



Home Office

# Next steps following the consultation on delivering the Government's alcohol strategy

July 2013

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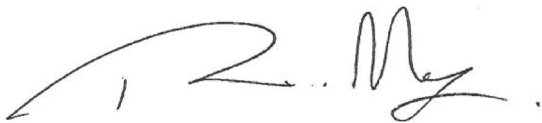
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# Ministerial foreword



1. Every sensible person wants to diminish the scenes of drunkenness that have become a regular feature in so many areas of our towns and cities. In nearly half of all incidents of violence in the year 2011/2012, the victim thought the perpetrator was drunk. A great deal of violence happens in or around a pub or a club, and alcohol is very often implicated.
2. Excessive alcohol consumption doesn't only blight communities, clog up Accident and Emergency departments, and make many of the streets near many clubs and bars no-go areas for decent people on Friday and Saturday nights. It also costs a huge amount of money: the current estimate for the cost of alcohol-related crime in England and Wales alone is around £11 billion every year.
3. This Government is determined to curb excessive drinking. But we are also determined to use fair and effective policies in order to achieve that goal. No one wants to make laws that don't produce the results they were intended to, which merely generate pointless restrictions and bureaucracy, and which mean pubs cannot be a focus for community life because they are forced to close.
4. That is why we embarked on a careful exercise of consulting with experts from the police, from health organisations, and from the drinks industry, as well with the public, before we made any decision on the precise nature of the policies we would put on the statute book. We want to ensure that when we legislate, our laws are effective.
5. That consultation has been extremely useful. But it has not provided evidence that conclusively demonstrates that Minimum Unit Pricing (MUP) will actually do what it is meant to: reduce problem drinking without penalising all those who drink responsibly. In the absence of that empirical evidence, we have decided that it would be a mistake to implement MUP at this stage. We are not rejecting MUP – merely delaying it until we have conclusive evidence that it will be effective.
6. There is too much cheap alcohol available so we will ban the sale of alcohol at below what it costs the retailer to obtain it in the first place. This will stop the worst instances of deep discounting which result in alcohol being sold cheaply and harmfully. It will no longer be legal, for example, to sell a can of 4% ABV lager for less than 40 pence.
7. But – and after careful consideration of the evidence – we have decided not to outlaw multi-buy promotions for alcoholic drinks (offers of the 'buy two, get one free' variety), as there is no convincing evidence that it would have a significant effect in reducing consumption.
8. Rather than use the sledgehammer of national legislation, which often misses its target, our immediate priority is to engage the industry – and of course, its customers – to follow practices that help everyone who likes a drink to consume alcohol responsibly. So we have challenged industry to go further in a number of areas.

9. Best Bar None, Pubwatch, Community Alcohol Partnerships and Purple Flag are good examples of what can be achieved by that method. Bars, clubs and pubs can join Best Bar None, provided they get past an inspection that evaluates (amongst other things) how they promote responsible drinking and prevent crime and disorder.
10. The effects of 'Best Bar None' on reducing drunkenness, and in particular on reducing drunken violence, can be spectacular. Since Doncaster introduced the scheme in 2006, violent crime has fallen in the town centre during the evening by over 40 per cent. Durham has also implemented the 'Best Bar None' scheme, and has seen crimes of violence go down by nearly 60 per cent. Meanwhile, bars, pubs and clubs in the centre of Durham have been visited by many more people, because the area is safer, less threatening, and altogether much more pleasant. Alcohol sales are up, but drunken violence is down.
11. It is that sort of targeted action by the pubs and clubs themselves which has so far proved by far the most effective in curbing irresponsible drinking. It has also encouraged moderate, sensible drinking in pubs and bars of the kind that most people enjoy and which helps town centres to flourish.
12. Read this report and discover other local initiatives that we will be supporting that are helping to produce the result we all want: a significant reduction in violent, yobbish and shameful drunkenness on our streets.

A handwritten signature in black ink, appearing to read 'Theresa May', with a large, sweeping flourish at the end.

The Rt Hon Theresa May MP  
Home Secretary

# Introduction

- i. For many people, alcohol can be something to enjoy with friends at home, at a local pub or a community event. As well as contributing to social interaction and local life, the alcohol industry plays an important part in enhancing the health of the economy, supporting over 1.8 million jobs.
- ii. However, alcohol-related crime and anti-social behaviour is unacceptable. The statistics around alcohol and violence are stark<sup>1</sup>: 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 club, while around two thirds of all violence occurs in the evening or at night. Drunkenness is a common sight in town centres, with nearly a quarter of adults aged 16 or over perceiving drunkenness or rowdy behaviour as a problem in their local area. This kind of irresponsible and excessive consumption of alcohol imposes a significant cost on society. Alcohol-related crime is estimated to cost society £11 billion in England and Wales alone<sup>2</sup>. Alcohol misuse also costs the United Kingdom economy an estimated £7.3 billion a year in lost productivity and the National Health Service in England an estimated £3.5 billion a year<sup>3</sup>. In England, over 15,000 people die from alcohol-related illnesses each year.
- iii. Through the Alcohol Strategy ('the Strategy'), published in March 2012, the Government is promoting proportionate and targeted action to reduce the costs and problems caused to society by irresponsible and excessive drinking without disproportionately affecting responsible drinkers. As the Strategy made clear, reducing the harms caused by alcohol is not only a matter for Government. Collective action is required by industry, local agencies and individuals.

