regularly drinks more than double the weekly equivalent of the NHS daily guidelines, that is more than 50 units weekly for men or more than 35 units weekly for women.

²⁶ Hazardous drinking is defined as when a person regularly drinks over the NHS daily guidelines (equivalent to 21 units weekly for men and 14 units weekly for women), but less than double the guidelines.

²⁷ Responsible (or moderate) drinkers are those who do not regularly exceed the daily guidelines (men should not regularly drink more than three to four units of alcohol per day and women should not regularly drink more than two to three units per day).

Consultation Question 8:

The aim of a ban on multi-buy promotions is to stop promotions that encourage people to buy more than they otherwise would, helping people to be aware of how much they drink, and to tackle irresponsible alcohol sales. Do you think that there are any other groups that could be particularly affected by a ban on multi-buy promotions?

Consultation Question 9:

Do you think each of the mandatory licensing conditions is effective in promoting the licensing objectives (crime prevention / public safety / public nuisance / prevention of harm to children)?

Consultation Question 10:

Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs?

Consultation Question 11:

Are there other issues related to the licensing objectives (prevention of crime and disorder / public safety / prevention of public nuisance / protection of children from harm) which could be tackled through a mandatory licensing condition?

Consultation Question 12:

Do you think the current approach, with five mandatory licensing conditions applying to the on-trade and only one of those to the off-trade, is appropriate?

Consultation Question 13:

What sources of evidence on alcohol-related health harm could be used to support the introduction of a cumulative impact policy (CIP) if it were possible for a CIP to include consideration of health?

Consultation Question 14:

Do you think any aspects of the current cumulative impact policy process would need to be amended to allow consideration of data on alcohol-related health harms?

Consultation Question 15:

What impact do you think allowing consideration of data on alcohol-related health harms when introducing a cumulative impact policy would have if it were used in your local area? Please provide evidence to support your response.

Consultation Question 16:

Should special provision to reduce the burdens on ancillary sellers be limited to specific types of business, and/or be available to all types of business providing they met key criteria for limited or incidental sales?

Consultation Question 17:

If special provision to reduce licensing burdens on ancillary sellers were to include a list of certain types of premises, do you think it should apply to the following?

Consultation Question 18:

Do you have any suggestions for other types of businesses to which such special provision could apply without impacting adversely on one or more of the licensing objectives?

Consultation Question 19:

The aim of a new 'ancillary seller' status is to reduce burdens on businesses where the sale of alcohol is only a small part of their business and occurs alongside the provision of a wider product or service, while minimising loopholes for irresponsible businesses and maintaining the effectiveness of enforcement (see paragraphs 9.2 and 9.3). Do you think that the qualification criteria proposed in paragraph 9.6 meet this aim?

Consultation Question 20:

Do you think that these proposals would significantly reduce the burdens on ancillary sellers?

Consultation Question 21:

Do you think that the following proposals would impact adversely on one or more of the licensing objectives?

Consultation Question 22:

What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation?

Consultation Question 23:

Do you agree that licensing authorities should have the power to allow organisers of community events involving licensable activities to notify them through a locally determined notification process?

Consultation Question 24:

What impact do you think a locally determined notification would have on organisers of community events?

Consultation Question 25:

Should the number of TENs which can be given in respect of individual premises be increased?

Consultation Question 26:

If yes, please indicate which option you would prefer:

Consultation Question 27:

Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways?

Consultation Question 28:

Do you agree that motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment?

Consultation Question 29:

Please describe any other types of premises to which you think a nationally prescribed exemption should apply.

Consultation Question 30:

Do you agree with each of the following proposals?

Consultation Question 31:

Do you think that each of the following would reduce the overall burdens on business?

Consultation Question 32:

Do you think that the following measures would impact adversely on one or more of the licensing objectives?

Consultation Question 33:

In addition to the suggestions outlined above, what other sections of or processes under the 2003 Act could in your view be removed or simplified in order to impact favourably on businesses without undermining the statutory licensing objectives or significantly increasing burdens on licensing authorities?

Consultation Question 34:

Do you think that the Impact Assessments related to the consultation provide an accurate representation of the costs and benefits of the proposals?

Consultation Question 35:

Do you have any comments on the methodologies or assumptions used in the impact assessments? If so please detail them, referencing clearly the impact assessment and page to which you refer.

