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PERSONAL ALCOHOL LICENCES: ENABLING TARGETED, LOCAL  
ALTERNATIVES

RESPONSE TO HOME OFFICE CONSULTATION ON 6 NOVEMBER 2013

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**Purpose of Report**

1. To advise Members of a response made on behalf of the Council on 6 November 2013 to the Home Office consultation entitled "personal Alcohol licences: Enabling Targeted, Local Alternatives".

**Information and Analysis**

2. The consultation document "Rebalancing the Licensing Act" was issued in the autumn by the Home Office with an 8 week consultation period. This period expired on 7 November 2013. The consultation proposes to remove the need for Personal Licences to authorise the sale of alcohol (on the basis that the requirement is a burden to businesses) and replace it with the ability to place specific conditions on premises licences in respect of training for the Designated Premises Supervisor (DPS) and other requirements in respect of criminal record declarations.
3. Due to the short time period available it has not been possible to bring this consultation to Members for their input. The Tees Valley Authorities were unable to meet until 24 October 2013 to formulate a Tees Valley response due to the introduction of the Scrap Metal Dealers Act on 1 October 2013 which has placed considerable pressure on all licensing sections to enable the new licensing regime to be introduced.
4. A Tees Valley response has been sent by Middlesbrough Council on behalf of the 5 Tees Valley Authorities, however all Councils have been encouraged to also send in their own response to add weight to the concerns being expressed nationally at the proposals to remove Personal; Licences. A response was sent from Darlington Council on 06 November 2013 which largely replicated the Tees Valley response but provided additional comment in respect of the impact on businesses. A copy of the response is attached at **Appendix 1** for Members' reference.
5. The consultation questions have been worded in such a way that it is difficult to make a proper response so, along with other local authorities comments have been made that extend beyond the limitations of the initial questions.

## **Legal Implications**

6. There are no issues that the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Crime and Disorder Act 1998 Section 17**

7. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The contents of the Appendix to this report deal in part with the licensing objective to prevent crime and disorder.

## **Recommendation**

8. Members are invited to note the response to the consultation.

**Richard Alty**  
**Director of Place**

## **Background Papers**

- (i) The Licensing Act 2003
- (ii) The Home Office consultation document – Personal Alcohol Licences: enabling Targeted, Local Alternatives
- (iii) The Tees Valley Response to the Home Office Consultation

## **Appendices**

### **Appendix 1 The response of Darlington Council to the Home Office Consultation – Personal Alcohol Licences: enabling Targeted, Local Alternatives**

Pam Ross : Extension 2647

## RESPONSE OF DARLINGTON BOROUGH COUNCIL TO HOME OFFICE CONSULTATION ON PERSONAL LICENCES

**Question 1: Do you think the Government's proposal would reduce burdens, in terms of time and/or money, on business, including small and medium enterprises?**

**A. NO** - The proposal will not reduce the burden on business. It replaces the burden with other potential costs e.g. variation of licences, cost of attendance at hearings and associated legal costs should a responsible authority request conditions and those conditions are not agree as well as the cost of recruiting staff who meet specific standards requested

There is no requirement in law for a business to pay for the personal licence. It is a vocational requirement and our experience is that many applicants pay their own fees (in much the same way as Nurses & Midwives pay their annual registration fee to the nursing & Midwifery Council). Businesses can stipulate that a Personal licence is a pre-requisite of any application. The cost to the individual for the actual licence is £37 for a 10 year licence. While we accept that there is the additional cost of DBS check and training, when put into the context of a 10 year licence this is not a prohibitive cost and we do not have any evidence to support a view that the cost has impacted on the number of people seeking personal licences.

The current system is a relatively simple process and the licensed trade has security in knowing that a DPS/Personal Licence holder has undertaken a nationally recognised qualification which promotes the licensing objectives.

If a premises licence has a condition regarding training for the DPS and the proposed DPS does not have the required training, will they be permitted to act as DPS until the training is completed? Will there be a breach of the premises licence?

The proposal appears to conflict with the mandatory condition requiring age verification scheme. Why have an age verification scheme and potentially not have a DPS who has carried out any training covering such schemes? The current Personal Licence course covers such issues as age verification.

**Question 2: Do you think this proposal would undermine the licensing objectives? The four licensing objectives are: public safety; preventing crime and disorder; preventing public nuisance; and protecting children from harm.**

**A Yes** - see above comments

**Question 3: Do you think nationally accredited training courses for those authorising alcohol sales are necessary to help licensing authorities promote the licensing objectives?**

**A Yes** - but nationally accredited training does not just help licensing authorities - they help all parties concerned with the sale of alcohol.

**Question 4: Do you think a statutory list of relevant offences, such as theft or handling stolen goods, is necessary to help licensing authorities promote the licensing objectives?**

**A Yes** - However, as an alternative there could be generic categories of offences which would ensure that other offences could be considered as being relevant – e.g. Dishonesty, Violence, Sexual and Drugs Offences.

**Question 5: For what proportion of premises in your area do you think conditions requiring nationally accredited training would be appropriate?**

**A >90%**

**Question 6: For what proportion of premises in your area do you think conditions requiring criminal records declarations for future Designated Premises Supervisors would be appropriate?**

**A >90%**

**Question 7: Below, please provide evidence to support the answers you've given, making clear to which question the evidence refers.**

Q2 & Q3 - As Licensing Authorities and Trading Standards Officers we are aware that premises of any size and type **can** and **do** make underage sales to children, particularly in those premises where little or no training is provided for staff. We strongly believe that better trained staff would reduce the likelihood of underage sales and therefore a condition requiring a trained DPS would be appropriate in almost all cases. If statistical evidence is required requests should be made individually to all Local Authorities.

**Question 8: Is there anything else you think the Government should consider?**

We believe it would be wrong to remove the current requirement for a Personal Licence, given the time and costs already invested in implementing the current system. At present we have consistency nationally with a system that is easily understandable by all parties, particularly people working within the sector. Personal Licence holders can easily transfer from one premises to another without having extra burdens imposed by individual licence conditions requiring additional training.

The proposals will impose additional burdens on Licensing Authorities, Police and other Responsible Authorities in having to consider individual applications and assess whether a condition would be appropriate.

We are struggling to understand the proposal to remove Personal Licence holders which will lead to less people working in premises who have had training covering the licensing objectives. This is at odds with the system in Scotland which requires training for all persons working in premises where alcohol is sold.

The consultation suggests that the requirement for a Personal Licence is a burden for businesses. We fail to see why the costs are incurred by businesses. A Personal Licence is a qualification/licence obtained by an individual in much the same way as many other licences/qualifications for individuals working in other business sectors. These costs should fall on the individual rather than the business employing them.