

Alcohol in licensed pavement areas

Businesses such as pubs and restaurants are licensed to sell alcohol for customers to drink on the premises ('on-sales').

During the COVID-19 pandemic, the government passed regulations allowing them to sell alcohol for takeaway, delivery and to drink in licensed pavement areas ('off-sales'), without changing their licence.

The regulations expire on 31 March 2025. This consultation sets out permanent options for alcohol licensing after this date.

Option 1: Make permanent the temporary regulatory easements for off-sales under the Business and Planning Act 2020, whereby any on-sales alcohol premise licence automatically covers off-sales as well.

What would this option mean in practice for existing licence holders?

- Holders of licences which only cover on-sales would automatically continue to be entitled to make off-sales, without any need to amend their licence. This would enable pubs and restaurants that only have an on-sales licence to sell alcohol for take-away and delivery.
- It would also allow these premises to sell alcohol for consumption in the area covered by any pavement licence that they have.
- There could be an option for licensing authorities to impose a condition which precludes sales for takeaway and/or delivery and/or for consumption in a licensed pavement area, should that be necessary in connection with individual premises in order to uphold licensing objectives.[1]

What would this option mean in practice for new licence applicants?

- Any premises licence applicant would automatically be able to make off-sales as well as on-sales.
- This means the licence holder would automatically be able to sell alcohol for take away, provide delivery services and to sell alcohol for consumption in the area covered by any pavement licence that they have.
- New licence applicants would still be required to place a notice in a local newspaper.
- There could be an option for licensing authorities to impose a condition which precludes sales for takeaway and/or delivery and/or for consumption in a licensed pavement area, should that be necessary in connection with individual premises in order to uphold licensing objectives. Applicants could also suggest such a voluntary condition.[1]

Further information

- This amendment could be made via a Legislative reform order.
- The process for the grant, variation and renewal of premises licences would remain the same, with no amendments to determination periods, duration of licences, statutory consultees and fee levels.
- Premises licence plans would not need to be amended.

[1]: For example, if takeaway sales were creating anti-social behaviour nearby in the locality (but away from the premises), a condition could remove the automatic granting of the takeaway sales; or a condition might set a terminal hour for sales for consumption in the licensed pavement area, whilst allowing for continued sales for consumption inside the premises, in order to avoid noise problems at night in a residential neighbourhood.

To what extent do you agree that option 1 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Option 2: Amend the wording in the Licensing Act 2003 to extend the definition of on-sales so that it includes consumption in a licenced pavement area.

What would this option mean in practice for existing licence holders?

- This would mean that when the regulatory easements set out in the Business and Planning Act 2020 lapse in March 2025, on-sales only licence holders who wish to continue to sell alcohol for consumption in an adjacent licensed pavement area would automatically be able to continue to do so.
- There would be no need for existing on-sales only licence holders to make any application to vary their premises licence if they wish to continue to sell alcohol in an adjacent licenced pavement area, thus saving businesses time and money. A valid pavement licence would still be required, as is currently the case.
- To sell alcohol for take-away or delivery, an off-sales licence would still be needed, thus requiring a variation to the existing on-sales only licence.
- To mitigate any potential increase in disorder associated with alcohol being consumed in the pavement area, terminal hours for the operation of a pavement licence will remain in place, even if the permitted terminal hours inside the premises are later.

What would this option mean in practice for new licence applicants?

- This option would mean that when the regulatory easements lapse in March 2025, if someone wishes to sell alcohol for consumption in the pavement area, they would need both a pavement licence and a premises on-licence.
- Adopting this option would mean premises that fall into the category above would no longer need an off-sales licence. However, an off-sales licence would still be needed if the business wished also to sell alcohol for takeaway or delivery.
- The process for the refusal of a licence would remain the same, as would the process for appeals and hearings. Licensing authorities and residents would still be able to object to new licence applications if there are concerns about noise, crime and anti-social behaviour.
- New licence applicants would still be required to place a notice in a local newspaper.

Further information

- This amendment could be made to the Act via a Legislative Reform Order.
- The process for the grant, variation, and renewal of premises licences would remain the same, with no amendments to determination periods, duration of licences, statutory consultees and fee levels.
- Premises licence plans would not need to be amended. The pavement area would not form part of the area included in the premises licence plan.
- Local authorities can attach specific conditions to pavement licences where those conditions are reasonable and there is valid supporting evidence for the justification of the condition. Local authorities can revoke a licence or amend a licence with the licence holder's position, under certain circumstances.

- The process for the review of a licence would remain the same. Licensing authorities and residents would still be able to request a review of existing licences if there are concerns about noise, crime and anti-social behaviour.

To what extent do you agree that option 2 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Option 3: Amend the Licensing Act to permit on-sales only premises licence holders the right to make off-sales to any area for which there is a pavement licence.

What would this option mean in practice for existing licence holders?

- As with option 2, this option would mean that when the regulatory easements set out in the Business and Planning Act 2020 lapse in March 2025, on-sales only licence holders who wish to continue to sell alcohol for consumption in an adjacent licensed pavement area would automatically be able to continue to do so.
- There would be no need for existing on-sales only licence holders to make any application to vary their premises licence if they wish to continue to sell alcohol in an adjacent licenced pavement area, thus saving businesses time and money. A valid pavement licence would still be required, as is currently the case.
- To sell alcohol for take-away or delivery, an off-sales licence would still be needed, thus requiring a variation to any existing on-sales only licence.
- To mitigate any potential increase in disorder associated with alcohol being consumed in the pavement area, terminal hours for the operation of a pavement licence will remain in place, even if the permitted terminal hours inside the premises is later.

