

## Option B - Removing the need for a premises licence

- 9.11 A more radical option would be the possible introduction of a new form of lighter-touch authorisation under the 2003 Act, available only to those given the status of an ancillary seller. This could be referred to as an "ancillary sales notice" (ASN) and would remove the need for a premises licence at those premises. The process of obtaining an ASN would be quicker, simpler and cheaper than for a premises licence to reflect the limited form of alcohol sales that would be taking place. It could potentially work in a similar way to a TEN. The applicant could send a notice (accompanied by a fee that will cover the licensing authority's costs) stating that they believe themselves to be an ancillary seller, given the nature of their business. The police or the environmental health authority could object. There would be no need to advertise publicly and no annual fee. Unlike a TEN however, the authorisation (and the power to object) would be ongoing (but with a defined maximum duration such as five years).
- 9.12 When considering this proposal it would be important to strike the right balance between ensuring that the ASN process is a simplified process, and ensuring that appropriate safeguards still apply to those premises with an ASN as they do to other premises. For example, criminal offences would still apply to ASN holders and the licensing authority should be able to refuse (or revoke) an ASN that is inappropriate for the promotion of the licensing objectives. We are asking whether the requirement for sales of alcohol to be authorised by a personal licence holder should still apply to alcohol sold under an ASN.

### Consultation Question 20:

Do you think that these proposals would significantly reduce the burdens on ancillary sellers? (Please select one option in each row):

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Introduce a new, light-touch form of authorisation for premises making ancillary sales - an 'ASN' but retain the need for a personal licence holder.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Introduce a new, light touch form of authorisation for premises making ancillary sales - an ASN - with no requirement for a personal licence holder.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



### Consultation Question 21:

Do you think that the following proposals 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	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	Introduce a new, light-touch form of authorisation for premises making ancillary sales an – 'ASN' but retain the need for a personal licence holder.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN – with no requirement for a personal licence holder.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Consultation Question 22:

What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation? (Please specify in the box below, keeping your views to a maximum of 200 words)?

## Occasional provision of licensable activities at community events

9.13 Those who wish to provide licensable activities (for example selling alcohol or providing late night refreshment) on an occasional basis must obtain an authorisation under the 2003 Act. They will ordinarily obtain a TEN (see glossary). The Government has already given more local flexibility over TENs. For example, since April 2012, environmental health authorities are able to make objections. For those issuing TENs, the process has also been made more flexible, for example by enabling licensing authorities to accept TENs received after the ten-day deadline and extending the maximum duration of a TEN. We are considering now whether there is scope to be more radical and allow individual licensing authorities to determine their own, less burdensome, TEN processes if they wish.



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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.<sup>24</sup> 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.

<sup>24</sup> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Determining that certain premises types are exempt in their local area.	<input checked="" type="checkbox"/>	<input 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.	<input type="checkbox"/>	<input checked="" 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):



## 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 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F	Late night refreshment.	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
I	Personal licences.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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).

PAGE 15. THE ASSUMPTION THAT MINIMUM UNIT PRICING WILL REDUCE EXCESSIVE ALCOHOL CONSUMPTION IS TOTALLY UNTRUE IN MY OPINION. IT WILL ADVERSELY AFFECT DRINKERS ON LOW INCOMES, PENSIONERS ETC WHILST NOT IN THE LEAST AFFECTING HEAVY DRINKERS WITH MONEY (DOUBT IT WILL AFFECT THE LIVES OF PRINCE HARRY AND VARIOUS 'CELEBRITIES' AND FOOTBALLERS WHO DO DRINK TO EXCESS IN HIGH PRICE CLUBS). THOSE WHO ARE ALCOHOLICS BUYING THE STRONGEST, CHEAPEST ALCOHOL FROM 'OFF-SALES' OUTLETS WOULD STILL CONTINUE TO BUY IT EVEN IF IT MEANT CUTTING OUT ON DOWN ON FOOD ETC. IT IS THE RESPONSIBLE DRINKERS WITH MINIMAL INCOME WHO WILL BE AFFECTED THE MOST. THESE PROPOSALS SHOULD BE DROPPED NOW!