

Business and Planning Act 2020 Guidance Note

Amendments to the Licensing Act 2003 for provision of supply of alcohol for consumption off the premises

From 22 July 2020 the Business and Planning Act 2020 has temporarily modified the Licensing Act 2003 in order to provide 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 permits 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. Existing licence conditions are suspended in so far as they are inconsistent with the new off-sales permission

Further provisions also temporarily modify conditions on existing dual premises licences (those which permit both on-sales and off-sales of alcohol) where they prevent one or more of the following

1. 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);
2. off-sales being sold in an open container; and,
3. deliveries to buildings used for residential or work purposes.

The following premises are not affected:

- premises licensed after 22 July 2020
- premises licensed for off-sales only, such as shops and supermarkets
- private members' clubs who hold a club premises certificate

The permission or suspension of relevant conditions attached to the premises licence are temporary. The permission, which was originally due to lapse on 30 September 2022, has now been **extended until 31 March 2025**.

You are not required to change either your licence or your premises licence summary to show that you are taking advantage of the new permissions, however you must prepare a statement (known as a Section 172F statement) that that is the case. A template statement for your use is attached to this guidance note.

Please note that:

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

The Government advise that if you are going to start using this permission then you should notify the Council as your licensing authority. This can be done via email to licensing@rbkc.gov.uk



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Business and Planning Act 2020/Licensing Act 2003

Statement for providing off sales in reliance of Section 172F(2) of The Licensing Act 2003

I / We, _____

[full name of Premises Licence Holder]

hereby confirm that I / we will be providing off sales of alcohol in reliance of Section 172F(2) of the Licensing Act 2003.

The supply of alcohol for consumption off the premises shall occur at the following premises:

[Name and address (inc. postcode) of premises]

[Premises Licence number]

on the following days _____

between the hours of _____

The supply of alcohol for consumption off the premises shall occur only whilst the premises are open for the sale of alcohol for consumption on the premises, subject to a cut-off time of 11pm, or the closing time of an existing outside area, whichever is the earlier.

Signed _____

Name (print) _____

Date _____

A copy of this notice must be held by the Premises Licence Holder (or nominated person), and a copy must also be displayed alongside the Premises Licence Summary.

Business and Planning Act 2020/Licensing Act 2003

Statement for temporarily modifying conditions relating to off sales of alcohol in reliance of

Section 172F(5) of The Licensing Act 2003

I / We, _____

[full name of Premises Licence Holder]

hereby confirm that I / we will be providing off sales of alcohol in reliance of the following condition (or conditions) in Section 172F(5) of the Licensing Act 2003 at the following premises

[Name and address (inc. postcode) of premises]

Please tick

a) a condition that off-sales, that would otherwise have been prevented by a condition or conditions of the premises licence from being made at a pre-cut off time* when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, may be made at such a time	<input type="checkbox"/>
b) a condition that off-sales at a pre-cut off time* that would otherwise have been prevented by the condition or conditions of the premises licence from being in the form of alcohol sold in an open container may be in that form;	<input type="checkbox"/>
c) a condition that off-sales at a pre-cut off time* that would otherwise have been prevented by the condition or conditions of the premises licence from being a sale for delivery may be such a sale.	<input type="checkbox"/>

*Pre-cut off time means no earlier than the permitted hours for on sales on that day and no later than 11pm (or earlier if the on sales of alcohol end before 11pm).

Signed _____

Name (print) _____

Date _____

A copy of this notice must be held by the Premises Licence Holder (or nominated person), and a copy must also be displayed alongside the Premises Licence Summary.