## Government action following the Strategy

- iv. The Government has significantly restructured the way we deliver services locally, enabling local agencies to take the right action for their areas. Directly elected police and crime commissioners have been in place since November 2012, ensuring that the concerns of local communities drive policing priorities and that local crime and anti-social behaviour issues are tackled. This is why police and crime commissioners are key players in maximising the benefits of local action, which brings together partners from industry, local agencies and the voluntary sector to tackle local problems. To better protect victims and communities, the Government is now reforming powers for local agencies on anti-social behaviour, replacing 19 complex powers with six simple and more flexible ones. These new powers will be effective, quick, practical and easy to use, ending dangerous and yobbish behaviour, often exacerbated by alcohol, which makes victims' lives a misery.
- v. The health landscape has also been reformed to improve health outcomes. Local authorities now lead on improving public health and wellbeing in their areas through Health and Wellbeing Boards including services related to alcohol. They have been supported since 1 April 2013

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1 Statistics are from the period 2011/12, taken from the Crime Survey for England and Wales, Office for National Statistics.

2 At 2010/11 prices.

3 Both at 2009/10 prices

by Public Health England, which, among other things, leads on marketing on issues such as alcohol, and on building the public health evidence base.

- vi. The Government has rebalanced the Licensing Act 2003 ('the 2003 Act') in favour of local communities: anyone, no matter where they live, can input into decisions to grant or revoke a licence. It has made local agency action on alcohol more transparent to residents and others interested in licensing: details of all new licensing applications should now be published on licensing authority websites, and the police.uk website now includes data on crime and anti-social behaviour at street level as well as action taken after a crime is recorded. Licensing authorities now have access to a greater range of powers to tackle alcohol-related crime and anti-social behaviour in the late night economy. Newcastle is introducing a late night levy on businesses selling alcohol late at night, while authorities like Blackpool are actively considering this or restricting the sale of alcohol in all or part of their area through an early morning alcohol restriction order. The Government has also sent a clear message that sales of alcohol to children will not be tolerated. This is why the fine for persistently selling alcohol to those under 18 has now been doubled to £20,000.
- vii. The Government is supporting people to make informed choices about responsible drinking. An alcohol audit now forms part of the NHS health check available to everyone between the ages of 40 and 74. The Government has also asked the United Kingdom Chief Medical Officers to review guidelines for adults on lower risk drinking. Two expert groups will report in early 2014, with any subsequent changes to the alcohol guidelines being made from the summer of 2014.

## The consultation

viii. In November 2012, the Home Office launched a ten-week consultation on five key areas ('the consultation') with the aim of reducing alcohol fuelled crime and anti-social behaviour:

- a ban on multi-buy promotions;
- a review of the existing mandatory licensing conditions;
- health as a licensing objective for cumulative impacts;
- cutting red tape for responsible businesses; and
- minimum unit pricing.

## The results of the consultation

The responses to that consultation are not covered in this paper, but can be found in the analysis report published alongside this document.<sup>4</sup>

## Summary of next steps

- ix. This document sets out the next steps we will be taking in response to this consultation and to deliver the Government's Alcohol Strategy in three areas:
  - Targeted national action – including direct action from Government and our ambition for further voluntary commitments by the alcohol industry to tackle alcohol-related crime and health harms;

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<sup>4</sup> Analysis of responses to the consultation on delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour.

- Joining up at the local level – including how the Government will support local areas with high levels of alcohol-related harms to deliver change, in particular maximising the contribution from industry to support local action, for instance through business-led best practice schemes such as Best Bar None;
- Promoting growth and supporting responsible businesses – how the Government will free business and community groups from unnecessary red tape while maintaining the integrity of the licensing system.

