



AGENDA ITEM: 6

SUMMARY

Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	29 October 2013
PART:	1
If Part II, reason:	

Title of report:	Response to consultation on removal of requirement for Personal Alcohol Licences (Licensing Act 2003)
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	<ol style="list-style-type: none"> 1. To advise the Committee of the Government’s proposal to remove the legislative requirement for Personal Licences under the Licensing Act 2003 2. To agree a response to the consultation on this proposal
Recommendations	That the Committee approve the attached letter as the licensing authority’s response to the Home Office consultation on the abolition of Personal Alcohol Licences.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment
Implications:	<p><u>Financial</u> In the first 6 months of the current financial year, application fees pertaining to personal licences have been received by the Council to the amount of £2,250.</p> <p><u>Value for Money</u> The duty to issue Personal Licences has been reflected in the staffing levels established for the Licensing team, as well as in equipment purchases. This expenditure has already been budgeted, and the removal of the licensing duty will prevent the authority from recouping its expenditure in full.</p> <p><u>Risk / Equalities / Health and Safety Implications</u> n/a</p>

Background papers:	Consultation: Personal Alcohol Licences – Enabling Targeted, Local Alternatives (Home Office, September 2013) (https://www.gov.uk/government/consultations/personal-alcohol-licences-enabling-targeted-local-alternatives)
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Under the Licensing Act 2003, individuals responsible for authorising supplies of alcohol from licensed premises must hold a Personal Licence. Before applying for a licence, an individual must complete an accredited 1-day training course with an exam. They must also be over the age of 18, and must not have had a personal licence revoked in the preceding 5 years. If the applicant has any unspent convictions for relevant offences (identified on a criminal records certificate provided with the application), they must satisfy the authority that the issue of a licence would not undermine the crime prevention licensing objective.
- 1.2. At the time of writing Dacorum has just issued its 1,250th Personal Licence. 367 of these were granted as a result of transitional applications upon the commencement of the new legislation in 2005. 44 licences have been surrendered or closed upon the death of their holders.
- 1.3. Once issued, a Personal Licence allows its holder to work at any licensed premises anywhere in England or Wales – it is not necessary (nor permitted) for individuals to hold a licence from each authority in whose area they work. Nationally, more than 500,000¹ personal licences have been issued.
- 1.4. Personal licences are currently valid for 10 years, at the end of which they must be renewed if the holder wishes to continue authorising alcohol supplies. However, the Government have already announced the intention to remove the renewal requirement, despite concerns from licensing authorities that holders will fail to keep their licence details up to date or declare criminal convictions without a renewals process to verify that this has been the case.

2. GOVERNMENT ALCOHOL STRATEGY

- 2.1. In July 2013, the Government published its response to consultation on its Alcohol Strategy – a high-level document identifying targets for reducing alcohol-related harm, crime and anti-social behaviour. The response set out a number of ‘next steps’ intended to deliver these objectives, including:
 - Banning the sale of alcohol below the level of duty plus VAT (although plans to introduce a minimum alcohol unit price were not pursued);
 - Amending the mandatory conditions applied to Premises Licences to increase their effectiveness and enforceability;
 - Establish a number of ‘local alcohol action areas’ to take locally devised initiatives to reduce the harm caused by alcohol;

¹ 502,400 as of 31/03/2012, according to the most recent Home Office statistics

- Exempt low-volume alcohol retailers and community organisations from licensing requirements through light-touch authorisations;
 - Deregulate late night refreshment at certain categories of premises;
 - Abolish the requirement for Personal Licences to be renewed, and consult further on the abolition of Personal Licences entirely.
- 2.2. No legislation to enact any of these steps has been laid at the time of writing – however, a consultation in respect of the last point is now underway. The remainder of this report details this proposal and a proposed response.
- 2.3. The proposed changes to the Personal Licence system have come about after weaknesses in the current system were highlighted in a previous consultation. The concerns can broadly be summarised as follows:
- No requirement for a personal licence holder (or anyone who has been trained or understands the legalities) to be present at premises
 - No requirement for anyone but the designated premises supervisor to hold a personal licence – individuals with criminal convictions or no understanding of the potential harm of alcohol are free to work at licensed premises
 - Applies equally to every premises – no targeting or proportionality
- 2.4. In response to the above concerns, the Government have proposed the complete abolition of the Personal Licence scheme, meaning that a business would simply require a Premises Licence to authorise sales of alcohol.
- 2.5. In place of the existing safeguards for verifying the suitability of personal licence applicants, it has instead been proposed that conditions could be added to the premises licences of problem premises, requiring the submission of a criminal records declaration with any future application to vary the designated premises supervisor, or requiring specified persons employed at the premises to undertake accredited training (in each case, conditions would have to be fully evidenced and justified as to their appropriateness, and would most likely have to be added on review of the licence). Additionally, all alcohol sales (or sellers) would need to be made or authorised by the designated premises supervisor, rather than by any personal licence holder.
- 2.6. Officers believe that this proposal represents an incorrect approach, and would deprive the licensing authority of some of its key tools to ensure the promotion of the licensing objectives, while the condition proposal would be cumbersome and would leave licensing authorities open to challenge. While there is no denying the weaknesses in the current system, it is felt that abolition would send out the wrong signal, and open the doors to unscrupulous traders who may take advantage of the relaxation in training and licence requirements to make a quick buck at the expense of our communities. A draft response to the consultation, setting out these concerns and suggesting an alternate course of action, is appended at Annex A.

3. RECOMMENDATION

- 3.1. That the Committee approve the letter at Annex A as the licensing authority's response to the Home Office consultation on the abolition of Personal Alcohol Licences.