

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S**  
**REPORT TO LICENSING & PUBLIC PROTECTION COMMITTEE**

**18 March 2025**

**Report Title:** Alcohol Off Sales regulatory easement – consultation result.

**Submitted by:** Service Director - Regulatory Services & Licensing Administration Team Manager

**Portfolios:** Finance, Town Centres & Growth

**Ward(s) affected:** All

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To inform the committee of the outcome of the Home Office consultation in relation to proposed amendments to the Licensing Act 2003 around the off-sales of alcohol.			
<b><u>Recommendation</u></b>			
<b>That Committee:</b>			
1. Note the contents of the report			
<b><u>Reasons</u></b>			
The Home Office held a consultation on which of three proposed amendments should be made to the Licensing Act 2003 to support businesses in relation to the off-sales of alcohol.			

**1. Background**

- 1.1** The Business and Planning Act 2020 (the Act) made significant changes designed to help premises (including public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours) to survive and bounce-back from the pandemic lockdown.
- 1.2** The provisions included:
- A new “Pavement Licence” regime, designed to make it easier for premises serving food and drink to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.
  - Alcohol licensing changes that allowed operators with existing alcohol on-sales licences to also serve alcohol for consumption off the premises and to make deliveries.

- 1.3 The Act was amended in March 2024 to create a permanent Pavement Licensing regime. This Committee approved the application fees and standard licensing conditions at the meeting held on 29th April 2024.
- 1.4 The temporary measures in the Act that relate to off-sales of alcohol permitted alcohol to be consumed in areas covered by pavement licences, and for premises to allow the takeaway and delivery of alcohol come to an end on 31st March 2025. The purpose of the consultation was to seek views on how to best amend the Licensing Act 2003 to continue these measures to support the hospitality sector.
- 1.5 On 30<sup>th</sup> July 2024 the Committee noted the Council's response to the consultation which was that out of the options proposed the proposal to amend the definition of on-sales would be the most appropriate. A copy of the 2024 response is attached as **Appendix A**.

## 2. Issues

- 2.1 The Home Office published the outcome of the consultation on 27<sup>th</sup> February 2025. The decision was to not move forward with any of the proposals from the 2024 consultation, and instead to revert back to the position prior to the introduction of the Act.
- 2.2 This means that businesses who have licences authorising the sale/supply of alcohol for consumption on the premises only (on-sales) must apply to vary the premises licence to add off-sales. However, the Home Office have amended the s182 Statutory Guidance to advise Licensing Authorities to treat these applications under the Minor Variation process rather than the Full Variation process. This process is quicker and cheaper (£89.00) than full variations and does not require a local newspaper advertisement. This was an option included within a similar consultation in 2023, which the Council's response at the time agreed was the most suitable way forward. A copy of the 2024 response is attached as **Appendix B**.
- 2.3 The reasoning given for the decision was that the majority of the respondents disagreed or strongly disagreed with all three options proposed in the 2024 consultation.

## 3. Recommendation

- 3.1 **That Committee:**
  1. Note the contents of the report

## 4. Reasons

- 4.1 To inform Members of proposed amendments to the Licensing Act 2003 and associated guidance.

## 5. Options Considered

5.1 Not applicable. Options were considered when responding to the proposals within the relevant consultation periods.

## 6. Legal and Statutory Implications

6.1 Not applicable.

## 7. Equality Impact Assessment

7.1 Not applicable.

## 8. Financial and Resource Implications

8.1 With the easements ending it is possible that businesses that wish to add the off-sales of alcohol to their existing licence may submit applications as described above. It is not anticipated that there will be many applications overall and the resource required will be met by existing capacity within the licensing team.

## 9. Major Risks & Mitigation

9.1 Not applicable.

## 10. UN Sustainable Development Goals (UNSDG)



## 11. One Council

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

One Digital Council

One Green Council

Applications for Minor Variations tend to be submitted online via the Gov.uk portal, linking in to the One Digital and Green Council streams by making use of electronic systems and the reduction of physical applications.

**12. Key Decision Information**

12.1 Not applicable.

**13. Earlier Cabinet/Committee Resolutions**

13.1 Licensing & Public Protection Committee – 30<sup>th</sup> July 2024

13.2 Licensing & Public Protection Committee – 10 May 2023

**14. List of Appendices**

14.1 Appendix A – 2024 Consultation response

14.2 Appendix B – 2023 Consultation response

**15. Background Papers**

15.1 [2024 Consultation results](#)