National PubWatch Conference 2025

Legal update and Government Strategies

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Political state of play

JH

- Budget fall out – Labour under pressure on hospitality issues
- Finances tight – Effects outlook for Spring statement and next Budget
- Growth is the North Star – deregulatory agenda?
- MPs still finding their feet / already looking over their shoulder

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Political capital of beer and pubs

- Big economic value across the country
- Local impact of the beer and pub sector
- Social, economic, cultural value – Emotive capital

Public health policy – alcohol harm

JH

- Proposed ban to smoking in public spaces, including pub gardens
- Not going ahead, but need to remain vigilant
- Spring – new 5 point plan to tackle health inequalities
  - Will include alcohol harm
  - The industry is already well positioned vis-à-vis No/Low
  - Not interested in following the Scottish model of regulation for England

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Public health policy - licensing

JH

- Previous Public Health Minister was focussed on the availability of cheap alcohol

- Also saw as pubs a key component in moderating and regulating drinking

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Public health policy - licensing

- Minimum unit price in Scotland currently stands at 65p per unit
- Minimum unit price in Wales currently stands at 50p per unit
- 72 hour rule applies in Scotland
- Similar but more stringent prohibitions on drinks promotions in Scotland
- Minimum unit pricing introduced in 2018 but figures from 2024 indicated that deaths related to alcohol were at a UK wide 15 year high
- ONS figures from 2025 reveal that Scotland still has the highest rate of alcohol deaths in the UK, being 22.6 per 100,000 people when compared to 18.5 in Northern Ireland, 17.7 in Wales and 15 in England. ***However, this data will be as a result of consumers having drunk heavily over a number of years prior to the introduction of the initial minimum unit price in 2018.***

What effect will the new unit price have?

Type of alcohol	50p (old min. price)	65p (new min. price)
Whisky (70cl bottle at 40% ABV)	£14	£18.20
Vodka (70cl bottle at 37.5% ABV)	£13.13	£17.06
Lager (500ml can at 4% ABV)	£1	£1.30
Cider (1 litre bottle at 5% ABV)	£2.50	£3.25
Red wine (75cl bottle at 12.5% ABV)	£4.69	£6.09

Source: BBC Research

BBC

Changes to the Licensing Act

NL

Licensing Hours Extension Bill

- Genesis was due to the 2023 Women's World Cup final situation
- Private Member's Bill
- Easement to Licensing Act 2003
- Designed for when Parliament is in recess
- Supported by the Home Office
- Currently in Committee stage of House of Commons
- If approved, the Bill when it becomes an Act will mean that any approval to any extension proposed by the Minster would require a negative resolution as opposed to an affirmative resolution.

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Broader licensing regulation

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- Previously used on the Coronation of His Majesty the King, her late Majesty the Queen's 90th Birthday and Platinum Jubilee, 2014 FIFA World Cup Final and the Euro 2024 Final
- Football fans can "get properly on the lash" [Tory Peer]
- The extension can be used for all "exceptional international, national or local" significant occasions.

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In response to the proposal, the Local Government Association has taken the opportunity to raise more “critical areas” with the Government:

- Licensing fees review.
- Public Health as a licensing objective.
- Put Cumulative Impact Assessments on a statutory footing.

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Broader licensing regulation

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Age verification / Digital ID

- Digital ID sales will be allowed for alcohol sales in shops, pubs etc following a formal Government consultation
- No change is proposed at the moment to remote sales nor the use of age estimation technology
- Digital verification service providers will need to be independently certified against “the Trust Framework”
- Those certified against the Trust Framework will be included in a register of digital verification service providers which can be accessed by pubs, shops etc
- Retailers will still be at liberty to refuse the sale of alcohol

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Age verification / Digital ID

- Data (Use and Access) Bill is working its way through Parliament which will allow the Government to amend the Licensing Act 2003 to make provision for digital ID to be accepted
- Onus still on retail acceptors to verify the identification matches the customer
- A one-time solution for retailers would be preferable than multiple service providers listed on a register
- PASSCO has a ready-made solution with digital ID
- Deadline - December 2025

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Off sales relaxations

- On 22nd July 2020 during the pandemic premises not authorised to sell alcohol for consumption off the premises were authorised to provide off-sales until 23:00
- Designed to maximise the use of outside space, click and collect and home delivery
- Relaxation continued through legislative extension until 31st March 2025

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Off sales relaxations

- Consultation undertaken between 16th May 2024 and 11th July 2024 about the future of the off-sales relaxation – whether it should be made permanent or just apply to alcohol provided into areas covered by Pavement Licences
- 27th February 2025 – Government confirmed easement would end on 31st March 2025
- National Guidance amended at paragraph 8.65 to read:

  "8.65 For other licensable activities, licensing authorities will need to consider each application on a case-by-case basis and in light of any licence conditions put forward by the applicant. If an on-sales only licence holder wishes to add off-sales to their licence, licensing authorities may in the first instance wish to treat applications as a minor variation, in particular when the holder took advantage of the Business and Planning Act 2020 provision, and there has been no adverse impact on licensing objectives. *Section 11 (2) (2)".*

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Martyn's Law/Terrorism (Protection of Premises) Bill

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'Protect Duty' will "Require persons with control of certain premises or events to take steps to reduce the vulnerability of the premises or event to, and the risk of physical harm to individuals arising from, acts of terrorism"

<u>Scope</u>

Qualifying premises – buildings/land

- Standard Tier: reasonable to expect from time to time 200 or more individuals may be present
- Enhanced Tier: 800 or more individuals

Qualifying Events - building and/or land

- Premises are not already enhanced duty qualifying premises
- Reasonable to expect that at some point during the event 800 or more individuals may be present at the same time
- 'check on entry' test

Below 200 for premises or below 800 for events, out of scope.

