

3. Information about you

Redacted
s40
Personal Information

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 (if applicable):

WALES TOURISM ALLIANCE

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

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | Individual involved in licensed trade/club premises |
| <input type="checkbox"/> | Small or medium sized enterprise involved in licensed trade/club premises (up to 50 employees) |
| <input type="checkbox"/> | Large business involved in licensed trade/club premises |
| <input type="checkbox"/> | Small or medium sized enterprise involved in the production of alcohol (up to 50 employees) |
| <input type="checkbox"/> | Business involved in the production of alcohol |
| <input checked="" type="checkbox"/> | Trade body representing the licensed trade/club premises or alcohol producers |
| <input type="checkbox"/> | Alcohol-related best practice scheme |
| <input type="checkbox"/> | Person or organisation specialising in licensing law |
| <input type="checkbox"/> | Voluntary and community organisation |
| <input type="checkbox"/> | Licensing authority |
| <input type="checkbox"/> | Licensing authority officer |

If you are from a licensing authority please specify which licensing authority in the box below:

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Public health body (e.g. Primary Care Trust, Local Health Board, Director of Public Health) |
| <input type="checkbox"/> | Local Government (other) |
| <input type="checkbox"/> | Police and crime commissioner |
| <input type="checkbox"/> | Police force |
| <input type="checkbox"/> | Police officer |

If you are from a police force specify which police force in the box below:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Bodies representing public sector professionals (eg. Local Government Association, Institute of Licensing) |
| <input type="checkbox"/> | Central Government |
| <input type="checkbox"/> | Member of the public |
| <input type="checkbox"/> | Other (specify in the box below): |

8. 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 (if applicable)

Which of the following best describes you or the organisation you represent? Please select one box from the list below.

- ☐ Individual involved in licensed premises
- ☐ Small or medium sized enterprise involved in licensed premises (up to 50 employees)
- ☐ Large business involved in licensed premises
- ☐ Small or medium sized enterprise involved in the production of alcohol
- ☐ Business involved in the production of alcohol
- ☒ Trade body representing the licensed premises or alcohol producers
- ☐ Alcohol-related best practice scheme
- ☐ Person or organisation associated in licensing law
- ☐ Voluntary and community organisation
- ☐ Licensing authority
- ☐ Licensing authority office

If you are from a local authority, please select which local authority you belong to from the list below.

- ☐ Police health body (eg. Primary Care Trust, Local Health Board, Director of Public Health)
- ☐ Local Government (other)
- ☐ Police and crime commissioner
- ☐ Police force
- ☐ Police officer

If you are from a local authority, please select which local authority you belong to from the list below.

- ☐ Police health body (eg. Primary Care Trust, Local Health Board, Director of Public Health)
- ☐ Local Government (other)
- ☐ Police and crime commissioner
- ☐ Police force
- ☐ Police officer

If you are responding on behalf of an organisation or interest group, how many members do you have?
(Please specify in the box below):

Number of members: **APPROX 7,000 TRADE.**

Please select one box from the list below that best describes where you live or where your organisation is based:

North East England	<input type="checkbox"/>
North West England	<input type="checkbox"/>
South East England	<input type="checkbox"/>
Yorkshire and the Humber	<input type="checkbox"/>
West Midlands	<input type="checkbox"/>
East Midlands	<input type="checkbox"/>
East of England	<input type="checkbox"/>
South West England	<input type="checkbox"/>
London	<input type="checkbox"/>
Wales	<input checked="" type="checkbox"/>
Scotland	<input type="checkbox"/>
Northern Ireland	<input type="checkbox"/>
European Union	<input type="checkbox"/>
Rest of the world	<input type="checkbox"/>

If you are a member of the public:

What is your gender? (Please select one option)	Female	<input type="checkbox"/>
	Male	<input type="checkbox"/>
	Prefer not to say	<input type="checkbox"/>
What is your age? (Please tick one)	Under 18	<input type="checkbox"/>
	18 – 24	<input type="checkbox"/>
	25 – 34	<input type="checkbox"/>
	35 – 54	<input type="checkbox"/>
	55 - 64	<input type="checkbox"/>
	65 and over	<input type="checkbox"/>
	Prefer not to say	<input type="checkbox"/>

If you are responding on behalf of an organisation or interest group, how many members do you have?
(Please specify in the box below):

Number of members: **APPROX 7,000 TRADE.**

Please select one box from the list below that best describes where you live or where your organisation is based:

