

From: licensing@winchester.gov.uk  
Subject: Update from Licensing - Business and Planning Act 2020 and Government Guidance
Date: 11 August 2020 at 15:44
To:



Dear all,

Following the introduction of the Business and Planning Act 2020, Winchester City Council's Licensing Team would like to take this opportunity to update licensed premises on relevant guidance and legislation relating to consumption of food and drink outdoors.

Alcohol 'Off Sales'

The Government allowed premises to re-open from 6am on 4 July 2020 and have issued [guidance](#) on how they can do so safely.

From 22 July 2020 the [Business and Planning Act 2020](#) temporarily modified the Licensing Act 2003 in order to provide for an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises, to allow for the sale of alcohol for consumption off the premises.

The new off-sales permission allows off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the closure time of an existing outside area, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission.

Conditions on existing dual premises licences (permitting both on-sales and off-sales) that would prevent one or more of the following are also suspended under the temporary off-sales permission:

- off-sales being made at a time when the premises are open for the purposes of selling alcohol for consumption on the premises (subject to a cut off time of 11pm or the closure time of an existing outdoor area, whichever is earlier,
- off-sales being sold in an open container; and,
- deliveries to buildings used for residential or work purposes.

The permission and any conditions attached to it are temporary. The permission will lapse on 30 September 2021, unless the temporary period is extended by regulations made by the Secretary of State or is otherwise suspended, removed or varied.

You are not required to change either your licence or your summary to show that you are taking advantage of the permission, however you must prepare what is called 'a Section 172F Statement' and details of what is required to be included in this can be found within the [Government guidance](#) issued for this matter. A template for a Section 172F Statement is attached.

The Section 172F Statement must be kept under the control of the premises licence holder or a person who works at the premises who has been nominated by the premises licence holder for this purpose. A copy of the Section 172F

Statement must be prominently displayed at the premises alongside the summary of your premises licence.

'Off Sales' Restrictions

- You will not be able to benefit from this new permission if 'off sales' have been refused or removed from your Premises Licence in the last three years.
- Businesses which hold a Premises Licence for only the provision of regulated entertainment and/or late night refreshment cannot benefit from this new permission.
- Members clubs which undertake licensable activities under a Club Premises Certificate, rather than a Premises Licence, cannot benefit from this new permission.
- This new permission does not permit businesses to install additional or pop-up bar serveries in outdoor areas; this activity would require an application to vary the Premises Licence.

Pavement Licences

The Business and Planning Act 2020 also introduced a new, temporary application process for obtaining 'pavement licences' to permit furniture to be placed on the highway. The new process aims to support businesses such as cafes, restaurants and bars in operating safely whilst social distancing, and provide much needed income for the hospitality industry.

The new application procedure includes an expedited 7 day consultation period, 7 days determination period, and a £100 application fee.

Full details of the application process can be found on our [Furniture on the Highway webpage](#).

Government Guidance

The Government continues to review and update its guidance documents in relation to working safely during the coronavirus pandemic. Links to relevant guidance documents can be found below:

- [Guidance for people who work in or run restaurants, pubs, bars, cafes or takeaways](#)
- [Guidance for people who work in or run hotels and other guest accommodation](#)
- [Guidance for people who work in performing arts, including arts organisations, venue operators and participants](#)
- [Guidance for people who work in or run shops, branches, stores or similar environments](#)
- [Guidance for people who work in hotels and guest accommodation, indoor and outdoor attractions, and business events and consumer shows](#)
- [Guidance for people who work or volunteer in heritage locations](#)
- [Guidance for small marriages and civil partnerships](#)
- [Guidance for providers of outdoor facilities on the phased return of sport and](#)

[Guidance for providers of outdoor facilities on the phased return of sport and recreation in England](#)

The Government has also published [guidance on closing certain businesses and venues in England](#). This is regularly updated as businesses/venues are gradually able to re-open.

The Government regularly updates its [guidance on staying alert and safe \(social distancing\)](#).

The Health and Safety Executive has a [COVID-19 risk assessment template](#) available on their website.

Events during COVID-19

The Government has published guidance for [providers of outdoor facilities on the phased return of sport and recreation in England](#). This includes guidance for a broad range of outdoor events, not just sporting events.

The [guidance for people who work in performing arts, including arts organisations, venue operators and participants](#) states *"It is against the law for gatherings of more than 30 people to take place in private homes (including gardens and other outdoor spaces). Businesses and venues following COVID-19 Secure guidelines can host larger groups. This is also the case for events in public outdoor spaces that are organised by businesses, charitable or political organisations, and public bodies, provided they take reasonable steps to mitigate the risk of transmission, in line with COVID-19 Secure guidance and including completion of a risk assessment. Any other gathering in an outdoor space must not be any larger than 30 people."*

The Events Industry Form has published guidance on [making outdoor event gatherings happen again](#).

Winchester City Council has also collaborated with other local authorities and Hampshire Constabulary to produce an [advisory note](#) for event organisers submitting Temporary Event Notices during the coronavirus pandemic.

If you have any questions in relation to compliance with your Premises Licence or other permissions/guidance, please do not hesitate to contact the Licensing Department.

Tel: 01962 848 188 / Email: licensing@winchester.gov.uk

Kind regards,

Briony Appletree

Licensing Officer

Public Protection

Winchester City Council

Colebrook Street

Winchester

SO23 9LJ

Tel: 01962 848 188

TEL. 01902 040 100



www.winchester.gov.uk
www.visitwinchester.co.uk

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