



Home Office

# **Personal Alcohol Licences: Enabling Targeted, Local Alternatives**

## **Government response to the consultation**

24 March 2014

# Government response

## Introduction

1.1. The *Personal Alcohol Licences: Enabling Targeted, Local Alternatives* consultation (the 'consultation') ran from 12 September to 7 November. This explained that the requirement to obtain a personal licence gives rise to costs in respect of application fees, training and criminal records checks. It is a requirement for every Designated Premises Supervisor (DPS) to obtain a personal licence and the consultation document sought views on a proposal to replace these with a targeted alternative scheme.

## Background

2.1. The Government consulted previously as part of its wider Alcohol Strategy consultation<sup>1</sup> on a proposal to abolish the requirement to renew a personal licence every ten years. The Government is implementing this measure via the Deregulation Bill which is now before Parliament. During the Alcohol Strategy consultation, feedback from the public and partners suggested that there was some support for abolishing personal licences in their entirety as a deregulation measure to free up the licensed trade. The Government published the consultation document with the proposal to abolish the system and enable local alternatives instead.

2.2. The premise of the consultation proposal was that licensing authorities could be enabled to develop their own more targeted alternatives to the personal licences system, imposing training conditions on those premises where it was appropriate to do so, but removing burdens where such conditions were not needed. The proposal envisaged retaining national accredited training courses so that licensing authorities had a common standard to refer to when imposing conditions. During the public consultation period, two technical groups were held with representatives of the trade, police, licensing authorities, training providers, licensing specialists and other interested parties.

## Summary of responses

2.3. There were 352 responses<sup>2</sup> received during the consultation period. These were largely against the proposal. Percentages relate to the total number of responses which provided clear answers to questions one to six of the consultation: unanswered or unquantifiable responses have been excluded from the percentage totals<sup>3</sup>. A full breakdown of responses is contained in pages 4-6 and, in addition, given that one of the key aims of the proposal was to assist the licensed trade, a summary of responses from this sector is provided in Annex A. An analysis of the overall responses revealed:

- little overall support for the proposal.

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<sup>1</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/157755/alcohol-consultation-document.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157755/alcohol-consultation-document.pdf)

<sup>2</sup> These consisted of 249 on-line replies, 88 responses by email and 15 in hard copy.

<sup>3</sup> Annex B outlines the analysis process.

- 90% (284 respondents) thought that the proposal would undermine the licensing objectives<sup>4</sup> (compared with 94% (117 respondents) of trade respondents).
- 72% (225 respondents) did not think that the proposal would reduce burdens in terms of time and or money on business (compared with 90% (111 respondents) of the trade).
- 78% (237 respondents) thought that 90% or more of all premises would require training conditions (compared with 77% (89 respondents) of the trade).

2.4. Respondents from the trade were broadly concerned that if the proposal was implemented it would cause inconsistency between licensing authority areas in terms of applying training conditions on premises. While it was acknowledged by many that the system of personal licences was not perfect, many thought it provided a level playing field for premises, ensured consistency between areas and set a benchmark of training.

2.5. There was some support among a number of licensing authorities for the premise of the proposal as it would provide greater localisation. However, more thought that there would be additional burdens through having to impose training conditions on premises. A proportion thought that the personal licence qualification provided some basic training.

2.6. Respondents from the police were generally opposed to the proposal and indicated their preference for the system of personal licences to be kept or even tightened up and made more rigorous. They had concerns about the lack of consistency in training which could arise under the proposal and felt that the current system at least ensured a minimum standard of training.

## Conclusion

2.7. The Government has listened to the views received in response to the consultation and in discussion with partners has decided not to proceed with the proposal to abolish the system of personal licences. During the consultation on deregulation and discussions with partners, a number of suggestions were made to further develop and tighten the existing system, rather than to deregulate it. A summary of those points is included in the 'Analysis of the supporting evidence' section of this document. The Government welcomed these suggestions in the context of its consultation on proposed deregulation. Reforms to the licensing regime must be proportionate and cost effective. The Government has no immediate plans to take these forward at this time. However, it will maintain an on-going, open dialogue with its partners and ensure that any proposed changes to alcohol licensing continue to strike a balance between removing unnecessary bureaucracy for responsible businesses but maintaining important safeguards.