- | | |
|--------------------------|-------------------------------------|
| North East England | <input type="checkbox"/> |
| North West England | <input type="checkbox"/> |
| South East England | <input type="checkbox"/> |
| Yorkshire and the Humber | <input type="checkbox"/> |
| West Midlands | <input type="checkbox"/> |
| East Midlands | <input type="checkbox"/> |
| East of England | <input type="checkbox"/> |
| South West England | <input type="checkbox"/> |
| London | <input type="checkbox"/> |
| Wales | <input checked="" type="checkbox"/> |
| Scotland | <input type="checkbox"/> |
| Northern Ireland | <input type="checkbox"/> |
| European Union | <input type="checkbox"/> |
| Rest of the world | <input type="checkbox"/> |

If you are a member of the public:

- | | | |
|--|-------------------|--------------------------|
| What is your gender?
(Please select one option) | Female | <input type="checkbox"/> |
| | Male | <input type="checkbox"/> |
| | Prefer not to say | <input type="checkbox"/> |
| What is your age? (Please tick one) | Under 18 | <input type="checkbox"/> |
| | 18 - 24 | <input type="checkbox"/> |
| | 25 - 34 | <input type="checkbox"/> |
| | 35 - 54 | <input type="checkbox"/> |
| | 55 - 64 | <input type="checkbox"/> |
| | 65 and over | <input type="checkbox"/> |
| | Prefer not to say | <input type="checkbox"/> |

What is your gender?

What is your age? Please select one option.

<input type="checkbox"/>	Female
<input type="checkbox"/>	Male
<input type="checkbox"/>	Prefer not to say
<input type="checkbox"/>	Under 16
<input type="checkbox"/>	16 - 24
<input type="checkbox"/>	25 - 34
<input type="checkbox"/>	35 - 44
<input type="checkbox"/>	45 - 54
<input type="checkbox"/>	55 and over
<input type="checkbox"/>	Prefer not to say

What is your age? Please select one option.

<input type="checkbox"/>	Female
<input type="checkbox"/>	Male
<input type="checkbox"/>	Prefer not to say
<input type="checkbox"/>	Under 16
<input type="checkbox"/>	16 - 24
<input type="checkbox"/>	25 - 34
<input type="checkbox"/>	35 - 44
<input type="checkbox"/>	45 - 54
<input type="checkbox"/>	55 and over
<input type="checkbox"/>	Prefer not to say

4. Confidentiality and disclaimer

Responses: Confidentiality & Disclaimer

- 4.1 The information you send us may be passed to colleagues within the Home Office, the Government or related agencies. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.
- 4.2 If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, among other things, with obligations of confidence.
- 4.3 In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- 4.4 The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Please select if you would like your response or personal details to be treated as confidential ☐

Please give your reasons in the box below:

Response: Confidentiality & Disclaimer

- 4.1 The information you want to see is being passed to colleagues within the Home Office, the Government or related agencies. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.
- 4.2 If you want other information that will provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which states, among other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by our IT system will not, of itself, be regarded as binding on the Department.
- 4.4 The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Please give a response to this consultation by 12 noon on 12 November 2012. Please give a response to this consultation by 12 noon on 12 November 2012.

Consultation Question 16:

Should special provision to reduce the burdens on ancillary sellers be limited to specific types of business, and/or be available to all types of business providing they meet certain qualification criteria for limited or incidental sales? (Please select one option in each row):

		Yes	No	Don't know
A	The provision should be limited to a specific list of certain types of business and the kinds of sales they make (see paragraph 9.5).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller (see paragraph 9.6).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	The provision should be available to both a specific list of premises and more widely to organisations meeting the prescribed definition of an ancillary seller, that is, both options A and B.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 10

Should special provision to reduce the burden on already failing or nearly failing businesses be limited to specific types of business and/or be available to all types of business providing they meet certain eligibility criteria for limited or no payment? (Please indicate the option in each row)

Don't know	No	Yes		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A The provision should be limited to a specified number of types of business and the kinds of sales they make (see paragraph 9.3)	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B The provision should be available to all businesses providing they meet certain eligibility criteria to be an eligible seller	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C The provision should be available to both a specified number of types of business and those selling to organisations meeting the prescribed eligibility criteria	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	D All eligible sales that are not options A and B	

Consultation Question 17:

If special provision to reduce licensing burdens on ancillary sellers were to include a list of certain types of business, do you think it should apply to the following? (Please select one option in each row):

		Yes	No	Don't know
A	Accommodation providers, providing alcohol alongside accommodation as part of the contract.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Hair and beauty salons, providing alcohol alongside a hair or beauty treatment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	Florists, providing alcohol alongside the purchase of flowers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D	Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the entry ticket.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E	Regular charitable events, providing alcohol as part of the wider occasion. ²³	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 18:

Do you have any suggestions for other types of businesses to which such special provision could apply without impacting adversely on one or more of the licensing objectives (see glossary)? (Please write your suggestions in the box below, keeping your views to a maximum of 200 words):

²³ It should be considered that, for businesses that wish to sell alcohol on an occasional basis, the use of a Temporary Event Notice (TEN) is likely to remain a preferable option. Paragraph 9.13 describes changes we have already made to make TENs more flexible, and makes further proposals.