# 1. Targeted national action

- 1.1 As set out in the Government's Alcohol Strategy, society needs to address the problems caused by the cheapest and most harmful alcohol and irresponsible alcohol sales and promotions. The Government's recent alcohol consultation proposed a number of ways by which this could be achieved.
- 1.2 The proposals for a minimum unit price of 45 pence per unit and for a possible ban on multi-buy promotions received the most interest of the various proposals set out in the consultation.
- 1.3 The Government invited views on the proposed level of a minimum unit price for alcohol of 45 pence, including how the price could be adjusted over time and the factors which should be considered when setting such a price. A wide range of evidence was provided throughout the consultation on minimum unit pricing. These have been considered alongside updated modelling by the University of Sheffield<sup>5</sup> which suggests that a minimum unit price of 45 pence would have an impact on the consumption of hazardous and harmful drinkers, resulting in a significant reduction in health harms and some reductions in crime related harms.
- 1.4 A number of other issues were raised including the potential impact of minimum unit pricing on the cost of living and the economic impact of the policy and increases in illicit alcohol sales. The Government acknowledges the need to give careful consideration to any possible unintended consequences of minimum unit pricing. Further, while we remain confident of the legal basis of the minimum unit pricing policy and will continue to support the Scottish Government in this area, the Government is also mindful of the need to watch the outcome of the legal challenge to the Scottish Government's minimum pricing legislation.
- 1.5 For these reasons, the Government has decided that the introduction of a minimum unit price for alcohol will remain a policy under consideration, but will not be taken forward at present. We will continue to monitor carefully the legal developments and the implementation of this policy in Scotland.
- 1.6 The Government also consulted on the possible introduction of a ban on multi-buy promotions of alcohol in the off-trade. A small majority of those responding to the consultation were in favour of a ban, though most of the public were opposed. Again, this is an area of evolving evidence. However, on balance, the Government believes that the evidence for the effectiveness of a ban on multi-buy promotions in the off-trade in reducing hazardous and harmful consumption remains inconclusive, and will not therefore be taking this forward.

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5 The SchARR report will be published on their website: <http://www.sheffield.ac.uk/scharr/sections/ph/research/alpol/publications>



## Government action

- 1.7 To tackle the most egregious examples of cheap alcohol, we will introduce a ban on the sale of alcohol in England and Wales below the level of alcohol duty ('duty') for a product plus value added tax ('VAT'), to come in to effect no later than spring 2014. We already have the power under primary legislation to introduce this, and will bring forward secondary legislation to implement this commitment from the Coalition Programme for Government. The Government believes this will end the sale of the very cheapest alcohol (for example, a can of 4% ABV lager could not be sold for less than 40 pence) and is an important first step to prevent the irresponsible sale of very cheap alcohol and reduce the harms associated with it.
- 1.8 Following its review of the mandatory licensing conditions and the views expressed in the consultation, the Government will also make the existing conditions (five of which apply to all on-trade alcohol licences in England and Wales with one – on age verification policies – also applying to the off-trade) more effective and ensure they are consistently implemented, particularly those regulating irresponsible sales and promotions. The Government has listened to a range of views expressed in the consultation and will:
- Enable tougher action on irresponsible promotions in pubs and clubs: assisting enforcement and other agencies and the on-trade to tackle crime and disorder and promote the other licensing objectives by simplifying and tightening the law on what constitutes an irresponsible promotion<sup>6</sup>.
  - Strengthen measures to help people drink more responsibly: requiring on-trade premises to list the price of small measures, which they must already offer, on menus or price lists alongside the price of other serving sizes. If a customer does not specify a measure, there will also be a requirement to make them explicitly aware of those that are available. These changes will raise customer awareness of the availability of small servings such as a 125ml glass of wine, half a pint of beer or a single measure of spirits. We will also clarify that the water that all on-trade premises such as pubs and clubs must offer their customers is drinkable, encouraging them to balance their alcoholic and non-alcoholic consumption.
  - Improve age verification requirements: making it clear that responsibility lies with the designated premises supervisor, already responsible for the day-to-day management of the premises, for implementing the age verification policy; and broadening the definition of identification documents which can be used to prove age to include those bearing ultra-violet fluorescent ink. Some foreign passports and identity cards do not bear the holographic mark currently required to be valid as identification for the purchase of alcohol. This will mean that more visitors to England and Wales can be confident of proving their age.

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### 6 We will:

- Make all the existing listed promotions irresponsible in all circumstances, removing the need for judgment by business or those enforcing the condition. This reduces the risk that the condition is applied inconsistently.
- Remove the exemption for table meals that currently applies to the ban on offering unlimited or unspecified quantities of alcohol for free or for a fixed fee.
- Require businesses to ensure that irresponsible promotions do not occur, rather than taking 'all reasonable steps'.
- Remove the specific reference in the condition to the ban on the provision of free or discounted alcohol in connection with a "sporting event". This type of irresponsible promotion is already covered by the ban on the provision of unlimited or unspecified alcohol for free or for a fixed or discounted fee.
- Incorporate the separate condition banning the dispensing of alcohol by one person in to the mouth of another into the irresponsible promotion condition. Before the ban, this frequently took place as part of a promotion.

A number of other suggestions were made in relation to the mandatory licensing conditions but, in seeking to strike a balance between promotion of the licensing objectives and burdens on business, the Government has decided not to proceed with these.

