

3. Information about you

The following questions ask for some information about you. The purpose of these questions is to provide some context on your consultation responses and to enable us to assess the impact of the proposals on different groups of people. By providing this information you are giving your consent for us to process and use this information in accordance with the Data Protection Act 1998.

Company name or organisation:

Which of the following best describes you or the professional interest you represent? Please select one box from the list below:

Individual involved in licensed trade/club premises

Small or medium sized enterprise involved in licensed trade/club premises (up to 50 employees)

Large business involved in licensed trade/club premises

Trade body representing the licensed trade/club premises or alcohol producers

Alcohol-related best practice scheme

Person or organisation specialising in licensing law

Voluntary and community organisation

Licensing authority – if yes, please specify:

Yes – Tendring District Council
Council Offices
Weeley
Clacton on Sea
Essex
CO16 9AJ

Licensing authority officer

Simon Harvey Licensing Manager Tendring District Council

Public health body (e.g. Primary Care Trust, Local Health Board, Director of Public Health)

Local Government (other)

Police and crime commissioner

Police force

Police officer

Member of the public

Other (specify in the box below):

4. Questions

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~~

No

~~D/K~~

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

~~No~~

~~D/K~~

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

~~No~~

~~D/K~~

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

~~No~~

~~D/K~~

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

~~<10%~~ ~~25%~~ ~~50%~~ **75%** ~~>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?

<10% 25% 50% **75%** >90%

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

Answer to Question 1

In its introduction to the consultation the Home Office advises that "Alcohol-related crime and anti-social behaviour is unacceptable, costly and dangerous. In 47% of violent incidents, the victim believed the perpetrator to be under the influence of alcohol and a fifth of all violent incidents took place in or around a pub or club¹. The cost of alcohol misuse in England alone is estimated at £21 billion a year".

This Council believes that this proposal potentially de-values the professionalism and responsibility of the licensed trade (the significant majority of which do sell and promote alcohol in a responsible way) and works against a partnership approach of tackling the problems of alcohol related crime and disorder and public nuisance.

It is also likely to increase costs for businesses because responsible authorities may have no other recourse than to seek training and criminal records checks for staff working in licensed premises through the use of premises licence review applications or on new or variation applications and as a result lead to further appeals to Court and a commensurate increase in time and costs for all parties concerned.

Answer to Question 2

The Home Office consultation document does not explain or clarify how the Government proposes to maintain the validity and responsibility of the DPS (Designated Premises Supervisor) when the proposal is to abolish the system of Personal Licensing.

To be a DPS (which is normally be the person who has been given day to day responsibility for running the premises by the premises licence holder) you must hold a Personal Licence.

Therefore removing the requirement to hold a Personal Licence would on the face it devalue the authority and responsibility that this position holds and undermines the licensing objectives as a result.

Answers to Questions 3 and 4

Nationally accredited training courses for the responsible sale of alcohol already exist as part of the requirement to hold a Personal Licence as does a statutory list of relevant offences in connection with a grant of a Personal Licence.

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

One of the other possible reasons for the Government putting forward the proposals to abolish the renewal of Personal Licences and grant of new Personal Licences which is not touched upon in the Home Office consultation document is the difficulties that may arise when the ten year cycle of renewals is due which will be predominantly in 2014 and 2015, in that it was the intention of the Government at the time the Licensing Act 2003 was introduced for there to be a central national register maintained of Personal Licence holders so that any changes of address and movement of the licence holder in the interim between grant and renewal of licence could be recorded.

This central register was never put in place, so while the licence holder has a duty under the Act to advise the issuing authority of a change in their home address, the reality is that with a portable licence that can be used in any licensed premises in England and Wales, large numbers of persons will have not notified their licensing authority of a change to their home address and may no longer be aware of which authority originally issued their Personal Licence to them.

If correct, that would mean significant numbers of renewal letters being returned to local issuing authorities indicating that the licence holder has moved from the address shown on the licence and which would be an administrative impossibility for the issuing licensing authority to then trace where that person had moved to.

Therefore an option to resolve this situation may have been a change to the legislation which says that if the licence holder's Personal Licence is due for its ten year renewal then they simply have to apply for a new ten year licence with the local authority in whose area they are now residing in.

The view of this Council is that this would be a better option to promote the licensing objectives than to abolish Personal Licences altogether.

