

Temporary Extension to permit off-sales of alcohol

The Business and Planning Act 2020 temporarily modified the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences that currently only permit the sale of alcohol for consumption on the premises, to allow the sale of alcohol for consumption off the premises as well. The provisions have been extended and now apply until 30 September 2023.

The intention is to make it easier for licensed premises to sell alcohol to customers for consumption off the premises. The 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. This is subject to a cut off time of 11pm or the closure time of an existing outside area, whichever is earlier.

The licence holder needs to complete a “172F Statement” and display this prominently in the premises and also notify the Licensing Unit (email to premises.licensing@manchester.gov.uk) that they are making use of the exemption.

If you only have on-sales on your licence.

Premises that are not currently authorised to sell alcohol for consumption off the premises at all (in other words “on sales only”) are authorised to provide off sales until 30 September 2023 without the need to make any application to the licensing authority.

Any restrictions on the licence are suspended in so far as they are inconsistent with this authorisation for off sales. For example, if you had a condition stating “No off sales” this would not apply.

These permissions are subject to a ‘pre-cut off time’ of 11pm – the benefits of the legislation do not extend beyond that time. You must be open for the sale of alcohol for consumption on the premises to benefit from the off-sales easement.

You are required to keep a statement making clear that you are relying on the relevant Section (s.172F(2)) of the Licensing Act 2003 permitting you to provide off-sales. The statement must be prominently displayed at the premises alongside the summary of the premises licence.

If you are already permitted on and off-sales.

For premises that are already authorised to sell alcohol for consumption both on and off the premises, any conditions on the licence that purport to limit or prevent deliveries are suspended, any time-limit on the licence for off-sales (e.g. off-sales until 9pm only) and also any conditions which require off-sales to be made only in sealed containers are suspended.

Again, these permissions are subject to a 'pre-cut off time' of 11pm – the benefits of the legislation do not extend beyond that time. You must be open for the sale of alcohol for consumption on the premises to benefit from this easement.

Again, you are required to keep a statement making clear that you are relying s172F(5) of the Licensing Act 2003, and this notice must list the types of conditions that are suspended – they will either be 'No deliveries' type conditions, 'All off-sales must be in sealed containers' type conditions or 'off-sales must cease at x time' conditions – practically speaking, these are the only two types of conditions that are suspended by the legislation. The statement must be prominently displayed at the premises alongside the summary of the premises licence.

Exceptions.

Premises with on-sales only who hope to benefit from the additional off sales permission do not qualify if a "Disqualifying Event" occurred between 22 July 2017 and 22 July 2020 (in other words during the three years immediately preceding the original coming into effect of the provisions). This would include if the licensing authority had refused to grant a premises licence authorising off sales, or to vary a licence to include off sales, or if the licence was varied to explicitly exclude off sales.

Duration.

Permissions for both premises previously only with on sales and those with existing on and off sales under this section will continue until 30 September 2023 or until the permission is revoked or excluded.

Email premises.licensing@manchester.gov.uk to let us know that you are making use of the exemption and attach a copy of your 172F Statement.

Further guidance is available at:

<https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill/alcohol-licensing-guidance-on-new-temporary-off-sales-permissions>