## Challenging and supporting industry to take action

- 1.9 The decision to give further consideration to introducing a minimum unit price, and not to take it forward at present, provides the alcohol industry – both producers and retailers – with an opportunity to demonstrate what it can achieve voluntarily to support the Government's aim of reducing the harms associated with problem drinking, particularly those related to crime and health.
- 1.10 We have already seen action from industry through the Public Health Responsibility Deal. Around 125 companies have signed up to the Responsibility Deal's alcohol pledges, supporting the overall commitment to help people drink within the guidelines<sup>7</sup>. This action is driving change: 80% of bottles and cans are expected to have health and alcohol unit information by the end of 2013, with 92 companies signed up to achieving this. Industry has already committed to using their technical expertise to remove one billion units of alcohol from the market (2% of the total alcohol sold) by the end of 2015, with over 30 companies signed up.
- 1.11 The Government believes that the alcohol industry can go further to show that voluntary action can deliver the significant changes needed. It is now challenging industry to take action in other areas, increasing their level of ambition and ownership of the issues, to reduce alcohol-related crime and disorder and health harms, tackle the harmful effects of binge drinking and to support growth in local economies. This includes seeking rapid action in the following areas: supporting targeted local action; tackling the high strength or high volume products that can cause the most harm; promoting and displaying alcohol responsibly in shops; and improving education around drinking.
- 1.12 Supporting targeted local action: a number of businesses are already working innovatively and collaboratively with partners at a local level to address specific problems in a community. However more can be done, working alongside key partners such as police and crime commissioners, the police, licensing authorities, health agencies and Government. The next chapter sets out how Government will facilitate this, and the critical role industry has to play.
- 1.13 Tackling high strength products: We know many producers and retailers are actively considering their approach to high strength or high volume drinks that can cause significant harm. We have seen strong leadership from Heineken in its proactive decision to remove the high strength ciders 'White Lightning' and Strongbow Black' from their portfolio. The Government wants to see industry go further on the Responsibility Deal's billion unit pledge, with more companies signing up to meaningful action that will deliver real change in communities.
- 1.14 Promoting and displaying alcohol responsibly in shops: Alcohol offers are too often prominently displayed in shop foyers or at the end of aisles. Some in the industry recognise such promotions, and the high visibility of these within shops, can unduly encourage harmful levels of drinking. Morrisons has never displayed alcohol in their foyer and ASDA has led the

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<sup>7</sup> These guidelines are that men should not regularly drink more than three to four units of alcohol per day and women should not regularly drink more than two to three units per day.

way by removing alcohol from their shop foyers and committing to maintaining that in the future. The Government wants others to follow suit, with one potential example for action being the voluntary agreement between retailers and the Government in the Republic of Ireland.

In the Republic of Ireland, Retail Ireland, the Convenience Stores and Newsagents Association (CSNA) and RGDATA (a representative group for Ireland's independently family owned grocery shops, convenience stores, forecourt stores and supermarkets) have entered in to a voluntary agreement with the Irish Government. The main points are that:

- Any display and promotion of alcohol in-store will be confined to a single area, with exceptions for small premises;
- Large supermarket chains have committed to broadcast and printed advertising having at least 75% of content devoted to products other than alcohol.

Waitrose do not stack alcohol at the entrance to their shops and have reduced the average alcohol content of all their beers, wines and spirits; for example they have stopped selling Waitrose Reserve Cider which had an alcohol content of 8.2%, and are committed to making further reductions.

- 1.15 Improving education: Young people are more likely to fall victim to alcohol-related violent incidents and to binge drink. Through the Responsibility Deal, industry has already pledged to fund, at arms-length, education programmes for children and young people which help them safely to navigate mixed messages about alcohol and other risks. We are pleased that industry will continue to fund Drinkaware and would like more companies to sign up to these critical pledges around education.
- 1.16 The Government has engaged with industry leaders including alcohol producers, retailers and trade associations to set this new challenge. We have asked industry to set out how they will build on pledges in the Responsibility Deal and bring about rapid action and demonstrable change, monitoring the impacts closely so that progress can be tracked. An action plan will be agreed between Government and industry by the autumn, and we will continue to engage other key partners as this develops.

The Government will:

- Introduce a ban on the sale of alcohol in England and Wales below the level of alcohol duty for a product plus value added tax, to come in to effect no later than spring 2014.
- Introduce changes to improve the effectiveness of the mandatory licensing conditions by enabling tougher action on irresponsible promotions, strengthen measures to help people drink more responsibly and improve age verification requirements.
- Renew the challenge to industry so that further rapid action is taken to reduce alcohol-related crime and health harms.