12. Glossary

Alcohol guidelines	<p>Harmful drinking is defined as when a person regularly drinks more than double the weekly equivalent of the NHS daily guidelines, that is more than 50 units weekly for men or more than 35 units weekly for women.</p> <p>Hazardous drinking is defined as when a person regularly drinks over the NHS daily guidelines (equivalent to 21 units weekly for men and 14 units weekly for women), but less than double the guidelines.</p> <p>Moderate drinkers are those who do not regularly exceed the daily guidelines (men should not regularly drink more than three to four units of alcohol per day and women should not regularly drink more than two to three units per day).</p>
'Ancillary sellers'	<p>Those businesses for which the sale of alcohol is only a small part of, or incidental to, their wider activities, and occurs alongside the provision of another product or service. This consultation invites views on how 'ancillary sellers' could be defined.</p>
Ancillary Sales Notice (ASN)	<p>One of two options proposed in this consultation to reduce some licensing burdens on 'ancillary sellers'. An ASN would be an authorisation available to those with ancillary seller status and would remove the need for a premises licence at those premises. Obtaining an ASN would be quicker, simpler and cheaper than a premises licence, and could potentially work in a similar way to a TEN.</p>
Annual fee	<p>Holders of premises licences and club premises certificates under the 2003 Act must pay an annual fee on the anniversary of its grant.</p>
Club premises certificates	<p>Under the 2003 Act, private 'members' clubs require authorisation to use club premises for qualifying club activities, including the supply or sale of alcohol.</p>
Cumulative impact policy (CIP)	<p>CIPs are a mechanism set out in the statutory guidance issued under the 2003 Act by which licensing authorities can take into account the potential impact on the statutory licensing objectives of a significant number of licensed premises concentrated in one area.</p>
Designated premises supervisor (DPS)	<p>Under the 2003 Act, licensed premises that authorise the sale of alcohol must, in most cases, have a DPS specified in the licence. Only someone who holds a personal licence can be a DPS.</p>
Early Morning Alcohol Restriction Order (EMRO)	<p>Licensing authorities are able to apply an order to prevent the sale of alcohol (at a time between midnight and 6am) in all or part of their area if they consider that it is appropriate for the promotion of the licensing objectives.</p>
EU Services Directive	<p>Transposed into UK legislation by the Provision of Services Regulations 2009, the directive sets out how the internal market in relevant services should operate. The aim is to help open up the internal market in services across the EU, increasing employment opportunities and trade.</p>
The Government's Alcohol Strategy (the 'Strategy')	<p>Published on 23 March 2012, the Strategy sets out how to tackle the problems caused by people drinking to excess.</p>
Harmful drinking	<p>Harmful drinking is defined as when a person regularly drinks more than double the weekly equivalent of the NHS daily guidelines, that is more than 50 units weekly for men or more than 35 units weekly for women.</p>
Hazardous drinking	<p>Hazardous drinking is defined as when a person regularly drinks over the NHS daily guidelines (equivalent to 21 units weekly for men and 14 units weekly for women), but less than double the guidelines.</p>
Late night refreshment (LNR)	<p>Under the 2003 Act, LNR means the provision of hot food or hot drink to the public, for consumption on or off the premises, between 11.00 pm and 5.00 am.</p>

Licensing Act 2003 (the '2003 Act')	The 2003 Act established a single, integrated scheme for licensing premises which are used for the sale or supply of alcohol, the provision of regulated entertainment, or the provision of LNR.
Licensing authorities	Licensing authorities are defined in the 2003 Act. They are primarily district councils or unitary authorities in England and county boroughs in Wales. Licensing authorities issue and administer premises licences, club premises certificates and temporary event notices in their area, as well as, for example, personal licences and renewals of personal licences.
The licensing objectives	Under the 2003 Act, licensing authorities have a duty to carry out their functions under the Act with a view to promoting the licensing objectives. These are: <ul style="list-style-type: none"> • the prevention of crime and disorder; • public safety; • the prevention of public nuisance; and • the protection of children from harm.
Mandatory code	See Mandatory licensing conditions
Mandatory licensing condition	The additional mandatory licensing conditions set out in regulations under Section 19A of the 2003 Act are sometimes referred to as the Mandatory Code. The Secretary of State can prescribe up to nine additional mandatory licensing conditions in regulations. A list of the current mandatory licensing conditions under s.19A can be found on page 21.
Moderate drinking	Moderate drinkers are those who do not regularly exceed the daily guidelines (men should not regularly drink more than three to four units of alcohol per day and women should not regularly drink more than two to three units per day).
On-trade	Premises that are authorised to sell alcohol for consumption on the premises, such as restaurants, bars and pubs.
Off-trade	Premises that are authorised to sell alcohol for consumption off the premises only, such as shops and off-licences.
Personal licence	Under the 2003 Act, each sale of alcohol under a premises licence must, with some exceptions, be made under the authority of a personal licence holder. A personal licence does not need to be associated with a particular premises, and a person can apply for a personal licence if they are not currently employed at a licensed premises.
Police Reform and Social Responsibility Act 2011 (the '2011 Act')	The 2011 Act rebalanced the 2003 Act, giving more powers to local communities to tackle problems in their area.
Recommended alcohol limits	The National Health Service recommends that men should not regularly drink more than three to four units of alcohol per day, and that women should not regularly drink more than two to three units per day. After a heavy drinking session, the NHS recommends avoiding alcohol for 48 hours.
Red Tape Challenge	An ongoing Government initiative to encourage members of the public to recommend regulations that should be scrapped, simplified or retained. Regulations are put forward every few weeks on a thematic basis.
Responsible drinking	The National Health Service defines responsible drinking as when a person consumes alcohol within the recommended limits.

Temporary Event Notice (TEN)	Under the 2003 Act, a TEN enables the issuer to undertake licensable activities (including selling alcohol) on an occasional basis without any other authorisation. The TEN must be issued to the licensing authority, the police, and the environmental health authority (EHA). The police or the EHA can object on grounds related to any of the licensing objectives. There are limits on the number of TENs a person or premises may give each year. It is an offence to carry out a licensable activity without an appropriate authorisation.
Unit of alcohol	A unit of alcohol is defined as 10ml by volume, or 8g by weight, of pure alcohol (ethanol). The number of units in a particular alcohol product will therefore depend on the volume of that product and its alcoholic strength (alcohol by volume or abv).