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<sup>4</sup> These are: the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

## Analysis of responses to consultation questions 1 to 6

3.1 The consultation document asked six closed questions. Respondents were asked to indicate their replies to questions one to six by highlighting the most relevant options. The analysis of questions seven and eight is explained in pages 7-9 of this document.

3.2 Percentages for questions one to six below are based on the total number of people who clearly answered the questions. **Unanswered or unquantifiable responses have been excluded from the percentage totals.**

3.3 For further information about the analysis of data, please see Annex B.

**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?**

Response options	Response Percentage	Response Total	
Yes	19%	58	
No	72%	225	
Don't know	9%	28	
		Answered	311
		Unanswered/ Unquantifiable	41

**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.**

Response options	Response Percentage	Response Total	
Yes	90%	284	
No	7%	22	
Don't know	3%	10	
		Answered	315
		Unanswered/ Unquantifiable	37

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

Response options	Response Percentage	Response Total	
Yes	96%	305	
No	4%	12	
Don't know	0%	0	
		Answered	317
		Unanswered/ Unquantifiable	35

**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?**

Response options	Response Percentage	Response Total	
Yes	87%	269	
No	9%	28	
Don't know	4%	13	
Unclear	3%	8	
		Answered	310
		Unanswered/ Unquantifiable	42

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

Response options	Response Percentage	Response Total
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<10%	6%	18	
25%	5%	16	
50%	4%	13	
75%	6%	18	
>90%	78%	237	
D/K	0%	1	
		Answered	303
		Unanswered/ Unquantifiable	49

**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?**

Response options	Response Percentage	Response Total	
<10%	8%	25	
25%	3%	10	
50%	4%	12	
75%	4%	12	
>90%	80%	243	
D/K	1%	2	
		Answered	304
		Unanswered/ Unquantifiable	48

**Analysis of the supporting evidence provided by respondents (Questions 7 and 8)**

4.1 Question seven asked for supporting evidence for the answers given by respondents to questions one to six and question eight asked for any other points which people thought the Government should consider. The detail provided by many respondents for questions seven and eight was not always specific to the question asked. For example, quite a number of responses to question eight actually contained supporting evidence to the answers for questions one to six. We analysed the detail of the supporting responses ('qualitative data') by looking for common views and themes. In the analysis of the data below, we have also used quotations from responses to provide a flavour of the views expressed.

## General observations

4.2 In general, there was little support for the proposal in the consultation document with many respondents stating that the personal licence was seen as a source of pride and an indication of professionalism for holders and those involved in the industry. As one licensing authority officer stated, a licence or qualification "helps people secure employment". A number of respondents were also concerned about the potential effects of the proposal. Overall, the two main concerns expressed were that the abolition of personal licences would remove a baseline level of training for those responsible for approving alcohol sales, and that the proposal would ultimately lead to greater burdens.

4.3 In regard to the current training which personal licence holders are required to complete, a common concern reported was that the proposal would lead to a variety of different local requirements and therefore uncertainty, whereas it was suggested that the existing training required by personal licence holders ensured that those responsible for authorising alcohol sales had been trained to a recognised standard.

4.4 Many thought that the removal of mandatory training for Designated Premises Supervisors, proposed in the consultation document, would actually result in greater burdens to the trade (for example operators, with premises in a number of areas, having to impose their own training), and lead to burdens on the police and licensing authorities who would have to review premises licences in order to place training conditions on them, where they thought it appropriate for the promotion of the licensing objectives. The paragraphs below provide further observations on questions one to six.

4.5 **Do you think the Government's proposal would reduce burdens, in terms of time and/or money, on business, including small and medium enterprises?** It was suggested in the technical groups that the proposal was not deregulatory and that it would result in many licensing authorities requiring Designated Premises Supervisors to undertake greater training than that currently required for personal licence holders. A number of licensing authorities and police respondents suggested that while the proposal would in their view lead to savings for business, it would nevertheless result in burdens on licensing authorities and police. Some trade representatives also made this observation with one remarking in a technical group that the proposal, "would not remove red tape, but it will impose burdens on the police and licensing authorities". A number of police were concerned about the consequential effect of the proposal, with one police representative stating that, "the burden of transferring conditions on existing licences...is through reviews."

