

Licensing – FAQs

Please feel free to [contact us](#) if you have a question which is not covered here.

Alcohol & entertainment

What happens if I open before the Government allows me to?

Business owners and managers may be fined if they breach the Government order to remain closed. This would be enforced by emergency powers, not through your licence. It is possible that the Local Authority may (in addition) look to call a review of the licence where it feels there has been a flagrant breach of a Government Order undermining the Public Safety objective of the Licensing Act 2003.

What happens if I breach a licence condition, but I couldn't help it?

Some conditions may prove impossible for businesses to comply with due to staff illness / self-isolation etc.

In the ministerial letter of 8 April, the Minister recommended that Licensing Authorities should take a considered and pragmatic approach to breaches of licence conditions and procedural defects caused by the pandemic:

“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 Pubwatch). 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.”

In the majority of cases it is unlikely to be in the public interest to take action to enforce conditions or breaches of conditions where such breaches are caused by the pandemic.



Do I still have to pay the annual licence fee for my premises licence?

There have been calls from licensees in all areas for reduction or suspension of licence application fees. Many businesses have been forced to close or substantially change their operating model, whilst others face an extreme downturn in business.

There is no specific exemption on offer at this time to allow you to avoid paying your annual licence fee which is set by central Government not North Somerset Council. The Council's power if you fail to pay your annual fee is to suspend the licence. It would be reinstated once the outstanding annual fee is paid. Councils have the power to pursue unpaid fees as a civil debt. It is unlikely that we would take the steps of suspending licences or suing licensees in these extraordinary times, but that will depend on your individual situation. Payment may be considered later within the year but will still need to be paid. Please contact the Licensing team to discuss individual cases further.

What if my Designated Premises Supervisor can't be at the premises because of COVID-19?

It is not a requirement in any circumstances for a DPS to be physically present at the premises, unless there is a specific condition on the premises licence requiring the DPS to be present at all times. Such a condition is unusual. The role of a DPS is to be the point of contact with the Responsible Authorities and to have day to day management of the premises and a good awareness of what is happening there. Some elements of management and awareness can be conducted remotely. If the DPS is unable to fulfil their role for a short time, this is not an immediate offence. It is important to have a written record of who is authorised at the premises to supply alcohol. If your DPS will be away long term, or you lose contact, then you should consider a variation of the DPS, through an application to the Council.

Can I provide take-aways and home deliveries?

Yes, you can. The Government has specifically envisaged this and confirmed that any planning restrictions (such as use class) that would normally prevent the use of premises for takeaways will be relaxed. A similar attitude is likely to be applied in licensing, although there was no formal announcement. Takeaways would fall under the licensable activity of "providing late night refreshment" which will occur if:

"at any time between the hours of 11.00 p.m. and 5.00 a.m., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises".

Your licence will specify if you are licensed for the supply of alcohol or the supply of late-night refreshment, for consumption on or off the premises or both.

You must also check the conditions on your licence to see if you have restrictions for making “off-sales in sealed containers”. If so you will not be able to sell say a pint of beer or a single glass of wine.

If your licence specifies “for consumption on the premises only”, this is the part which you may need to alter in order to allow take away alcohol or deliveries. It will help if you can explain clearly what you want to do, and any additional safeguards that you will need to take. If you plan to supply alcohol as home deliveries, you must be very careful to observe age checks to ensure that no under-age deliveries take place. Anyone who is not a personal licence holder will need to be authorised to supply alcohol by a personal licence holder, whether on or off the premises.

There are no restrictions of any type on the delivery of cold soft drinks and cold food. The usual restrictions on the supply of hot food and hot drinks relate to supplies for consumption on or off the licensed premises between the hours of 23:00 and 05:00 only. There are no restrictions outside of those times. If you have conditions on your licence in relation to supplying hot food and hot drinks between 23:00 and 05:00, it is possible that these may be relaxed and not enforced during this emergency period, but this will depend upon the particular premise involved. It is a good idea to contact the Licensing Department and ask for their response to your specific proposal at this time.

