

Premises which currently only allow on sales

The Act will temporarily modify the Licensing Act 2003 to allow most premises licences which only permit the sale of alcohol for consumption on the premises to also allow the sale of alcohol for consumption off the premises (with certain restrictions).

The new off-sales permission will permit 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.

Exclusions

Exclusions will apply if, within the three years preceding on day 22 July 2020:

- a premises licence application was made for a licensed premises and permission for off-sales was refused;
- a licence variation seeking permission for off-sales was refused;
- a licence variation seeking to exclude the off-sales permission was accepted; or
- the premises licence was varied or modified on review to exclude off-sales.

Premises which currently allow both on sales and off sales

The legislation will apply up to three temporary variations to licences which have an existing permission for off-sales

1. The licence is varied to allow off-sales until 11pm, or until the current on-sales licensing hours for that premises end, whichever is the earlier. However, the premises must be open for the primary purpose of on-sales trade. New off-sales permissions will not apply to times when a premises licence does not allow sales of alcohol for consumption in outdoor areas of the premises.
2. If an existing condition(s) prevents off-sales in open containers, then this variation allows sales in open containers.
3. If an existing licence condition(s) prevents off-sales of alcohol for delivery, this variation allows deliveries, providing that they are to buildings used for residential or work purposes.

The existing conditions that prevent these matters are suspended until 30 September 2021.

Who is not covered?

The permission is only given to businesses with premises licences, so those organisations with club premises certificates are not covered by the provisions in the Act.

How long will the permission last for?

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.

Do licences need amending?

Your licence does not need amending. However, you should notify licensing if you intend to start making off-sales under the new permission. See how to do this below under "Section 172F Statement". This is so that we are aware of all the ways you are providing licensable activities. You do not need to wait for us to acknowledge your notification before you commence off sales, you can start straight away.

Section 172F Statement

If you are making use of the new temporary permission to undertake off-sales under section 172F(2) (premises currently with on sales only) or of any of the temporary conditions under section 172F(5) (for premises with both on and off sales), a statement that this is the case must be prepared by you. This is called "a Section 172F Statement".

If you are making use of the new temporary permission for off-sales, the statement must be clear that off-sales are authorised under section 172F(2) , subject to the requirement that the premises must be open for the sale of alcohol on the premises.

If you currently have a dual licence (for both on and off sales) and are relying on any of the temporary conditions in section 172F(5), the statement must also list them.

Please see the links (below the link to this document) to notice templates that you can use.

The section 172F statement must be kept on the premises or under the control of the holder of the licence or a person who works at the premises who has been nominated by the holder of the licence for this purpose. A copy of the section 172F Statement must be prominently displayed at the premises alongside the summary of the premises licence.

Failure to comply with these requirements without reasonable excuse is an offence.

You must send a notification to Licensing as soon as you intend to start making off-sales under the new permission. You can do this by sending a copy of the Section 172F Statement to us.

Please e-mail copies of the notice to licensingoffice@wakefield.gov.uk