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Marks and Spencer response to the Home Office consultation on the Abolition of Personal Alcohol Licences

Marks & Spencer sells food and general merchandise in over 780 stores across the UK. As part of our food business, M&S has a comprehensive alcohol offer, comprising wine, spirits, beer and cider. In addition to our retailing business, many M&S stores also include a hospitality offer, such as a cafe, restaurant or deli bar. A small number (approximately 5%) of these sell alcohol.

In compliance with the Licensing Act 2003, there is a Designated Premises Supervisor (DPS) for each M&S store who holds a personal licence. In addition, all members of the store management team (and others) are required to hold a personal licence. This is to ensure that at any given time, there will always be a personal licence holder (PLH) working at the store. M&S currently requires over 5,000 staff to hold a PLH.

Whilst we welcome efforts to reduce burdens created by the system of personal licences, we are concerned that the Government's proposal could cause complexity by creating a patchwork of different training requirements across the country. Whilst this may reduce the burden locally in some areas, there is a risk that this could be counteracted by the extra cost of providing tailored training courses and the monitoring necessary to ensure that we are meeting our differing obligations across the country.

Since the introduction of the current system in 2005, Marks and Spencer has invested in creating a network of PLHs across the country that, combined with our robust internal policies, provides us with the confidence that we are not only fulfilling our licensing obligations but going above and beyond minimum legal requirements. Therefore, whilst there are certainly costs associated with maintaining this existing PLH network, before giving our support to the abolition of personal licences, we would need to be confident that the alternative proposal would not in fact add to the regulatory burden.

We would welcome clarification on the following points to help us to gain a better understanding of the potential benefits and risks surrounding the Government's proposal:

- Does the Government propose to require all alcohol sales to be made or authorised by the DPS (singular) who is listed on the premises licence, rather than a PLH (who is one of many)?
- If so, it is unclear how alcohol sales could be made or authorised when the DPS listed on the store's premises licence is not at work. What would the implications be if this was the case and a sale was made?

- Will the sales still need authorising or is there a proposal to revert to a system which is similar to the old justice's license regime?
- If the DPS was not at work and a sale of alcohol was made, would this be deemed an unauthorised and therefore illegal sale of alcohol?
- If so, how can retailers maintain compliance in a practical way? Could there be more than one DPS listed on the premises license or the introduction of other persons who would also be allowed to authorise the sale of alcohol?
- Does the Government propose to change the current list of offences that can be considered as a factor in ruling out the granting or renewal of a personal licence? This is currently not clear from the consultation document and further information would be welcomed.