You may also need additional advice from the Council [Food, Health & Safety Team](#) if take-away food operations are new for your business.

You will need to think very carefully about providing PPE (personal protective equipment) to your delivery staff, to protect them and the people taking the products delivered. Door to door deliveries must be carefully managed to restrict the spread of the virus through that means.

I was planning a festival or outdoor event. What shall I do?

Under Government guidance as it currently stands, this falls under the category of unnecessary social contact, and most were being called off in the current circumstances in any event.

If you have a licence in place ready with conditions that specify compliance with event management plans, including involvement of national emergency services then you need to take into account Government guidance given on 16 March that the Government has adopted powers to shut down mass gatherings and will not support them with emergency workers. If your conditions or event management plans require you to involve emergency services in a particular way, then it is likely that you would be unable to comply with those conditions, as the emergency workers cannot cooperate with you.

If you have conditions on your licence which specify that the event will only take place on specific days or within a specific window of time, you will need to discuss this with your local Council (Licensing Department). Some conditions will also specify that preparation for the event, in the form of event management plans, or SAG meetings etc. should take place by a certain time. If these conditions would no longer be applicable in your new circumstances, for example because you will defer your event to later in the year, then this might technically constitute a breach of a licence condition. It might be possible to vary the licence, either as a minor variation or a full variation, but there may be fees applicable. You should discuss your specific circumstances with an adviser, or the Council Licensing Department to see what might be possible for you.

If you are looking in due course to arrange a new event (subject to the necessary Government easing of restrictions) please contact the Licensing Team who will be able to advise you on the processes and timescales involved.

I served a Temporary Event Notice (TEN) but now the event cannot go ahead. What shall I do?

Premises users can cancel TENS submitted for events which cannot now proceed but there is no provision for any refund of the fee. The Council will have already carried out work in processing these TENS.

If you want to maintain your available number of TENS for the rest of the year, you could cancel the one/s that you cannot proceed with now. There is no provision for the return of the £21 fee that you paid.

A temporary event notice can be withdrawn not less than 24 hours before the first day of activity under the notice, but there is no reference in the legislation to any refund in those circumstances.

If you are planning on holding the event later in the year and all details (other than the date) remain the same as originally proposed, the Council may honour the notifications. Please contact the Licensing Team who will be happy to advise on individual circumstances.

Where can I get more advice on opening safely once I am permitted?

There is lots of useful general guidance provided by [GOV.UK](https://www.gov.uk) which will continue to be updated as more restrictions are lifted.

The Council regulatory teams will be working with businesses over the coming weeks and months to give advice and guidance where possible as more sectors of business begin to reopen. Please feel free to contact the Licensing Team who will be happy to assist and can signpost you to another team if they can help too.

Street Cafes and Street Trading

When I am permitted to open again can I use the area directly outside my premises to sell items from my shop?

As long as the goods you are selling are placed directly at the frontage of your premises and are those which you would normally sell inside then yes you can. You must still allow 2m clear pedestrian access to allow for people to walk past and to safely pass with buggies or wheelchairs.

You will still need to be mindful of social distancing measures for your customers and staff and need to risk assess this before implementation.

You may also need to check with your public liability insurers that you are covered for external areas which are not normally in use.

I would like to set up a stall or market away from my normal business or as a new project. Can I do this?

If the public have access to the stall(s) without paying to approach, then you will need a Street Trading consent. The Licensing Team will be happy to talk you through the process and you can then [apply online](#).

I have a Street Café permission. Can I change the size and layout to assist with social distancing?

We are committed to helping businesses get back on their feet and with helping to maximise capacities. We need to balance this with a need to ensure safe passage for passers-by and the ability of the business to monitor and maintain the area safely.

Each case will be dealt with on individual merit and we suggest you contact the Licensing Team to discuss your situation and to obtain further government guidance as soon as this becomes available.

Will I have to pay for a whole year of my permission even though I have been unable to trade?

Each case will be looked at on its own merits, but the Council will look to pro-rata any annual street café fees dependent on use and adjusted table numbers.