Consultation Question 19:

The aim of a new 'ancillary seller' status is to reduce burdens on businesses where the sale of alcohol is only a small part of their business and occurs alongside the provision of a wider product or service, while minimising loopholes for irresponsible businesses and maintaining the effectiveness of enforcement (see paragraphs 9.2 and 9.3). Do you think that the qualification criteria proposed in paragraph 9.6 meet this aim? (Please select one option):

Yes ☒ No ☐ Don't Know ☐

If no, please describe the changes you would make in the box below (keeping your views to a maximum of 200 words).

Alcohol < 5%.
License holder requirement to be removed if ancillary.
Yes to ASN

- 9.8 The Government is consulting on two basic approaches which could be used to reduce the burden on premises where they have been given the status of an ancillary seller.

Option A - Removing the need for a personal licence holder

- 9.9 The first option would be to reduce the requirements and costs associated with a premises licence by enabling ancillary sellers to apply to remove the requirement that all premises have at least one member of staff acting as a Designated Premises Supervisor (DPS) and for that person to be a personal licence holder (PLH). In most cases, this requirement is necessary to ensure that a qualified person is authorising sales of alcohol and that premises are fully complying with the law.
- 9.10 However, the 2003 Act already recognises that this requirement (which means a member of staff possessing an accredited PLH qualification and meeting the cost of the personal licence fee on top of the premises licence fee) can be overly onerous and disproportionate in some cases, such as for community premises (e.g. village halls). The 2003 Act therefore currently allows community premises to apply to their licensing authority for an exemption from this requirement and we are considering broadening this to also exempt ancillary sellers. As for community premises, it would be expected that an ancillary seller would apply for this exemption at the same time as making an application for a premises licence, with no extra fee or process necessary.

Consultation Question 10

The aim of a new regulatory regime is to reduce the burden on businesses while still protecting the public. It is important that the new regime is designed to be proportionate and does not impose a wider burden of costs on businesses than it removes. The new regime should be designed to be proportionate and does not impose a wider burden of costs on businesses than it removes. The new regime should be designed to be proportionate and does not impose a wider burden of costs on businesses than it removes.

If not, please describe the changes you would make in the box below (keeping your views to a maximum of 200 words)

Yes ☒ No ☐ Don't Know ☐

9.8 The Government is consulting on two basic approaches which could be used to reduce the burden on business owners they have been given the status of an alcohol seller.

Option A - Removing the need for a personal licence holder

9.9 The first option would be to remove the requirements and costs associated with a premises licence by asking another person to apply to remove the requirement that all premises have at least one member of staff acting as a Designated Premises Supervisor (DPS) and for that person to be a personal licence holder (PLH). In most cases, this requirement is necessary to ensure that a qualified person is authorising sales of alcohol and that premises are fully compliant with the law.

9.10 However, the 2003 Act already requires that the requirement (which means a member of staff possessing an approved PLH qualification and meeting the cost of the personal licence fee on top of the premises licence fee) can be overly onerous and disproportionate in some cases, such as for community premises (e.g. village halls). The 2003 Act therefore currently allows community premises to apply to their licensing authority for an exemption from the requirement and we are considering broadening this to also exempt charity premises. As for community premises, it would be expected that an alcohol seller would apply for this exemption at the same time as making an application for a premises licence, with no extra fee or process necessary.

Option B - Removing the need for a premises licence

- 9.11 A more radical option would be the possible introduction of a new form of lighter-touch authorisation under the 2003 Act, available only to those given the status of an ancillary seller. This could be referred to as an "ancillary sales notice" (ASN) and would remove the need for a premises licence at those premises. The process of obtaining an ASN would be quicker, simpler and cheaper than for a premises licence to reflect the limited form of alcohol sales that would be taking place. It could potentially work in a similar way to a TEN. The applicant could send a notice (accompanied by a fee that will cover the licensing authority's costs) stating that they believe themselves to be an ancillary seller, given the nature of their business. The police or the environmental health authority could object. There would be no need to advertise publicly and no annual fee. Unlike a TEN however, the authorisation (and the power to object) would be ongoing (but with a defined maximum duration such as five years).
- 9.12 When considering this proposal it would be important to strike the right balance between ensuring that the ASN process is a simplified process, and ensuring that appropriate safeguards still apply to those premises with an ASN as they do to other premises. For example, criminal offences would still apply to ASN holders and the licensing authority should be able to refuse (or revoke) an ASN that is inappropriate for the promotion of the licensing objectives. We are asking whether the requirement for sales of alcohol to be authorised by a personal licence holder should still apply to alcohol sold under an ASN.

