
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend section 11 of the Business and Planning Act 2020 (c. 16) (“the 2020 Act”). Section 11 makes temporary modifications to the Licensing Act 2003 (c. 17) (“the 2003 Act”) and specifies that these modifications expire on 30 September 2021. The modifications provide automatic extensions of premises licences that only permit sales of alcohol for consumption on the premises (“on-sales”) to allow sales of alcohol for consumption off the premises (“off-sales”). They also apply temporary conditions to licences where there is a pre-existing permission for off-sales, to enable those premises to operate in the same ways as those granted the new permission, and provide for off-sales reviews to take place on grounds which are relevant to the licensing objective. Regulation 2 extends the application of the modifications to the end of 30 September 2022.

These Regulations also amend section 107 of the 2003 Act. Section 107 requires a licensing authority to issue a counter notice on receipt of a temporary event notice (“TEN”) where certain permitted limits are exceeded. The effect of giving a counter notice is that the proposed event is not authorised to proceed. Regulation 3 amends section 107(4) and (5) of the 2003 Act to increase, for the years 2022 and 2023, the number of TENs which may be given in relation to the same premises in the calendar year, without a counter notice being issued, from 15 to 20, and the number of days in the calendar year on which a single premises can be used to carry on licensable activities, from 21 to 26 days.

Regulation 4 makes consequential amendment to the Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 (S.I. 2005/42) so as to replace the form, respectively, for a TEN and counter notice prescribed in Schedules 1 and 4 to those Regulations, to reflect the temporary TENs increases.

The amendments are made to mitigate the effects of the coronavirus pandemic.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.