



8 February 2021

Kit Malthouse MP  
Minister of State for Crime and Policing  
Home Office  
2 Marsham Street  
London  
SW1P 4DF

Dear Minister

I am writing on behalf of the National Licensing Forum (NLF). The NLF brings together regulators, industry representatives (from both the on and off-trade), and government with a common interest in alcohol and/or entertainment licensing law and practice. COVID-19 has had a devastating impact on the licensed sector (including hospitality) and NLF members are keen to discuss and contribute to plans for relaxation of the current restrictions on hospitality and the issues faced by retail businesses. NLF members are ideally placed to discuss the practical implications of any proposals relating to the hospitality and retail industries prior to their implementation.

Your letter dated 8 April 2020 to Chairs of Licensing Committees was a welcome communication at an ideal time, encouraging a pragmatic, collaborative and communicative approach by licensing authorities to support businesses at a time of extreme difficulty brought about by the initial lockdown that was necessitated by the pandemic.

It has been gratifying and very much appreciated to see that the vast majority of licensing authorities have worked (and continue to work) extremely hard, under difficult circumstances to provide a licensing function and support businesses, in a pragmatic way where necessary, to enable them to continue operating.

We are aware of the firmer enforcement position advocated by the Government in relation to breaches of coronavirus regulations. As a group, we support the need for enforcement where there are clear breaches of coronavirus regulations, including premises opening or operating in breach of restrictions and facilitating illegal gatherings.

We noted the position as set out in your letter of 22 December 2020 to UKH, BII and BBPA, in relation to licence fees and levies. We would support any future measures to introduce some legislative flexibility around these issues. This would enable licensing authorities (or central government) to respond to national or local emergencies, and ease these financial burdens where premises licence holders are unable to operate their businesses or are forced by the prevailing circumstances to operate under severe restrictions.

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*The Institute of Licensing chairs and provides the secretariat for the National Licensing Forum.  
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We also support the suggestion that minor variations are used as a means to remove or amend conditions or restrictions (possibly on a temporary basis) to alleviate onerous requirements on businesses.

It would assist businesses if they could be confident that the licensing authority will not require them to apply and pay for a full variation application to remove or amend conditions or restrictions, as we emerge from the current lockdown. With that in mind, it would be extremely helpful if licensing authorities could be encouraged to accept such amendments by way of minor variation applications where there is no likelihood of detriment to the licensing objectives.

A further measure that has the potential to assist businesses and local authorities in the future is the shadow licence. The expression “shadow licence” describes the situation where a premises licence is granted to one party in respect of a premises where another party already holds a separate licence. The concept of shadow licences was approved by the High Court in 2013.

A shadow licence is particularly beneficial to the owner of premises which are operated by a tenant who holds the active premises licence. Should the licence held by the tenant cease to exist, the shadow licence ensures that the property retains the valuable benefit of a premises licence, which is capable of being transferred to a new tenant.

In the current circumstances, with so many hospitality businesses entering into administration, the benefit of a shadow licence is greatly increased as it enables there to be business continuity and avoids properties becoming vacant. It would therefore be most helpful if shadow licences could be positively supported by the relevant authorities where they do not pose any threat to the licensing objectives.

We have provided these examples of specific areas where we feel that the previous messaging in your April letter to Licensing Committee Chairs is particularly relevant and capable of achieving practical benefits in the future. If there is any opportunity for a reiteration of the message, particularly in relation to the use of minor variations and shadow licences, this would be extremely helpful.

Prior to the end of the current lockdown period, there is another way in which the NLF can make a contribution. In the past there have been issues concerning a perceived conflict between the regulations and guidance resulting in mixed messaging to licence holders, regulators and the public.

NLF embodies collaboration and partnership and would be pleased to work with the government on any draft provisions, in an effort to ensure consistency of interpretation and implementation of future regulations and guidance. We feel that working together gives us all the best opportunity to ‘Build Back Better’ as we begin to move towards reopening and recovery.

Yours faithfully

Sue Nelson, Institute of Licensing



On behalf of members of the National Licensing Forum, including:

- Association of Convenience Stores
- British Beer and Pub Association
- British Institute of Innkeeping
- British Retail Consortium
- National Association of Licensing and Enforcement Officers
- National Pubwatch
- National Police Chiefs Council
- Night Time Industries Association
- The Retail of Alcohol Standards Group
- UK Hospitality
- Wine and Spirit Trade Association

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Cabinet Office  
Department of Health

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