



## AGENDA ITEM: 6

### SUMMARY

<b>Report for:</b>	<b>Licensing Health &amp; Safety Enforcement Committee</b>
<b>Date of meeting:</b>	<b>03 February 2015</b>
<b>PART:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Changes to Personal Alcohol Licences</b>
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To advise the Committee of legislative changes affecting Personal Licences issued by the Council
Recommendations	<p>a) That Committee note the report; and</p> <p>b) That Committee agree that renewal applications need be accompanied by a copy of the personal licence only, and not the original.</p>
Corporate objectives:	<p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>• Efficiencies</li> </ul>
Implications:	<p><u>Financial</u></p> <p>a) Work on the simplified renewals process will not attract an application fee, and is therefore unfunded. This will have to be met from within the existing Licensing budget.</p> <p>b) There will be an loss of revenue as a result of the removal of the renewal requirement.</p> <p><u>Value for Money / Risk Implications / Equalities / Health And Safety Implications</u></p> <p>None</p>
Consultees:	n/a
Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	

## 1. BACKGROUND

- 1.1. Under the Licensing Act 2003, any individual who authorises sales or supplies of alcohol from licensed premises must hold a Personal Licence, or have been given consent by such a person to make the sale or supply.
- 1.2. Personal Licence holders may also give a greater number of temporary event notices (TENs) per year than other persons – 50 instead of 5.
- 1.3. To obtain a Personal Licence, an individual must complete a short (1 day) training course including an exam, and make an application to the relevant local council for the area in which they reside. Applications must be accompanied by the results of a recent criminal records check, and a prescribed application fee. If the applicant is over 18, has completed the accredited training, has not forfeited a licence and has no unspent convictions for relevant criminal offences, a licence will be granted with a 10-year duration. At the end of this period, a renewal application must be made to preserve the licence entitlement.
- 1.4. During the 2005 transitional period, individuals who were named on a Justices' liquor licence were entitled to 'convert' their previous licence to a Personal Licence, without having to complete the updated training course or provide a criminal records check.
- 1.5. To date, Dacorum has issued 1360 Personal Licences – 360 of which resulted from applications within the transitional period.
- 1.6. The earliest possible expiry date for a Personal Licence is 7 February 2015 (10 years after the first day of the transitional period). In Dacorum, the first Personal Licences were not issued until April 2005. Early licences are due to expire as follows:

	Apr 2015	May 2015	Jun 2015	Jul 2015	Aug 2015	Sep 2015	Oct 2015	Nov 2015	Dec 2015
Converted	18	23	31	23	151	106	3	3	2
New	-	-	-	-	2	11	10	30	19

- 1.7. Once a licence has been issued, it may be used at licensed premises throughout England and Wales. It is not necessary, nor permitted by law, to obtain licences in each area where the individual intends to work. As such, many licence-holders who originally applied to Dacorum have since moved out of the area. However, renewal applications must be made to the Council which issued the original licence, irrespective of where the holder is living at the time.

## 2. DEREGULATION

- 2.1. In 2013, the Government consulted on a proposal to abolish the Personal Licence scheme in its entirety. This met with substantial opposition from both regulatory bodies and from the licensed trade, which regards the licences as a recognisable entry-level qualification. In consequence, the proposals were scaled back, and the Government announced that they would instead look to repeal the renewal requirement, making all licences open-ended.

- 2.2. Measures to enact this change are currently under consideration by Parliament as part of the Deregulation Bill, which at the time of writing is undergoing scrutiny by the House of Lords' legislative committee. The Bill is currently expected to receive royal assent in around March of this year, and to be commenced several months later.
- 2.3. After a number of licensing authorities highlighted that some licences would expire before the changes to the renewal requirement took effect, the Home Office have laid new regulations<sup>1</sup>, amending the renewals process in the original legislation as an interim measure, so as to simplify the process and enable expiring licences to be continued until such time as the deregulatory measures come into force. However, this cannot be made automatic, and will still require licensees to take action to preserve their entitlement.
- 2.4. Under the modified procedures, holders of licences expiring before the changes take effect must make an application to renew the licence, to the Council which originally issued it. Applications can be made 3 months prior to the expiry date, and must be made no later than one month before that date. The applicant must complete a short form (simplified by the regulations), and submit this to the licensing authority, accompanied by their original licence or a copy thereof. No fee is payable, and the requirement to supply a criminal records certificate has also been removed. It is also possible to make the renewal application online, via the Council's website.
- 2.5. On receipt of a renewal application, the licensing authority will issue a letter of acknowledgement, and if the original licence was sent return this to the applicant. Section 119 of the Act provides for the continuation of a licence pending determination of a renewal application, and the Government intend to use this provision to give continuation rights to licensees who had applied early for their licences. Licensing authorities have been advised that it is not necessary to issue new licences following renewal applications, unless the original licence has been lost or damaged and a simultaneous application is made, with the requisite fee, for a replacement.
- 2.6. The acknowledgement letter issued to renewal applicants will serve to confirm the ongoing entitlement to carry out the licensed activities, and licensees are being advised to keep this with their licence, to be produced in the event that they are challenged by police or licensing officers. It is intended that this should be sent by email wherever possible, so as to minimise processing costs.
- 2.7. As and when the measures in the Bill are commenced, all Personal Licences in force on that date will become of unlimited duration. However, any licences which have expired without a renewal application being made will remain expired – the Bill does not include provisions to reactivate lapsed licences.
- 2.8. This report summarises factsheets published by the Government, available at <https://www.gov.uk/government/publications/new-arrangements-for-personal-licences-due-for-renewal-in-2015>

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<sup>1</sup> S.I. 2014 / 3284 - Licensing Act 2003 (Personal licences) (Amendment) Regulations 2014