4.6 **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. Many respondents expressed the view that given the likelihood that the proposal would result in different training requirements from area to area, that it would undermine the licensing objectives. For example, one trade representative stated that such a situation would, "create a patchwork quilt of different licensing conditions that would be very difficult to enforce". This view was reiterated and expanded upon by others,

including licensing authority representatives who thought that the lack of consistency in training requirements could result in unscrupulous operators disregarding the licensing objectives. There was also concern that the abolition of mandatory training could result in unqualified people selling alcohol, with a number of respondents suggesting that this could result in a greater number of incidents in which alcohol was sold to children. As one trade representative commented in a technical group, the awareness of "underage sales is a very important part of personal licence training" and that without the training the possibility of a person committing the offence would rise.

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

Respondents were in favour of nationally accredited training courses. One police force summed this up by stating that the alternative to nationally accredited training courses would be, "an unregulated system of varied training courses with no standard on the quality of courses being delivered". While some felt that there were a number of personal licence holders whose knowledge of the licensing objectives could be improved, a number of licensing authority representatives and police felt that the course provided holders with basic knowledge. For example, one licensing officer attending a technical group thought that the personal licence course helped raise awareness of the licensing objectives. The trade were also concerned that the proposal could result in difficulties for large operators, particularly in respect of those who provided a general package of training for their staff as inconsistent training requirements between areas would require these operators to tailor their training to accommodate local differences.

**4.8 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?**

There was general support for a list of statutory offences. However, there was some difference of opinion about the breadth of offences which should be included. In general many concurred with the view put forward by one licensing authority respondent that, "...the list brings clarity for all sides". There was also a feeling among a small number of respondents that the statutory list should be amended. A few respondents proposed that some discretion should be given to licensing authorities as to the whether the commission of a relevant offence should prevent an applicant for the position of a Designated Premises Supervisor from holding the position. For example a trade representative stated that their organisation, "agree[d] with the need...of a statutory list of offences..." but added that some "offences...have no bearing on the position of a personal licence holder." At the other end of the scale, some police and licensing authorities respondents were in favour of broadening the list of relevant offences, with one licensing authority representative suggesting that, "all offences should be taken into account and [it should be] for licensing authorities to decide if they are relevant."

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

The intention of the proposal was to enable local areas to adopt a more targeted approach so that well run premises would not have unnecessary training conditions imposed on them. However, the majority of responses indicated that most premises would require training conditions and expressed concern that this would lead to burdens on licensing authorities who would have the responsibility of having to impose them. Additionally, a number of trade representatives, including two major pub organisations, stated in technical group discussions that they preferred their staff to be trained anyway so that they were aware of their responsibilities under the Licensing Act 2003. A number of respondents, including those from large trade bodies, the police and licensing authorities, feared that the proposal would lead to different conditions being placed on premises resulting in inconsistencies in training between different areas. There were contrary views from a small number of respondents. For example, one licensing authority thought that it would only be appropriate to impose training conditions on a small percentage of premises as many in their



area were well run and that it would only be appropriate to impose conditions in limited circumstances.

**4.10 For what proportion of premises in your area do you think conditions requiring criminal records declarations for future Designated Premises Supervisors would be appropriate?** The proposal envisaged Designated Premises Supervisor (DPS) applicants providing a Disclosure and Barring Service (DBS) declaration. A number of respondents, including those from the trade, stated that they would prefer DPS applicants to obtain a full DBS check (i.e. a check on the applicant's criminal records history including information about cautions, warnings, reprimands and convictions, both spent and unspent). Conversely, a very small number thought that sufficient checks could be made on applicants without the need for requiring a DBS declaration or check. One licensing authority, for example, stated that given the PNC checks already made on applicants in their area by local police, a DBS "declaration is unnecessary".

### **Other suggestions**

**4.11** Question eight asked respondents if there were any other points which the Government should consider. Many respondents were forthcoming with suggestions proposing that the system should be tightened up further rather than deregulated.

