



Home Office

Kit Malthouse MP
Minister of State for Crime and
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BY EMAIL ONLY

Chairs of Licensing Committees

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Dear Councillor

The coronavirus outbreak is causing enormous disruption to all businesses, public services and to individuals across our nation. Local authorities are playing a key role in our response and are under significant pressure. I therefore think it timely to write to you to set out some key areas where licensing authorities may wish to consider a pragmatic and more flexible approach during this outbreak, while ensuring the licensing objectives are safe-guarded.

I appreciate that licensing teams, as well as other local authority services, may now be subject to redeployment or operating with a reduced staff. I would like to express my gratitude to those staff and councillors who are ensuring that the licensing system continues to operate.

The regulations do allow for many hearings to be deferred during the period of social distancing. However, my view is that hearings should proceed, wherever possible. As you may be aware, the Coronavirus Act 2020 provides express provision for remote licensing hearings to take place. Regulations commencing those provisions were published last week.

Local authorities have discretion when considering non-payment or late payment of an annual premises licence fee or a late-night levy charge. While section 55A of the Licensing Act 2003 requires that the licence be suspended, it is possible to delay when that suspension takes effect. Where businesses are experiencing difficulties, I would expect them to make their licensing authority aware. The authority should consider delaying any suspension of the licence where the delay in payment or non-payment is related to COVID-19.

Those premises that remain open during the outbreak may well have key personnel who are self-isolating in line with Government guidance or unwell. It is important that matters such as varying the premises designated premises supervisor are dealt with as promptly as possible.

Retailers may be operating under licences with conditions that may prove difficult to comply with in the current period due to absenteeism. These include, but are not limited to, conditions that mandate the minimum number of staff or door supervisors on site, training

requirements or attending external meetings (such as Shopwatch). A considered and pragmatic approach should be taken to breaches of licence conditions and procedural defects caused by the COVID-19 pandemic, particularly where these breaches or defects do not have a significant adverse impact on the licensing objectives. Licence holders must rectify any breaches as soon as reasonably practicable.

Some licensed premises have restrictions on deliveries as a licence condition. Where this is so, I would urge licensing authorities to follow the wider advice and derogations set out by the Department for Business, Energy and Industrial Strategy. Allowing deliveries outside normal delivery times will be essential in some stores in ensuring adequate supply.

During the current period it may not be possible for applications to be advertised in local newspapers. The regulations provide for flexibility in such cases to advertise in a local newsletter, circular or similar document. I recommend that authorities make applicants aware of this. Authorities should also consider advertising all applications on local authority websites. With blue notices less likely to be seen, authorities should, at a minimum, inform local ward councillors and, where established, local resident groups of all applications relating to premises in their vicinity (for example by email) so they are made aware of relevant applications and are able to make representations in response during the consultation period if they so wish.

These are extremely challenging times. With the right spirit of collaboration, communication and pragmatism, I believe that we can get through them with minimum damage to businesses and to the licensing objectives.

A handwritten signature in blue ink, appearing to read 'Kit Malthouse', with a long horizontal flourish extending to the right.

KIT MALTHOUSE MP
Minister of State for Crime and Policing