Consultation Question 20:

Do you think that these proposals would significantly reduce the burdens on ancillary sellers? (Please select one option in each row):

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Introduce a new, light-touch form of authorisation for premises making ancillary sales - an 'ASN' but retain the need for a personal licence holder.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Introduce a new, light touch form of authorisation for premises making ancillary sales - an ASN - with no requirement for a personal licence holder.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Option B - Removal of ASNI for a premises licence

9.11 A more radical option would be the possible introduction of a new form of lighter-touch authorisation under the 2013 Act, available only to those given the status of an ancillary seller. This could be referred to as an "ancillary sales notice" (ASN) and would remove the need for a premises licence at those premises. The process of obtaining an ASN would be quicker, simpler and cheaper than for a premises licence to reflect the limited form of alcohol sales that would be taking place. It could potentially work in a similar way to a TEN. The applicant could send a notice (accompanied by a fee that will cover the licensing authority's costs) stating that they believe themselves to be an ancillary seller given the nature of their business. The police or the environmental health authority could object. There would be no need to advertise publicly and no annual fee. Unlike a TEN however, the authorisation (and the power to object) would be ongoing (but with a defined maximum duration such as five years).

9.12 When considering this proposal it would be important to strike the right balance between ensuring that the ASN process is a simplified process, and ensuring that appropriate safeguards still apply to those premises with an ASN as they do to other premises. For example, criminal offences would still apply to ASN holders and the licensing authority should be able to refuse (or revoke) an ASN that is inappropriate for the promotion of the licensing objectives. We are asking whether the requirement for sales of alcohol to be authorised by a personal licence holder should still apply to alcohol sold under an ASN.

Do you think that these options would significantly reduce the number of premises with a premises licence? Select one option, or none.

	Yes	No	Don't know
A. Allow premises making ancillary sales to register in their premises licence application that the requirement for a personal licence holder be removed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Introduce a new lighter-touch form of authorisation for premises making ancillary sales - an ASN - that would be issued for a maximum period of five years.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Introduce a new lighter-touch form of authorisation for premises making ancillary sales - an ASN - with no time limit for a personal licence holder.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 21:

Do you think that the following proposals would impact adversely on one or more of the licensing objectives (see glossary)? (Please select one option in each row):

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Introduce a new, light-touch form of authorisation for premises making ancillary sales an – 'ASN' but retain the need for a personal licence holder.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN – with no requirement for a personal licence holder.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Question 22:

What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation? (Please specify in the box below, keeping your views to a maximum of 200 words)?

REVIEW 5 YEARLY
BUT REVIEWABLE ANY TIME IF APPROPRIATE REASON.

Occasional provision of licensable activities at community events

9.13 Those who wish to provide licensable activities (for example selling alcohol or providing late night refreshment) on an occasional basis must obtain an authorisation under the 2003 Act. They will ordinarily obtain a TEN (see glossary). The Government has already given more local flexibility over TENs. For example, since April 2012, environmental health authorities are able to make objections. For those issuing TENs, the process has also been made more flexible, for example by enabling licensing authorities to accept TENs received after the ten-day deadline and extending the maximum duration of a TEN. We are considering now whether there is scope to be more radical and allow individual licensing authorities to determine their own, less burdensome, TEN processes if they wish.

Do you think that the following activities are likely to be carried out by the person(s) named in the table below?

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What other activities do you think the person(s) named in the table above might be involved in?

Other activities may include:

Occasional provision of licensable activities at community events

9.13 Those who wish to provide licensable activities (for example selling alcohol or providing late night entertainment) at occasional events must obtain an authorisation under the 2003 Act. They will normally obtain a TEN (see glossary). The Government has already given more local flexibility over TENs. For example, since April 2012, environmental health authorities are able to grant an event licence for those licensing TENs. The process has also been made more flexible for licensing authorities to accept TENs received after the ten day deadline, to extend the maximum duration of a TEN. We are considering how whether these changes to the process for individual licensing authorities to determine their own rules around TEN processes if they wish.