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Martyn's Law/Terrorism (Protection of Premises) Bill

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Requirements

Standard Tier:

- Notify the regulator (SIA)
- Public protection **procedures**
- Simple, low-cost activities surrounding policies and procedures
- Required to be followed by staff in the event of a terrorist attack or suspected attack
- No requirement for physical measures to be put in place or the purchase of equipment
- Evacuation, Invacuation, Lockdown , Communication

Workers must be made aware of these procedures

Objective – to reduce the risk of physical harm at the premises (or event) or immediate vicinity

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Martyn's Law/Terrorism (Protection of Premises) Bill

Enhanced Tier: Requirement:

- Notify the regulator (SIA)
- Where the responsible person is not an individual, appoint a Designated Senior Individual
- Put in place reasonably practicable **procedures** as per standard tier
- In addition, reasonably practicable **measures** to:
- Reduce vulnerability of premises to attack and reduce risk of physical harm
    - Monitoring, e.g. CCTV
    - Movement, e.g. barriers
    - Security of information, e.g. restricting access to building floor plans
    - Physical safety and security, e.g. Hostile Vehicle Mitigation, reinforced glass, higher fencing
- Document procedures and measures and provide to the regulator

Martyn's Law/Terrorism (Protection of Premises) Bill

Regulator:

- Security Industry Authority ("SIA")
- Enforcement – compliance and restriction notices, fines.

Martyn's Law/Terrorism (Protection of Premises) Bill

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Practical points and timeline

- Two years' lead time after Royal Assent
- Updated Martyn's Law fact sheets on www.gov.uk/government/publications/terrorism-protection-of-premises-bill-2024-factsheets
- Updated Martyn's Law webpage on Protect UK www.protectuk.police.uk/martyns-law
- New page on Parliament website https://bills.parliament.uk/bills/3765
- Factsheets on different areas of bill - scope, requirements, responsible person, regulator, sanctions, reasonable expectation of attendance. https://www.gov.uk/government/publications/terrorism-protection-of-premises-bill-2024-factsheets
- Sector Guidance from SIA and from Secretary of State will follow in due course.

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Statutory Pubs Code review

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- BBPA recent round table with Minister Justin Madders MP
- Most interested in:
  - Hybrid model
  - SIBA campaign for Guest beer provision

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Community right to buy

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Community ‘Right to Buy’ contained within English Devolution Bill

- Replaces the current ‘Right to Bid' policy where:
  - Community groups can apply to register a building or land with their local authority as an asset of community value (ACV)
  - If the owner puts a registered asset or sale, a six-month sale moratorium period is triggered
  - The owner is under no obligation to sell to the community bidder

- Community ‘Right to Buy’ will strengthen this by:
  - Giving community bidders the right of first refusal on the sale of an asset at an independently valued price
  - Expectation is that a new Right To Buy would be consulted upon in Summer 2025

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Employment Rights Bill

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Key manifesto commitment

Led by Deputy PM and Business Secretary

Pro-business versus pro-worker

Post Budget, the Bill under more pressure and being watered down?

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Employment Rights Bill

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Employment rights from day 1

- Two year unfair dismissal qualify period removed
- New statutory probationary period (likely to be 9 months)
- Right to request flexible working
- Bereavement / parental leave and paternity leave all a day 1 right

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Employment Rights Bill

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Effect on seasonal workers

- “Zero hours” contracted workers or those regularly working more than lower guaranteed hours have a right to move to a guaranteed hours contract (period likely to be 12 weeks)
- “Zero hours” contract workers given the right to a reasonable notice of change to shifts or working hours
- Workers will have the right to compensation for shifts cancelled or curtailed

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Employment Rights Bill

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Sexual harassment

- Employers must take all reasonable preventative steps to prevent sexual harassment
- An obligation on employers to not permit harassment of their employees by third parties
- Regulations to specify steps to be regarded as “reasonable” to prevent harassment

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Home Office policy

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Drink spiking

- January 2023: “Existing offences cover all methods of spiking, including by drink, needle, vape, cigarette, food or any other known form” – Home Office Minister
- November 2024: Spiking will become a new standalone offence
- Additional training provided to staff working in the night-time economy on how to spot and tackle spiking

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Home Office policy

Ask Angela / Ask Clive

- November 2024 – BBC found 13/25 venues failed to pick up on the code word
- December 2024 – Safeguarding Minster Jess Phillips commented she felt the scheme was “wanting”
- Licence condition “if appropriate / proportionate”
- Not legal requirement but good practice
- Why is it good practice?
    - 97% of women aged 18-24, and 80% of all women said they had been sexually harassed in public spaces in the UK.
    - 53% of women experience sexual harassment in a pub, club or bar.
    - 1 in 5 LGBTQ+ individuals have experienced a hate crime or incident because of their sexual orientation and/or gender identity.
- Home - Ask For Angela

JH /JS

Q&A