## 2. Targeted action at the local level

- 2.1 The Government has so far focused on rebalancing the Licensing Act and giving local areas the tools and powers they need to tackle alcohol-related issues. National direct action is important but the Government, together with industry, has a responsibility to facilitate targeted local initiatives.
- 2.2 Communities, agencies and businesses are ultimately best placed to identify and deal with alcohol-related problems in their area. Through the introduction of police and crime commissioners there are even greater opportunities for local partnership action to focus on community issues and concerns. Thirty five police and crime commissioners have said that alcohol-related crime is a priority for them. At the same time, new tools designed to focus on alcohol related crime and disorder such as the Late Night Levy and Early Morning Alcohol Restriction Orders (EMROs) are enabling more effective partnership working.
- 2.3 Local areas like Durham and Ipswich are responding creatively to alcohol-related problems. Enforcement and other local agencies together with the voluntary and community sector are working in partnership with businesses and business-led initiatives. Through the Public Health Responsibility Deal, 56 companies have pledged to support local areas through schemes such as Best Bar None, Pubwatch, Community Alcohol Partnerships, and Business Improvement Districts. These are inspiring others to consider how they could benefit from such approaches in their own areas.
- 2.4 For instance, Best Bar None is designed to enhance and complement traditional law enforcement, incentivising licensed premises to meet a national benchmark in the way they operate. Such schemes can significantly contribute to their local communities. Since the scheme's inception in Doncaster in 2006, violent crime has reduced in Doncaster town centre during the evening by 41.9%<sup>8</sup>, while in Durham crimes of violence against the person fell by 57.6% between 2006/7 and 2012 while footfall increased by 50%<sup>9</sup>. The Government wants to encourage more of these kind of schemes, which support local growth by reducing crime and disorder, reclaiming the streets for responsible citizens.

## Durham – ‘Nightsafe Initiative’

Between 1997 and 2007 Durham’s night time economy flourished, with a large increase in night-time visitors. During the same period, crime and disorder incidents rose significantly. In 2007 a partnership of the police, local authority, Durham University and local businesses formed to establish the foundations to support growth, whilst keeping Durham a safe, enjoyable place to visit. The Durham City ‘Nightsafe Initiative’ has delivered a raft of improvements. These include improved safety measures, such as funding for metal detection equipment and a Street Angels scheme; enhanced late night transport; and changes to police operational practices which enable closer working with licensees and door staff, and increased officer visibility.

The Nightsafe Initiative also saw the launch of a highly successful Best Bar None scheme in 2008. This enables licensed premises to become an essential partner of enforcement and other agencies dealing with alcohol-related issues, rather than a passive recipient of local initiatives. Best Bar None enables licensees to demonstrate that they manage their businesses responsibly and facilitates constructive dialogue between local agencies and industry. Members of the scheme attribute to it increases in turnover as high as 75% to its success in raising standards and ensuring the safe management of customers.

## Ipswich – ‘Reducing the Strength’ campaign

The pioneering ‘Reducing the Strength’ campaign in Ipswich has the aim of reducing anti-social behaviour caused in particular by street drinking. Led by Suffolk police, the harms caused by high strength beer and cider (defined as 6.5% alcohol by volume or greater) and the benefits of ending sales are explained to retailers. Six months after the start of the voluntary campaign in September 2012, two thirds of the town’s 122 licensed retailers have removed strong beers and ciders from their shelves. Support for the scheme has come from large national retailers as well as small local stores. Retailers have also been encouraged to apply for a minor variation to their premises licences, adding a condition that they will not sell these products. In the course of six months, the number of premises with this condition grew from 53 to 80. The number of reports of incidents related to street drinking in Ipswich received by the Police from the public was almost 50% lower over the period September 2012 – March 2013 compared to the same period a year earlier. Anti-social behaviour has fallen by 19% year-on-year, to February 2013, compared to a year-on-year drop in overall crime of 14% in the town. There has been significant interest in adopting the scheme from other towns and cities.

## Promoting action at the local level

- 2.5 The Government wants to enable local areas to strengthen partnerships and take the right action for their community, building on Baroness Newlove’s Alcohol Fund.<sup>10</sup> As highlighted above, there are already many innovative local examples to inspire others. The Government will work with the best local partnership schemes and the alcohol industry to galvanise this ambition.

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<sup>10</sup> This is a £1 million fund from the Department for Communities and Local Government helping 20 communities to tackle alcohol-fuelled anti-social behaviour.

2.6 To this end, the Government will seek expressions of interest – including from police and crime commissioners – over the summer from places with significant levels of alcohol related harms to become ‘local alcohol action areas’. These areas will benefit from advice and support from the Government, Public Health England, national industry representatives and other partner agencies with three aims: reducing alcohol related crime and disorder; reducing alcohol-related health harms; and promoting growth by establishing diverse and vibrant night time economies.

