



Community Services

Our Ref: Licensing Advice
Please ask for: Daniel Pattenden
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Date: 07 January 2021

Urgent Please Read

Dear Sir or Madam,

Letter of Advice - The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 - The Health Protection (Coronavirus, Restrictions) (No. 3) and (All Tiers) (England) (Amendment) Regulations 2021

The Government announced a new national lock down on Monday 4th January 2021, this came into force Wednesday 6th January 2021. To achieve this the government have amended The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020. Specifically, they have amended Tier 4 to achieve this.

St Albans City and District Council was previously in Tier 4. All areas of England are now in an amended version of Tier 4.

The regulations now state the following:

13.—(1) Paragraph 11(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 15(6)—

- (a) from selling food or drink (but not alcohol) for consumption off the premises between the hours of 05:00 and 23:00;
- (b) from selling food or drink (but not alcohol) for consumption off the premises between the hours of 23:00 and 05:00 by a method of sale permitted by sub-paragraph (2).
- (c) from selling alcohol by a method of sale permitted by sub-paragraph (2)(a);

(2) The methods of sale permitted under this sub-paragraph are—

- (a) making deliveries in response to orders received—
 - (i) through a website, or otherwise by online communication,
 - (ii) by telephone, including orders by text message, or
 - (iii) by post,
- (b) providing food or drink to a purchaser who collects the food or drink that has been pre-ordered by a means mentioned in paragraph (a), provided the purchaser does not enter inside the premises to do so, or
- (c) providing food or drink to a purchaser who collects the food or drink in a vehicle, and to whom the food or drink is passed without the purchaser or any other person leaving the vehicle.

Restricted businesses and services for purposes of Part 3 of this Schedule

(6) The following businesses and services fall within this sub-paragraph—

(a) restaurants, including restaurants and dining rooms in hotels or members' clubs;

(b) cafes

(c) bars, including bars in hotels or members' clubs;

(d) public houses;

(e) businesses providing food or drink prepared on the premises for immediate consumption off the premises, but not including—

(i) supermarkets,

(ii) convenience stores, corner shops and newsagents,

(iii) pharmacists and chemists, or

(iv) petrol stations;

(f) social clubs.

What this means for you

A premises with a primary function that falls into the restricted businesses sub-section 6 (shown above), cannot sell alcohol except for delivery. Any delivery must be off the premises, alcohol cannot be provided for consumption on the premises or within the curtilage of the premises.

The exception allowing the sale of alcohol by deliveries is clearly not intended to be the equivalent of click and collect i.e. to a vehicle in a car park or under a gazebo. It is the intention of the Regulations to reduce the amount of individuals leaving their homes by reducing the purposes for which they can leave. You now cannot leave to collect off sales of alcohol from pubs, bars, restaurants etc. This is intended to eliminate the temptation to drink unsealed off sales by solely permitting off licence premises to sell alcohol to customers attending the premises.

Any premises, listed in sub section 6, can remain open to serve food and non-alcoholic drinks between the hours of 5am and 11pm for take away. Food and non-alcoholic drinks can be sold between 11pm and 5am by delivery or click and collect in response to a pre order.

You can find the legislation in full at:

<https://www.legislation.gov.uk/ukxi/2020/1374/contents>

Guidance can be found at:

<https://www.gov.uk/guidance/national-lockdown-stay-at-home>

If you have any questions please feel free to contact us.

Yours faithfully

Daniel Pattenden

Senior Licensing Officer