

Personal Licence Consultation – Home Office

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?

Yes

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.

Yes

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

Yes

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?

Yes

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

>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?

>90%

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

Questions 3, 4, 5 and 6.

It is clear that the current Personal Licence system has some significant weaknesses. Although the Council issues them, and can in certain circumstances refuse to grant them, only the courts can remove them and then only if the person before them owns up to having one. It is therefore very likely that many people have criminal records of concern but still have Personal Licences. There is also no national register to cross reference criminal records, check who has licences etc. So the system is open to abuse. The renewal process will have addressed this, but only for that moment in time.

The government's proposal is to abolish this. What will potentially be lost is competence and public safety. On the matter of competence, it is imperative that licensees understand the law so at least those who will ensure compliance at a premises understands what to do.

A training element must therefore remain. The second is public safety. The knowledge is that if someone has a criminal record of concern they can be brought before Licensing Committee for a decision as to whether they are suitable.

A better system, and one of the options being proposed, is as part of a new requirement of applying to be a Designated Premises Supervisor (DPS) the applicant needs to produce a current Disclosure and Barring Service (DBS) and current qualification. One potential difficulty this might cause is a delay between making the application and granting it but this can be overcome by providing that the two documents have a 'life' i.e. three to six months in the case of DBS. A qualification could last 3-5 years. It would potentially make the DPS more accountable than they are currently as the DBS would have to be renewed more often. And there is a new on line system with a small annual payment that keeps the DBS current continuously.

I believe any other system/option places a greater burden on the Local Authority and the Police in a climate of reducing resources and a greater risk of any individual of concern being in place to sell alcohol because the current system assumes automatic grant of a new DPS until the objection is raised by the Police. To get this to a hearing will take a further 2-4 weeks. If the applicant had to wait until the Police had done their checks this would place an unreasonable burden on the business, for example if their current DPS resigned they may have to cease selling alcohol for a period until an application has been lodged and looked at. The Personal Licence system prevents this happening, but it is key that this safeguard of public safety and competence is maintained and in fact strengthened with the option Torbay Council supports.

Since competence and public safety apply to the vast majority of premises, it should be applied to all Designated Premises Supervisor (DPS) applications. Hence why Torbay council recommends >90%. The decision as to who needs to have qualifications and DBS check should follow the need to have a DPS which is already covered in the Licensing Act 2003 and would therefore require fewer changes to the Act.

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

Question 2

If the option recommended in Question 7 is adopted, then Torbay Council does not believe these changes will undermine the Licensing Objectives. If however a weaker option is chosen then it certainly will undermine the Licensing Objectives, hence the answer is yes, as insufficient options were given in the answer.