

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **LICENSING COMMITTEE**

DATE: **THURSDAY, 7 NOVEMBER 2013**

REPORT BY: **DIRECTOR OF ENVIRONMENT**

SUBJECT: **PERSONAL ALCOHOL LICENCES**

1.00 PURPOSE OF REPORT

- 1.01 To inform Members of a Home Office consultation in relation to Personal Alcohol Licenses under the Licensing Act 2003.

2.00 BACKGROUND

- 2.01 The current system of Personal Licences requires that all alcohol sales shall be made or authorised by a Personal Licence Holder. At the same time, any Designated Premises Supervisor (DPS) in relation to licensed premises must hold a personal licence.
- 2.02 When an individual makes an application for a Personal Licence, they must apply in the Local Authority area where they reside at that time. The licence lasts for ten years.
- 2.03 Personal Licence Holders are required to pay £10.50 to change their address with the licence holding Authority each time they move, however, this does not always happen.
- 2.04 Flintshire County Council has 1,437 Personal Licence holders, many of whom would be due to renew in 2015.
- 2.05 The Home Office feel that (based on previous consultation) there are weaknesses with the system. They are becoming concerned that it may not be effective in ensuring responsible sales and tackling crime and disorder.
- 2.06 The current system is not targeted. It's a national requirement and all premises must comply with the requirement to have a Personal Licence Holder, and incur significant costs in training, application fees and criminal record checks.

3.00 CONSIDERATIONS

- 3.01 The consultation suggests using Premises Licence conditions as an alternative to the Personal Licence, as long as they are precise,

enforceable and appropriate to promote the Licensing Objectives. It is felt that conditions could be a better and more targeted way of applying safeguards.

3.02 Conditions could include strict training requirements for those selling alcohol over and above the requirements already in place through the Personal Licence regime.

3.03 In order to implement the above, it is suggested that the current benchmark for training the existing legislation could be strengthened in several areas:

i: Require all alcohol sales to be made or authorised by the DPS rather than a Personal Licence Holder.

ii: Allow the police to object to a new DPS based on the crime prevention objective in general.

iii: Allow Licensing Authorities to require a criminal records declaration to be provided with any new application to vary a DPS.

iv: Allow those who are either named as the DPS in relation to a premises licence or have accredited training to give up to 50 Temporary Event Notices a year. Those without would be limited to five.

3.04 The Licensing Section agree with these proposals in principle, as removal of the requirement for a Personal Licence would reduce the burden on the section significantly in 2015 when the licenses would be ready for renewal.

4.00 RECOMMENDATIONS

4.01 That Members note the Home Office proposals on Personal Licences.

5.00 FINANCIAL IMPLICATIONS

5.01 A Personal Licence costs the applicant £37 plus the cost of attending an accredited course plus the cost of a criminal record disclosure.

6.00 ANTI POVERTY IMPACT

6.01 None.

7.00 ENVIRONMENTAL IMPACT

7.01 None.

8.00 EQUALITIES IMPACT

8.01 None.

9.00 PERSONNEL IMPLICATIONS

9.01 None.

10.00 CONSULTATION REQUIRED

10.01 None.

11.00 CONSULTATION UNDERTAKEN

11.01 None.

12.00 APPENDICES

12.01 None.

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

Licensing Act 2003.

Home Office Consultation 'Personal Alcohol Licenses: Enabling Targeted, Local Alternatives.

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