2.7 Local alcohol action areas will be supported to:

- identify underlying causes of the problems they face;
- develop innovative strategies to tackle these;
- develop communications strategies to their public and partners;
- monitor and assess the impacts of their projects in an effective and standardised way; and
- make connections with mentor areas that have successfully tackled the same issues faced by alcohol action areas.

2.8 Local alcohol action areas will be encouraged to focus their efforts in the following three key areas:

**a) Stronger Partnership:** The Government wants areas to maximise the benefits of partnership working, focusing and co-ordinating the efforts of local agencies, industry and the voluntary sector in tackling alcohol-related problems. Budgets and expertise can be pooled, providing the right services at the right time, making town centres safer and in doing so encourage more people to enjoy a night out, promoting growth. Key to this will be the expansion of successful business-led partnership schemes including Best Bar None and Community Alcohol Partnerships. The Government and national industry will provide areas with access to information and mentoring from existing schemes, encouraging the spread of creative approaches.

**b) Better enforcement:** The Government also wants to ensure that areas are making the best use of their tools and powers around alcohol-related crime, including criminal offences such as selling alcohol to drunks. These tools might include cumulative impact policies, designated public place orders, recently created powers such as the late night levy and forthcoming more effective powers around anti-social behaviour<sup>11</sup>.

**c) Improved Evidence:** Information is a powerful tool in tackling alcohol-related problems, but some areas use it better than others. The Government wants to strengthen data sharing within local partnerships, in particular between crime and health agencies and licensing authorities. Sources such as hospital Accident and Emergency departments will be key to underpinning new tools such as EMROs and better data will, for instance, be key in considering how health could be given greater future consideration in the licensing process.

The Government is already improving the data sharing framework nationally. We will continue to implement the commitment in the Coalition Programme for Government to require all A&E departments to share anonymised data on violence (including gun and knife crime) with the police. The police and NHS England are now co-chairing a Task and Finish Group to provide direction and support.

2.9 During the recent consultation, the Government sought views on how to introduce health as a licensing objective linked specifically to cumulative impact. This would allow licensing

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<sup>11</sup> For more on these tools and powers, please see the Glossary.

authorities to take wider alcohol-related health harm into account when developing cumulative impact policies. A clear theme from respondents was that, at present, local processes and data collection are insufficient, meaning that it is unclear how this proposal could be implemented in practice.

- 2.10 The Government remains interested in this policy in principle, as there is good international evidence that controls on premises density reduce a range of harms from alcohol, including crime and health harms. However more work is required at a local level to put in place processes to underpin it. This will form a key part of work in local alcohol action areas. The Government will ask Public Health England to support local areas in England interested in this work.

The Government will:

- Identify a number of high harm alcohol areas to become ‘local alcohol action areas’ and support them to take action in three key areas: stronger partnership; better enforcement; and improved evidence.

## 3. Promoting growth and supporting responsible businesses

- 3.1 Creating economic growth and freeing up businesses and local communities to foster civil society are some of the main focuses of this Government. Much has already been done to remove or reduce unnecessary regulatory burdens on business and voluntary sector organisations, particularly following the recent Red Tape Challenge.
- 3.2 Activities covered under the Licensing Act 2003, that is alcohol sales, late night refreshment and regulated entertainment, all have the capacity to promote local growth, creating jobs and volunteering opportunities, as well as playing an important part in local life. While the reduction of red tape should not be at the expense of safeguards against crime and irresponsible behaviour and risk to public health, there are areas where Government can and should reduce the burden on responsible business and community groups. We will therefore be making a number of changes to make the licensing system more targeted, proportionate and flexible.

### Supporting community groups and ancillary sellers

- 3.3 The Government believes that the licensing regime currently places a disproportionate burden on those who want to sell small amounts of alcohol as part of a wider service (who we refer to as ancillary sellers) and on local community groups. During the recent consultation, we sought views on two measures aimed at what we believe to be low risk activities: those making ancillary sales, such as offering a glass of wine with a haircut or a bottle of wine in bed and breakfast accommodation; and community groups who wish to sell alcohol as part of an event.
- 3.4 Rather than introducing separate measures, the Government has decided to introduce one new, light touch authorisation under the 2003 Act for these groups, to be called a Community and Ancillary Sellers Notice (CAN). This will provide ancillary sellers and community groups with a cheaper, simpler and easier alternative to either a full premises licence or using multiple Temporary Event Notices (TENs). We envisage no application process, hearings or lengthy forms will be required. Instead, CAN users will be able simply to notify their licensing authority, alongside payment of a small fee, that they will be selling small amount of alcohol in low risk environments over the course of a year.
- 3.5 The details of this brand new type of licence, including who may use them, how much alcohol may be sold and at what times, will be set nationally to ensure appropriate safeguards are maintained. We have responded to concerns in the consultation that this could considerably increase the availability of alcohol, create loopholes and be difficult to operate in practice by making the authorisation easy for enforcement agencies to remove in the event of problems, as well as easy for users to obtain. Licensing authorities will have the power to reject notices based on the licensing objectives and their local licensing policies and the police and environmental health authorities will also have powers to revoke CANs on the basis of the licensing objectives. The Government will consult key partners further on the detail of the CAN prior to implementation.



