

## **Personal Alcohol Licence Consultation**

### **SUMMARY**

- 1.1 The Government are consulting on the future of personal licences and have produced a consultation document.
- 1.2 The deadline for responses is 7 November 2013.
- 1.3 The report contains information about the consultation process, details of the consultation questions being asked and a proposed response for consideration.

### **RECOMMENDATION**

- 2.1 To consider the information in the report regarding the request for views on the consultation document and the proposed responses provided by officers.
- 2.2 To respond to the consultation questions on behalf of the Council.

### **REASONS FOR RECOMMENDATION**

- 3.1 To ensure a response to the consultation is provided by the deadline.

### **SUPPORTING INFORMATION**

- 4.1 The Government are seeking views from licensing authorities, the police and the licensed trade on whether personal licences should be abolished, enabling licensing authorities to apply relevant conditions to premises licences where appropriate.
- 4.2 There are eight questions in total where views are being sought.
- 4.3 The consultation runs for eight weeks from 12 September to 7 November 2013.
- 4.4 The consultation document is attached at Appendix 2 for information. Annex A of this document provides a useful summary of the proposals to be considered.
- 4.5 A proposed response to the consultation questions from officers is set out for consideration at Appendix 3.

- 4.6 Views from Derbyshire Constabulary are being sought and any information received will be provided at the meeting.

<b>OTHER OPTIONS CONSIDERED</b>
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- 5.1 Do not provide a response to the consultation. It is important to submit a response so the Council's views are taken in to account.

**This report has been approved by the following officers:**

<b>Legal officer</b>	Olu Idowu
<b>Financial officer</b>	-
<b>Human Resources officer</b>	-
<b>Estates/Property officer</b>	-
<b>Service Director(s)</b>	John Tomlinson
<b>Other(s)</b>	-

<b>For more information contact:</b>	Michael Kay 01332 641940 michael.kay@derby.gov.uk
<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications Appendix 2 – Government Consultation Document on Personal Licences Appendix 3 – Proposed Response from Officers

## IMPLICATIONS

### Financial and Value for Money

- 1.1 None related to the consultation process itself but there may be some financial implications for the Council depending on what changes are made.

### Legal

- 2.1 The current system of personal licences requires that all alcohol sales be made or authorised by a personal licence holder. At the same time, the Designated Premises Supervisor (DPS) in relation to licensed premises must hold a personal licence.

As well as abolishing personal licences, the consultation documents sets out options to maintain, or even strengthen, existing legislation in several ways:

- i. Amend the mandatory conditions to require all alcohol sales to be authorised by the DPS, rather than a personal licence holder;
- ii. Allow the police to object under S.37 of the Licensing Act 2003 to a new DPS based on the crime prevention objective in general, rather than only in 'exceptional circumstances';
- iii. Allow licensing authorities to require a criminal records declaration with each new change of a DPS; and
- iv. Allow those who either are named as the DPS on a premises licence or have accredited training to give up to 50 Temporary Event Notices (TENs) a year; those without would be limited to giving only five.

### Personnel

- 3.1 None directly arising from the report.

### Equalities Impact

- 4.1 Any proposed changes will apply equally to all groups within the community and no particular group(s) will be disadvantaged.

### Health and Safety

- 5.1 None directly arising from the report.

### Environmental Sustainability

6.1 None directly arising from the report.

### **Property and Asset Management**

7.1 None directly arising from the report.

### **Risk Management**

8.1 None directly arising from the report.

### **Corporate objectives and priorities for change**

9.1 The information set out in this report supports the corporate priorities so the people of Derby **enjoy being safe and feeling safe** and the Council provides **good quality services that meet local needs**.