

## **Brewers and distillers - get the information you need to face COVID-19 head on!**

This is not a time for panic, nor is it a time for woolly inspirational quotes, rather it is a time for pragmatism and pulling together. At TLT we have been fielding calls, emails, Tweets and LinkedIn messages from our clients and contacts in the brewing and distilling world. We committed to sharing knowledge and advice, so in conjunction with our partners at TBAS and SDA we have compiled a list of FAQs.

### **With the Government's recent advice around the public avoiding pubs, restaurants and other licensed premises traditional routes to market are drying up, can I offer a home delivery service?**

You must have a premises licence or occasional licence<sup>1</sup> containing permission for off sales of alcohol covering the premises from which the alcohol is being dispatched.

### **Does my licence have to specify I do home delivery or remote sales?**

Whilst some licensing boards have noted in their policy statements alcohol deliveries should be specified as an activity it is our view the police and licensing boards will take a relaxed approach to enforcing any restrictions of this nature in the present climate.

### **I've never delivered to the public before, are there any special rules?**

Yes:

- You must keep delivery records (see below) on the premises and within the delivery vehicle;
- No deliveries before 6am or after 12 midnight;
- All orders payments must be processed during licensed hours (usually 10am to 10pm, but check your specific licensed hours for off-sale);
- Challenge 25 must be applied when delivering alcohol.

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<sup>1</sup> This is available to temporarily licence unlicensed premises. Licensing Boards at this time are willing to look at accepting applications at short notice

## What records do I need to keep?

There are set record keeping requirements, namely:

- the quantity, description and price of alcohol, and
- the name and address of the person to whom it is being delivered.

Delivering the alcohol to an address other than as per the order form is an offence, so it cannot be left with a neighbour and any re-direction would require the day book and invoice order updated.

## Can I use a delivery company?

If you are planning to despatch alcohol via a third party it is your responsibility to ensure that their service complies with the law, the major issue being delivery of alcohol to under 18s. Thus, the delivery driver/courier must seek proof of age at the point of delivery.

## How can I age check someone who is self-isolating?

This may prove very difficult where a customer is self-isolating, the law anticipates face to face contact and the physical verification of ID at the door step. At the point of taking an order ask customers if they are self-isolating and have processes in place to mitigate the risk such as having copy ID sent in advance matching the payment information. If in doubt, please seek specialist advice about due diligence options and risks that may arise.

## I am worried about my cash flow, how should I be managing this?

At this time you should be monitoring cash flow and finances very closely, even daily, and checking contractual liabilities. Can supplier terms be extended? Can payments be staggered? What other savings can be made? Projections should be prepared for the next three months with a worst case scenario in mind.<sup>2</sup>

## As production levels drop due to pub, bar and restaurant closures can I reduce staff hours?

Some employment contracts may allow small reductions to normal working hours, significant reductions will likely require the consent of the employees in question.

## I don't want to consider this but what if I need to make staff redundant?

Staff with over 2 years' continuous service would be entitled to receive statutory redundancy pay. A fair and reasonable consultation process should be followed.

Where a business is proposing to make 20 or more redundancies within a 90 day period at a single establishment, enhanced collective consultation obligations are triggered and you should seek advice.

## If closures of premises are enforced by Government will my insurance kick in?

Businesses will have a myriad of different policies so there is no "one-fits-all" answer on this. First thing to check is if you have business interruption insurance that covers notifiable diseases. The position is changing rapidly so further advice on this will follow. For further guidance, please see Association of British Insurers website [here](#)

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<sup>2</sup> The UK Government's £330bn stimulus package (which the Scottish Government proposes to mirror) includes a business rates freeze, grants to small businesses (£10,000 - £25,000), government backed loans of up to £5 million and extending HMRC's Time to Pay Scheme.

## Where can I get reliable information?

- TLT are releasing updates relevant to brewers, distillers and hospitality and retail clients on a near daily basis - sign up [here](#)
- Scotland Food & Drink has information [here](#)

### Central source of information

- The Government's regular updates on COVID-19 can be found [here](#)
- UK Hospitality has produced a guide which can be read [here](#)
- The BII has also produced a page of advice which can be read [here](#)

## Contact TLT



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This publication is intended for general guidance and represents our understanding of the relevant law and practice as at 20 March 2020. Specific advice should be sought for specific cases; we cannot be held responsible for any action (or decision not to take action) made in reliance upon the content of this publication.

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