Home Office Consultation

Personal Alcohol Licences: Enabling Targeted, Local Alternatives

1. ACS welcomes the opportunity to respond to this important consultation. ACS is a trade association, representing over 33,500 stores across the UK, including Martin McColl, Spar UK, Nisa Retail, Costcutter and thousands of independent stores.

2. Alcohol represents an important category for the convenience sector, accounting for £4.45 billion of sales in 2012. ACS responded to the Alcohol Strategy consultation, and welcomed the Government’s decision not to introduce a ban on multi-buy promotions or to introduce health as a licensing objective for Cumulative Impact Policies. We also welcomed the decision to abolish the need for personal licence holders to renew their licence every ten years, as this will be far less burdensome for retailers.

3. While we understand the Government’s intention to further reduce regulatory burdens for businesses through abolishing the personal licences altogether, ACS and our members hold a number of concerns on how the new system of only the DPS being able to authorise alcohol sales will work in practice, which we outline in our response.

4. ACS’ retail members have expressed the value they feel the personal licence accreditation has towards their business. The personal licence is a way for local shops to be able to show the people they employ are professional and responsible involved and is a way of showing a high standard of training in their businesses.

5. Members have also expressed concerns that abolishing the personal licence could have the potential of a regression in staff training, removing the opportunity for providing staff with a formalised endorsement of their knowledge and experience. Holding a personal licence provides a clearer sense of being a professional for managers and supervisors that they value.

6. Please find below the answers to questions asked in the consultation.

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?

7. ACS does not necessarily agree that the Government’s proposal would reduce financial or time burdens for the convenience sector. One of the largest concerns held by members is the amount of time it would take if every new DPS needed to go through an approval process every time they wished to change their Designated Premises Supervisor. This is a significant problem for businesses operating more than one shop within the same business. This means large businesses operating thousands of stores, as well as small businesses operating two or three shops.

ACS Local Shop Report 2013
Removing the personal licence would in our view impair members’ ability to run their businesses effectively.

8. Currently, the formalised nature of the qualifications required for an individual to be accepted as a DPS is straightforward and allows for seamless transfers of staff between outlets. If proactive checks are required every time a new DPS is appointed, this creates significant potential for disruption in a business’ legal ability to trade. The Licensing Act makes it explicitly clear that a business cannot sell alcohol if there is no DPS. This is particularly problematic when a DPS leaves the business suddenly due to illness, dismissal or resignation.

9. The significant immediate concern would be the cost and delay associated with requiring a criminal records check every time a new DPS is appointed. This would mean significant additional costs in application fees and significant administrative delays. CRB checks can take up to 6 weeks to complete.

10. If a business is left without a DPS because too much time has been taken to undertake a CRB check, there could be a risk that the business would not be able to sell alcohol for a period of time, which would have a significant impact on sales. Indeed, a retailer might not feel that their business is viable without being able to sell alcohol and might decide to stop trading for that period of time altogether.

11. We are also concerned about the proposal for local authorities and police to be able to reject a DPS application under general, rather than exceptional circumstances. We fear that this could create a delay if police are required to provide proactive approvals and there is also scope for significant inconsistency of approach across different authorities, which would create significant uncertainty for businesses.

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.

12. If the personal licence is abolished, retailers have warned that there could be a regression in training standards and in retailers’ knowledge in being able to sell alcohol in a responsible manner. If these standards are found to be falling, this could risk undermining the licensing objectives.

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

13. ACS agrees that nationally accredited training courses are necessary, as this provides a consistency of approach across all Local Authorities. It also ensures that retailers’ knowledge in this area is thorough and that all retailers can achieve the same high standard irrespective of size or the local area where they trade. These should remain a precondition of obtaining a personal licence.

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?

14. A list of relevant offences would help to achieve consistency across all local authorities, and would ensure that a DPS’ application could not be rejected on
potentially irrelevant grounds. These currently exist as preconditions of obtaining and retaining a personal licence.