What would this option mean in practice for new licence applicants?

- This option would mean that when the regulatory easements lapse in March 2025, if someone wishes to sell alcohol for consumption in the pavement area, they would need both a pavement licence and a premises on-sales licence.
- Adopting this option would mean premises that fall into the category above would no longer need an off-sales licence. However, an off-sales licence would still be needed if the business wished also to sell alcohol for takeaway or delivery.
- The process for the refusal of a licence would remain the same, as would the process for appeals and hearings. Licensing authorities and residents would still be able to object to new licence applications if there are concerns about noise, crime and anti-social behaviour.
- New licence applicants would still be required to place a notice in a local newspaper.

Further information

- This amendment could be made via a Legislative Reform Order.
- The process for the grant, variation and renewal of premises licences would remain the same, with no amendments to determination periods, duration of licences, statutory consultees and fee levels.

- Premises licence plans would not need to be amended. The pavement area would not form part of the area included in the premises licence plan.
- Local authorities can attach specific conditions to pavement licences where those conditions are reasonable and there is valid supporting evidence for the justification of the condition. Local authorities can revoke a licence or amend a licence with the licence holder's position, under certain circumstances.
- The process for the review of a licence would remain the same. Licensing authorities and residents would still be able to request a review of existing licences if there are concerns about noise, crime and anti-social behaviour.

To what extent do you agree that option 3 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly disagree**

Options 2 and 3 have the same implications for new and existing premises licence holders. Of the two, which - if either - is your preferred option?

- Option 2
- **Option 3**
- Neither option 2 nor 3
- No preference

Are you responding as a licensing officer or on behalf of a licensing authority?

- Yes
- **No**

Please use this space to provide any comments you have on any matter covered in this consultation [free text]

If your submission is lengthy, please submit your answers via this form and email additional information and data to alcohollicensingconsultations@homeoffice.gov.uk.

Options 2 and 3 could negatively impact the statutory Licensing Objectives of 'Prevention of Public Nuisance' and 'Promotion of Public Safety', especially if introduced nationwide as a wholesale measure.

These proposals make the management of outdoor spaces at licensed premises significantly more difficult, especially around closing time, for at least three reasons:

- If customers have purchased drinks they are free to take away then the premises staff will not be able to collect them and clear away surfaces which can create ambiguity and potentially conflict.

- Customer dispersals may be slowed down by the off-sales element, creating more noise/late noise for local residents.
- Broken glass on pavements becomes more likely which is a safety hazard and a waste management issue.

These are the reasons that Premises Licences (including outdoor spaces) are Conditioned locally on a case-by-case basis. It is inappropriate and harmful to introduce measures which threaten or remove locally-set Conditions.

Option 3 is slightly preferable as it makes explicit that the premises would also need an off-sales licence. Authorities would therefore have to consider issues such as around unsupervised drinking in public places.

In addition, we believe that public health objective should be introduced to the Licensing Act, so that public health authorities responsible for licensing could take into account the current level of alcohol harm and potential impacts to this when making licensing decisions.

Alcohol is the biggest risk factor for death, ill-health and disability among 15-49 year olds¹, costing NHS England an estimated £4.9 billion each year². The availability of alcohol plays a key role in this: research has shown that the density of licensed premises is correlated with alcohol-related deaths and hospital admissions³. Alcohol harm disproportionately affects those in lower socioeconomic groups, with alcohol-related deaths and hospital admissions over 60% higher in the most deprived groups compared to the least.⁴ Alcohol outlet density has also been found to increase with increasing neighbourhood deprivation.⁵ Alcohol also contributes to crime, violence, domestic abuse, and anti-social behaviour. In Scotland, research found that neighbourhoods with the most alcohol outlets had crime rates over 4 times higher than those with the least.⁶

Yet, the current objectives in Licensing Act do not allow licensing decisions to be made based on local population health evidence and local outlet density. Including public health as a licensing objective has overwhelming support among Directors of Public Health in England, with 9 in 10 Directors supporting the change.⁷ The World Health Organisation has highlighted tackling the availability of alcohol as one of the most cost-effective tools to reduce alcohol harm.⁸ Adding protecting and improving public health as a licensing objective would empower public health authorities to improve local health and protect the NHS, improve health inequalities, and tackle crime and antisocial behaviour.

¹ VizHub - GBD Results. (2019). [Global Health Data Exchange](#), Institute for Health Metrics and Evaluation, University of Washington.

² Institute of Alcohol Studies (2024). [Economy](#).

³ Alcohol Research UK (2018). [Alcohol outlet density and alcohol-related hospital admissions in England: a geographical analysis](#). Alcohol Focus Scotland and Centre for Research on Environment, Society and Health (2018). [Alcohol Outlet Availability and Harm in Scotland](#).

⁴ Office for Health Improvement & Disparities (2022) [Local alcohol profiles for England: Short statistical commentary, February 2022](#)

⁵ Angus, C. et al. (2017). [Mapping patterns and trends in the spatial availability of alcohol using low-level geographic data: a case study in England 2003-2013](#). International Journal of Environmental Research and Public Health.

⁶ Alcohol Focus Scotland. (2018). [Alcohol outlet availability and harm in Scotland](#).

⁷ Local Government Association (2016). [LGA Survey: Public Health and the Licensing Process](#).

⁸ World Health Organisation (2017). [Tackling NCDs: “best buys” and other recommended interventions for the prevention and control of noncommunicable diseases](#).