## Reducing licensing burdens on other businesses and organisations

- 3.6 Following the consultation the Government has decided to implement further measures to reduce burdens on businesses. In relation to TENs, the Government will increase the annual limit for the number of TENs that can apply to a particular premises from 12 to 15. This should help a wider variety of businesses and organisations which make regular use of TENs to hold events. Respondents to the consultation were not in favour of an increase in the annual TENs limit, but the Government believes that any risks to local communities from increased noise or disruption should be mitigated by existing safeguards and restrictions in the TENs regime, including the role of environmental health in the licensing regime, and the introduction of public nuisance as a grounds for objection under the 2003 Act, which this Government introduced in April 2012. The rule that TENs can only apply at a single premises up to a maximum of 21 days per year will also remain.
- 3.7 The Government will free up businesses that provide late night refreshment by removing the requirement to have a licence where there is no need for one. Late night refreshment, the provision of hot food and drink to the public between 11pm and 5am is a licensable activity because it is linked to alcohol-fuelled crime and disorder at night. The Government has listened to concerns in the consultation around reducing regulation in this area, but on balance the Government believes that licensing authorities are best placed to assess whether to make local exemptions from late night refreshment licensing for particular locations or types of premises, based on local knowledge. We expect businesses that provide refreshment in low risk locations, for instance those away from late night drinking venues where trouble can flare up, will therefore no longer bear the costs and burdens of applying for a licence.

## Changing the personal licence regime

- 3.8 Finally, the Government will make a change in relation to personal licences following the consultation. The requirement to renew personal licences every ten years will be abolished. While a majority of respondents did not agree with this, there was agreement that it would reduce burdens on business. The Government does not believe that, given the other safeguards within the premises licences regime, the burden this requirement places on business and licensing authorities is effective and proportionate. Personal licence holders would still be required to notify the licensing authority which issued their licence of any change of address or criminal conviction.
- 3.9 We will also remove the minor requirement to report the loss or theft of all licences issued in relation to the 2003 Act to the police, and receive a crime number. This will reduce burdens on both police, businesses and individuals. However, in response to suggestions during the recent consultation, we will also consult on more fundamental change to the system, and the proposal to abolish the personal licence system altogether. We are concerned that the current system may not be effective in proportion to the burden it places on business.

## Other proposals

- 3.10 The Government also consulted on a number of other deregulation ideas. This included removing the current requirements on licence applicants to advertise their applications in local newspapers. Although there was a slight majority in favour of the proposal, the Government has listened to respondents' concerns that this might affect access to information about new licensing applications, reducing opportunities for local people to have

a say and explain the impact of potential decisions. Community engagement in licensing is important to this Government. We are not proposing any changes to the requirement for licensing applications to be published in local newspapers.

- 3.11 The consultation also raised concerns in relation to lifting restrictions on the sale of alcohol at motorway service areas (MSAs), particularly around the encouragement of drink-driving. However, the Government recognises that there are also counter arguments from some that it is reasonable to buy alcohol with other groceries in MSA shops, as is possible at a supermarket on an A Road for example, and that there is a need to clarify the law in this area. The Government's wider roadside facilities policy for major roads has recently been reviewed. Following this, the issue of alcohol sales at MSAs will be considered further.
- 3.12 The Government was pleased to receive further deregulation ideas from the licensed trade and others as a result of the consultation. As set out above, it has decided to remove the requirement on licence holders to report lost or stolen licences to the police before seeking a replacement.

The Government will:

- Introduce a new light touch authorisation to sell alcohol – the Community and Ancillary Sellers Notice – under the 2003 Act for ancillary sellers and community groups.
- Increase the annual limit for the number of TENs that can apply to particular premises from 12 to 15.
- Free up businesses that provide late night refreshment by removing the requirement to have a licence where there is no need for one by enabling licensing authorities to make local exemptions for particular locations or types of premises.
- Abolish the requirement to renew personal licences every ten years.
- Remove the requirement to report the loss or theft of licences issued in relation to the 2003 Act to the police and receive a crime number.
- Consult in due course on abolishing personal licences altogether.

