

Consultation Results: Alcohol in licensed pavement areas

This consultation was published on 16 May 2024 under the previous Government. The consultation ran for 8 weeks and closed on 11 July 2024.

The Home Office received a total of 67 complete responses. Responses were received from licensing authorities, trade organisations and residents' organisations, as well as members of the public. The Home Office would like to thank everyone who took part in the consultation and appreciates the time taken to complete the survey.






The consultation contained three options:



- Option 1 focused on the possibility of making permanent the temporary regulatory easements for alcohol off-sales that were introduced under the Business and Planning Act 2020. These alcohol licensing easements currently enable on-sales only premises licence holders to automatically also do off-sales without any need to amend their licence. In practice, this enables pubs and restaurants automatically to sell alcohol for take-away, delivery, and for consumption in a separately licenced pavement area even if they only hold an on-sales licence. Option 1 contained a subsection that, dependent on the respondent's answer, allowed respondents to clarify the rationale for their decision.
 - Out of the 67 respondents, the majority (57%) disagreed or strongly disagreed with the proposal to make the temporary easement permanent. The majority of individuals adopting this stance stated that this was due to increased crime and disorder and/or anti-social behaviour that had resulted from the easement. Other concerns included pavement accessibility for wheelchair users, prams and users of mobility aids. Those who agreed or strongly agreed with the proposal (40%) broadly did so on the basis that proposal would be simple to put into practice and would minimise costs to businesses.
- A second option was given to respondents relating to the possibility of amending the wording in the Licensing Act 2003 to extend the definition of on-sales so that it includes consumption in a licenced pavement area. This approach would ensure businesses that have made use of the temporary easements set out in the Business and Planning Act 2020 could continue to sell alcohol for consumption in an adjacent licensed pavement area without seeking a licence variation.
 - Out of the 67 respondents, the majority (52%) strongly disagreed or disagreed with this proposal. The majority of individuals again cited the increased crime and disorder and/or anti-social behaviour that had resulted from the easement. Other reasons included concerns over pavement accessibility for wheelchair users, prams and users of mobility aids and noise complaints. 37% agreed or strongly agreed with the proposal and broadly did so on the basis that the proposal would be simple to put into practice and would minimise costs to businesses.
- Option 3 asked whether the public support amending the Licensing Act 2003 to permit on-sales only premises licence holders the right to make off-sales to any area for which there is a pavement licence. This approach, like option 2, would ensure businesses that have made use of the temporary easements set out in the Business and Planning Act 2020 could continue to sell alcohol for consumption in an adjacent licensed pavement area without seeking a licence variation.





- Out of the 67 respondents the majority (58%) disagreed or strongly disagreed with this proposal, again due to increased crime and disorder and or anti-social behaviour that had resulted from the easement and concerns regarding pavement accessibility and noise. 27% agreed or strongly agreed with the proposal and broadly did so on the basis that this proposal would be simple to put into practice and would minimise costs to businesses.
- A final question stated that options 2 and 3 have the same implications for new and existing premises licence holders and asked which of the two - if either - would be the preferred option. 30% respondents preferred option 2, 14% preferred option 3, whilst 46% of respondents replied with “neither option”.

Results





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.



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?				
			Response Percent	Response Total
1	Strongly agree		32.84%	22
2	Agree		7.46%	5
3	Neither agree nor disagree		2.99%	2
4	Disagree		13.43%	9
5	Strongly disagree		43.28%	29
			answered	67
			skipped	0

Why do you disagree with option 1? (Select all that apply)				
			Response Percent	Response Total
1	Concerns about increases in crime and/or antisocial behaviour		89.47%	34
2	Other (please specify):		52.63%	20




Why do you agree with option 1? (Select all that apply)				
			Response Percent	Response Total
1	Minimise costs to businesses		81.48%	22
2	Ease of understanding		74.07%	20
3	Simplicity to put in practice		88.89%	24
4	Other (please specify):		40.74%	11
			answered	27
			skipped	40

For those who agreed with option 1, two follow-up questions were asked:

Do you also agree there should be the option to exclude takeaway and/or delivery by means of a licence condition, if deemed necessary by licensing authorities to uphold licensing objectives?				
			Response Percent	Response Total
1	Strongly agree		15.38%	4
2	Agree		50.00%	13
3	Neither agree nor disagree		15.38%	4
4	Disagree		0.00%	0
5	Strongly disagree		19.23%	5






Do you also agree there should be the option to exclude sale for consumption in a licensed pavement area by means of a licence condition, if deemed necessary by licensing authorities to uphold licensing objectives?				
			Response Percent	Response Total
1	Strongly agree		24.00%	6
2	Agree		36.00%	9

Do you also agree there should be the option to exclude sale for consumption in a licensed pavement area by means of a licence condition, if deemed necessary by licensing authorities to uphold licensing objectives?



			Response Percent	Response Total
3	Neither agree nor disagree		20.00%	5
4	Disagree		4.00%	1
5	Strongly disagree		16.00%	4

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.





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?

			Response Percent	Response Total
1	Strongly agree		13.43%	9
2	Agree		23.88%	16
3	Neither agree nor disagree		10.45%	7
4	Disagree		19.40%	13
5	Strongly disagree		32.84%	22
			answered	67
			skipped	0

Why do you disagree with option 2? (Select all that apply)




			Response Percent	Response Total
1	Concerns about increases in crime and/or antisocial behaviour		67.65%	23
2	Other (please specify):		76.47%	26
			answered	34
			skipped	33

Why do you agree with option 2? (Select all that apply)



			Response Percent	Response Total
1	Minimise costs to businesses		66.67%	16
2	Ease of understanding		58.33%	14
3	Simplicity to put in practice		79.17%	19
4	Other (please specify):		29.17%	7
			answered	24
			skipped	43

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.



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?

			Response Percent	Response Total
1	Strongly agree		11.94%	8
2	Agree		14.93%	10
3	Neither agree nor disagree		14.93%	10





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?

			Response Percent	Response Total
4	Disagree		25.37%	17
5	Strongly disagree		32.84%	22
			answered	67
			skipped	0

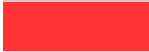



Why do you disagree with option 3? (Select all that apply)

			Response Percent	Response Total
1	Concerns about increases in crime and/or antisocial behaviour		56.76%	21
2	Other (please specify):		70.27%	26
			answered	37
			skipped	30



Why do you agree with option 3? (Select all that apply)

			Response Percent	Response Total
1	Minimise costs to businesses		66.67%	12
2	Ease of understanding		44.44%	8
3	Simplicity to put in practice		72.22%	13
4	Other (please specify):		27.78%	5
			answered	18
			skipped	49

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?

			Response Percent	Response Total
1	Option 2		30.30%	20
2	Option 3		13.64%	9
3	Neither option 2 nor 3		46.97%	31
4	No preference		9.09%	6
			answered	66
			skipped	1

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

			Response Percent	Response Total
1	Yes		28.36%	19
	No		71.64%	48
			answered	67
			skipped	0