

Licensing Without Hiccups

March 2020



Wales Minimum Pricing Comes Into Force

The minimum unit price of 50 pence came into force in Wales on 2 March 2020. The Public [Health \(Minimum Price for Alcohol\) \(Wales\) Act 2018](#) includes a formula for retailers to calculate prices. The media is dubbing the new requirement as “[Wales Strongbow Tax](#)” because the biggest impact will be on strong, but cheap, beer and cider. There is some evidence from Scotland that demand may move from such products to spirits and fortified wines.

Extended Hours in 2020 – May (and, Possibly, August)

The government has [announced](#) that licensing hours will be extended to celebrate the 75th Anniversary of VE Day on Friday 8 and Saturday 9 May 2020 (the early May Bank Holiday is also moving to Friday 8 May). Hours will be extended until 1 a.m. on both evenings for all on-licensed premises which are licensed until 11 p.m. or later. The extension will also apply to regulated entertainment covered by relevant licences.

There may be a further extension later in the year, because the government has also [announced](#) that it is consulting on a proposed extension until 1 a.m. on Saturday 15 August 2020 in celebration of the 70th Anniversary of Victory Over Japan Day. Again, this would be for premises licensed for alcohol and for regulated entertainment.

Ceiling Certificates in Licensed Premises

Following a number of ceilings collapsing in recent years, predominantly in London theatres, but also including a hotel, a number of environmental health officers, particularly in Westminster, are seeking conditions in relation to ceiling certificates on new licence applications. Before the implementation of the Licensing Act 2003, standard conditions for public entertainment licences issued by local authorities frequently required licence holders submit a certificate periodically (typically every three years) covering ceilings and ornamental plaster work in those parts of the premises where the public were admitted.

The “Pool of Conditions” annexed to an early version of the Statutory Guidance to Licensing Authorities (Statutory Guidance) also incorporated suggested wording for a condition relating to ceilings for premises used for closely seated audiences, in theatres, cinemas, concert halls and other similar places used for public entertainment, for the promotion of public safety. The model condition would require that all ceilings in those parts of the premises to which the audience is admitted should be inspected by a suitably qualified person who will decide when a further inspection is necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority. The current revised Statutory Guidance does not include any pool of model conditions, but operators of premises with suspended ceilings should be aware of the potential for concern during consultation periods.



Consultation on Amended FSA Technical Guidance for Allergen Labelling: Next Steps

Legislation requiring full ingredient labelling for foods that are “prepacked for direct sale” (PPDS) was published in September 2019 and will apply in England, Wales and Northern Ireland from 1 October 2021. Many licensed premises may sell foods that are PPDS, as well as other non-prepacked foods (such as meals served in restaurant-style premises). Guidance from the FSA has been eagerly awaited, in the expectation that it would provide further clarity as to which products the new requirements will apply to and how the laws will be applied in practice. A consultation on an amended draft technical guidance for allergen labelling (Draft Guidance) was launched on 23 January 2020, closing on 6 March. The Draft Guidance does include some examples of what will and will not be considered as PPDS foods, but is largely based around the previous consultation document, which specified:

This applies to foods that have been packed on the same premises from which they are being sold. Foods “prepacked for direct sale” are treated in the same way as non-prepacked foods in EU FIC’s labelling provisions. For a product to be considered “prepacked for direct sale”, one or more of the following can apply: (1) it is expected that the customer is able to speak with the person who made or packed the product to ask about ingredients; and/or (2) foods that fall under this category could include meat pies made on site and sandwiches made and sold from the premises in which they are made.

Nicola Smith has published an [article](#) detailing the background to this consultation and some of the examples given in the Draft Guidance as to what products will be considered as PPDS foods. We recommend licensed businesses review whether, under the Draft Guidance, any of the foods (or drinks) served could fall within the definition of PPDS. If so, an assessment should be undertaken as to what procedures and safeguards will be required to ensure accurate labelling, not only of the 14 specified allergens under the EU FIC, but also all ingredients.

Digital Proof of Age

PASS, the scheme that audits and accredits proof of age schemes, are consulting with retailers and others, in relation to the acceptance of digital proof of age (which could be produced on a phone, for example) in physical premises. The consultation is available on the PASS [website](#) and is open for comment until 30 April 2020.

It is, of course, the case that mandatory conditions attached to all premises licences authorising the sale of alcohol require that the age verification policy must require ID bearing a photo, date of birth and either a *holographic mark* or an *ultraviolet feature*. It is difficult to see how a digital system could meet that requirement. Therefore, until there is a change to the conditions, any digital proof of age should not be accepted by licensed operators and retailers for the sale of alcohol.

Parliamentary Beer Group Report: Unlocking Pubs Potential

The All Party Parliamentary Beer Group launched a report on 26 February, which can be downloaded through the [beer group inquiry website](#), setting out the findings of its inquiry and recommending a government review of business rates for pubs and a reduction of beer duty.

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