# Glossary

<b>‘Ancillary sellers’</b>	Those businesses for which the sale of alcohol is only a small part of, or incidental to, their wider activities, and occurs alongside the provision of another product or service or business contract. The response to the consultation sets out that the Government will introduce a new authorisation under the Licensing Act 2003 – the CAN (see below) – available to ‘ancillary sellers’ and community groups.
<b>Anti-social behaviour powers</b>	The Anti-social Behaviour, Crime and Policing Bill currently before Parliament contains measures to replace the existing 19 powers to deal with anti-social behaviour with six faster, more effective ones. For example, the ‘injunction to prevent nuisance and annoyance’ and the ‘criminal behaviour order’ are designed not only to provide effective respite for victims and communities, but also to stop future anti-social behaviour by the offender.
<b>Community and Ancillary Sellers Notice (CAN)</b>	A new authorisation under the Licensing Act 2003, available to ancillary sellers and community groups. This will be a quicker, simpler and cheaper mechanism than the current premises licence or multiple TENs to sell limited or small amounts of alcohol in low risk environments over the course of a year.
<b>Cumulative impact policy (CIP)</b>	CIPs are a mechanism under the 2003 Act by which licensing authorities can take into account the potential impact on the statutory licensing objectives of a significant number of licensed premises concentrated in one area.
<b>Designated premises supervisor (DPS)</b>	Under the 2003 Act, licensed premises that authorise the sale of alcohol must, in most cases, have a DPS specified in the licence. Only someone who holds a personal licence can be a DPS.
<b>Designated public place orders (DPPO)</b>	A DPPO is a power under the Criminal Justice and Police Act 2001 by which a local authority can designate a place (or places) where restrictions on public drinking apply. The power is to be used to address nuisance or annoyance associated with the consumption of alcohol in the designated place, though it does not make it a criminal offence to consume alcohol within that place. An offence is committed only if an individual refuses to comply with a police constable’s request to refrain from drinking.
<b>Early Morning Alcohol Restriction Order (EMRO)</b>	Licensing authorities are able to make an order to prevent the sale of alcohol (at a time between midnight and 6am) in all or part of their area if they consider that it is appropriate for the promotion of the licensing objectives.
<b>The Government’s Alcohol Strategy (the ‘Strategy’)</b>	Published on 23 March 2012, the Strategy sets out how to tackle the problems caused by people drinking to excess.
<b>Late night refreshment (LNR)</b>	Under the 2003 Act, LNR means the provision of hot food or hot drink to the public, for consumption on or off the premises, between 11.00 pm and 5.00 am.
<b>Licensing Act 2003 (the ‘2003 Act’)</b>	The 2003 Act established a single, integrated scheme for licensing premises which are used for the sale or supply of alcohol, the provision of regulated entertainment, or the provision of LNR.
<b>Licensing authorities</b>	Licensing authorities are defined in the 2003 Act. They are primarily district councils or unitary authorities in England and county boroughs in Wales. Licensing authorities issue and administer premises licences, club premises certificates and temporary event notices in their area, as well as, for example, personal licences and renewals of personal licences.

<b>The licensing objectives</b>	<p>Under the 2003 Act, licensing authorities have a duty to carry out their functions under the Act with a view to promoting the licensing objectives. These are:</p> <ul style="list-style-type: none"> <li>• the prevention of crime and disorder;</li> <li>• public safety;</li> <li>• the prevention of public nuisance; and</li> <li>• the protection of children from harm.</li> </ul>
<b>Mandatory code</b>	See Mandatory licensing conditions
<b>Mandatory licensing condition</b>	The additional mandatory licensing conditions set out in regulations under Section 19A of the 2003 act are sometimes referred to as the Mandatory Code. The Secretary of State can prescribe up to nine additional mandatory licensing conditions in regulations.
<b>On-trade</b>	Premises that are authorised to sell alcohol for consumption on the premises, such as restaurants, bars and pubs.
<b>Off-trade</b>	Premises that are authorised to sell alcohol for consumption off the premises only, such as shops and off-licences.
<b>Personal licence</b>	Under the 2003 Act, each sale of alcohol under a premises licence must, with some exceptions, be made under the authority of a personal licence holder. A personal licence is not necessarily associated with a particular premises, and a person can apply for a personal licence if they are not currently employed at a licensed premises.
<b>Premises licence</b>	Under the 2003 Act, a premises that is to be used for one or more licensable activities for the public on an ongoing basis, including the sale of alcohol, must hold a licence. Responsibility for granting licences rests with licensing authorities.
<b>Red Tape Challenge</b>	An ongoing Government initiative to encourage members of the public to recommend regulations that should be scrapped, simplified or retained. Regulations are put forward every few weeks on a thematic basis.
<b>Temporary Event Notice (TEN)</b>	Under the 2003 Act, a TEN enables the issuer to undertake licensable activities (including selling alcohol or providing regulated entertainment) on an occasional basis without any other authorisation. The TEN must be issued to the licensing authority, the police, and the environmental health authority (EHA). The police or the EHA can object on grounds related to any of the licensing objectives. There are limits on the number of TENs a person or premises may give each year. It is a criminal offence to carry out a licensable activity without an appropriate authorisation.

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