Street Traders with annual pitches have been contacted to discuss their ability and period of trading, and fees have been adjusted accordingly.

For cancelled short term events, so long as the event is rescheduled, and all terms of the street trading permission remain identical (save for the date) then these will be honoured.

In all instances please contact the [Licensing Team](#) for further advice and clarification.

Taxi & Private Hire

I want to carry on working but am worried about the spread of infection. How can I keep myself and my passengers safe?

The Government have issued specific [guidance](#) for people working in the public transport sector. There is also additional information on the [GOV.UK](#) website:

We recommend that you only seat passengers in the rear of the vehicle and wipe down all hard surfaces, including door handles regularly with an antibacterial wipe. Wash your hands frequently or use an antibacterial gel and try to avoid touching your face. Where possible keep the recommended 2 metres distance from your passengers.

Any modifications made to your vehicle must be approved by the Licensing Authority first – so we strongly suggest you contact us for advice if you are considering making any alterations to the interior of your vehicle.

We are aware that some drivers/vehicle proprietors wish to fit partition screens in their vehicles. Whilst the Licensing Authority does not endorse any screens currently available on the market, we do recognise that these are unprecedented times and want drivers/vehicle proprietors to be able to make a choice about their own personal safety and that of their passengers.

If you decide to fit a screen in your vehicle it is your responsibility to ensure that:

- It is completely safe, purpose built from a manufacturer, compatible to your vehicle and **MUST NOT** be a homemade DIY screen.
- It is installed by a competent person and according to any installation instructions supplied.
- It is cleaned frequently, using the right products and in line with Government guidelines
- Any fixtures and fittings do not interfere with the entry and egress of passengers, particularly in the event of an accident
- Any fixtures and fittings are secure at all times and must be regularly inspected for wear and tear
- The screen, and its fixtures and fittings do not interfere with any of the vehicle controls. This includes any interference to the safe deployment of any side airbags in the event of an accident
- The screen is clear and does not impair the driver's rear vision.
- Your insurance company is aware that you have installed a screen
- Passengers are aware that they should avoid touching the screen

I have read that MOTs have been extended for six months. How does this affect me?

The DVSA have announced that all cars and motorcycles will be granted a 6-month exemption from MOT testing from 30 March 2020, enabling them to '**continue to**

travel to work where this absolutely cannot be done from home, or shop for necessities.’ Vehicles must be kept in a roadworthy condition, and garages will remain open for essential repair work. Drivers can be prosecuted if driving unsafe vehicles.

You will be able to renew your vehicle licence with an extended MOT but will need to provide us with a copy of the new MOT as soon as possible.

AMS Garage are still open for compliance tests and we now recommend that you book any delayed tests as soon as possible. **From 1st July 2020, all vehicles will now need a compliance test to licence a vehicle.**

I have been unable to get a replacement DBS and/or Medical check, will I still be able to remain licensed?

The expiry date of both DBS checks and medicals has been extended by six months to allow for the delays in obtaining these. If you are able to arrange a Medical please do so, we will be resuming DBS checks in the near future.

All licences are issued with a condition attached requiring licence holders to advise the Council of any new convictions/cautions and also any change in medical circumstance. If a licence holder is found not to have done this without reasonable cause they may expect to have their licence suspended with immediate effect to protect public safety.

I would like to apply for a private hire or hackney driver licence?

Unfortunately, we are unable to process any brand-new applications for driver’s licences at the moment, as the office is closed, and we are unable to confirm your identity in person. If you have already undertaken the driving assessment and safeguarding awareness training, we may be able to extend the dates of these so that they remain valid when we are able to accept applications.

Will I still get physical plates and/or badges to display?

We are currently limited in access to the equipment used to prepare these items. You will be sent an exemption certificate allowing you to continue to display expired items until replacements are available. Please carry this with you at all times so that passengers can be reassured that you are still licensed.

We are sending some plates and badges by post when we are able and would ask that when you receive them you display them immediately rather than using the exemption.

If you have any other queries please contact the [Licensing Team](#) for further advice and clarification.