**4.12** Some of the more commonly mentioned suggestions included:

- Ensuring that a trained personal licence holder was on the premises at all times;
- The introduction of tiered training accreditation schemes for those involved in the sale of alcohol, such as a bronze, silver and gold standard;
- The introduction of a personal licence holder national database;
- Introducing powers to enable licensing authorities to remove Personal Licences from holders; and
- Greater action by the courts ensuring that they inform licensing authorities when a personal licence holder has committed a relevant offence.

### **Next steps**

**4.13** The Government is grateful for these and all comments made to the consultation document. These have been key in informing its decision making. In regard to the suggestions made to tightening up the system of personal licences, consideration must be given to the proportionality of implementing changes. There are no plans to take these forward at this stage for the reasons explained at paragraph 2.7 above.

## Annex A – Trade responses

**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?**

Response options	Response Percentage	Response Total	
Yes	6%	7	
No	90%	111	
D/K	4%	5	
		Answered	123
		Unanswered/ Unquantifiable	14

**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.**

Response options	Response Percentage	Response Total	
Yes	94%	117	
No	2%	3	
Don't know	3%	4	
		Answered	124
		Unanswered/ Unquantifiable	13

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

Response options	Response Percentage	Response Total
Yes	93%	115

No	7%	9	
Don't know	0%	0	
		Answered	124
		Unanswered/ Unquantifiable	13

**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?**

Response options	Response Percentage	Response Total	
Yes	82%	100	
No	11%	14	
Don't know	7%	8	
		Answered	122
		Unanswered/ Unquantifiable	15

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

Response options	Response Percentage	Response Total	
<10%	10%	11	
25%	4%	5	
50%	4%	5	
75%	4%	5	
>90%	77%	89	
D/K	0%	0	
		Answered	115

		Unanswered/ Unquantifiable	22
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**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?**

Response options	Response Percentage	Response Total	
<10%	9%	10	
25%	3%	4	
50%	6%	7	
75%	4%	5	
>90%	77%	89	
D/K	0%	0	
		Answered	115
		Unanswered/ Unquantifiable	22

## **Annex B – The consultation analysis process**

- 1) A total of 352 consultation responses were received. These consisted of on-line responses (249) to a proforma, replies by email (88) and hard copy (15). All on-line responses, letters and emails referring to the consultation proposal and received during the consultation period were analysed and written up by Home Office officials.
- 2) Data from responses to the closed (quantitative) questions in the consultation, (questions one to six), which invited the replies: 'yes', 'no', or 'don't know' were recorded and analysed. All responses to questions seven and eight ('qualitative data') were analysed. In cases where a person left an answer to one of the first six questions blank, these responses have been categorised as unanswered/unquantifiable.
- 3) Where responses were unclear because they did not clearly match an answer provided on the proforma (i.e., a yes, no, or don't know response), the responses were categorised as unclear or unquantifiable, whichever was the most appropriate. Where respondents had not clearly indicated their answers to the first six questions (i.e. where they did not clearly provide a response which matched an answer in the proforma), no attempt was made to categorise or interpret their responses. However, their answers to questions seven and eight were analysed.
- 4) All responses to question seven (which asked for supporting evidence for questions one to six) and question eight (other points for the Government to consider) were analysed and coded against frequently occurring views and themes. Where respondents commented on aspects of the policy which were outside the remit of the consultation, these points were noted but have not been included in this response.
- 5) Question seven asked for supporting evidence for the answers given by respondents to questions one to six and question eight asked for any other points which people thought the Government should consider. The detail provided by many respondents for questions seven and eight was not always specific to the question asked. For example, quite a number of responses to question eight actually contained supporting evidence to the answers for questions one to six. Officials analysed the detail provided in questions seven and eight ('qualitative data') by looking for common views and themes. Some quotations have been used as illustrative examples.
- 6) Feedback raised by attendees at the technical groups was also considered and has helped to inform this consultation.
- 7) There were a total of 137 trade responses among the 352 respondents. These included individuals involved in the licensed trade/club premises, small or medium sized enterprises, holders of personal licences and large businesses involved in licensed premises. This was approximately 40 per cent of respondents.
- 8) Percentages have been rounded up to the nearest whole number and therefore totals may not always add up to 100 per cent.
- 9) Percentages are based on the total number of responses to questions and do not include unanswered or unquantifiable (including unclear) answers.

