

Questionnaire – Response from Newcastle-under-Lyme Borough Council – 17<sup>th</sup> April 2023

**Q1: Do you agree that when the regulatory easement ends on 30 September 2023, there should be no automatic extension of an on-sales premises licence; anyone wishing to do off-sales should apply to their Licensing Authority for a variation to their on-sales licence?**

Yes ✓

No

**Q2: Should any such amendment to an on-sales licence be treated initially as a minor variation?**

Yes ✓

No

**Q3: Should all variation applications automatically be sent to responsible authorities?.**

Yes ✓

No

**Q4: Should any such amendment to an on-sales licence always be a major variation?**

Yes

No ✓

**Q5: Should all new applications for premises licences specify on-sales and off-sales or should they automatically include both?**

On and off-sales listed separately ✓

Automatically include both on and off-sales

**Q6: If a premises licence holder also holds a pavement licence for the same venue, should the area covered by the pavement licence be automatically deemed to be included in the area covered by the premises licence?**

Yes

No ✓

**Q7: Do you agree that the regulatory easement should be made permanent, meaning that any on-sales premises licence holder is automatically able to do off-sales without any need to amend their licence?**

Yes

No ✓

**Q8: If you answered yes to Q7, should it apply to off-sales, take-away or both?**

Yes

No

Not applicable ✓

**Q9: Are you aware of any change in the level of crime and / or anti-social behaviour as a result of the off-sales easement?**

Yes

No ✓

Please give reasons for any of your answers to the above questions about off-sales.

There still needs to be oversight on whether a premises sells alcohol for consumption on or off the premises, or both. The Business Planning Act 2020 foresaw that there may be issues with premises being allowed to benefit from the easement with no approval and made provision on how the entitlement could be removed/refused. In most circumstances there will likely be no issue however there are premises that are cited in locations that may not be suitable to authorise off-sales e.g. those situated within a PSPO or surrounded by land over which they have no control that is unsuitable for alcohol consumption. Our opinion is that it would not be suitable for a pavement licence area to be included within a premises licence for two reasons, firstly that it may be that the conditions from the premises licence are not suitable for the external area and secondly, that it would nullify any PSPO meaning there would be no recourse for authorised officers to use those powers if required.

**Q10: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance should return to the level set out in the Licensing Act which is 15 TENs per year?**

Yes

No ✓

**Q11: Should the annual allowance set out in the Business and Planning Act be extended for a further 12 months to 31 December 2024?**

Yes

No ✓

**Q12: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance of 20 TENs should permanently remain at the level set out in the Business and Planning Act 2020?**

Yes

No

**Q13: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance of 26 days should permanently remain at the level set out in the Business and Planning Act 2020?**

Yes

No

**Q14: Are you aware of any change in the level of crime and / or anti-social behaviour as a result of the TENs regulatory easement?**

Yes

No

Please give reasons for any of your answers to the above questions about TENs.

There have no issues with the easement whilst it has been in force, however our view is that this current limit should be the maximum, and not increased any further, as premises that wish to engage in licensable activities on a regular basis should have to go through the scrutiny process of a premises licence.