



Home Office

Analysis of responses to the consultation on delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour

July 2013

Contents

Introduction	4
A minimum unit price for alcohol	6
A ban on multi-buy promotions in the off-trade	11
Reviewing the mandatory licensing conditions	16
Health as a licensing objective for cumulative impact policies	24
Freeing up responsible businesses	28
Impact assessments	46
Annex A: Additional consultation analysis	48
Annex B: The consultation analysis process	54
Annex C: Consultation events and technical groups.....	71

1. Consultation activities and summary of responses

Introduction

- 1.1 The 10 week public consultation on ‘delivering the Government’s policies to cut alcohol fuelled crime and anti-social behaviour’ was launched on 28 November 2012 and closed on 6 February 2013. We are grateful to all those who took the time to respond to the consultation, to which we received 1,445 formal written responses. In addition we received a petition organised by Balance North East in support of a 50p minimum unit price, signed by 14,990 people.
- 1.2 We are also grateful to those people who attended one of the six consultation events across England and Wales and those who attended technical consultation groups to discuss the practical issues presented by some of the proposals. This document provides a summary of the analysis of feedback from all written consultation responses, the consultation events and the technical consultation groups.
- 1.3 While the consultation was open for anyone to respond, it should be noted that those who responded were self-selected and therefore the responses received cannot be considered representative of the views of the public or different sectors in general. The numbers of responses reported in this analysis are actual numbers and have not been weighted. It should also be remembered that not all respondents answered every question. As set out above, some responded directly to the questions, some answered only parts of questions, and others commented more broadly on the overall content of the consultation.
- 1.4 Written consultation responses came from a wide range of sources and the majority of respondents provided information on their professional interest. These included members of the public (641 respondents, 47%); public health bodies (113, 8%); licensing authorities (114, 8%); businesses (81, 6%); and voluntary community organisations (83, 6%); local government (86, 6%); and the police (58, 4%). Responses predominantly came from England and Wales but a few came from other nations in the UK (2%) and from within the European Union (less than 1%) and the rest of the world (1%). A full breakdown can be found at Annex A and a list of those organisations which responded has been published on the website alongside this analysis document. Please note that figures reported in this document do not include those responses which were unclear.

1 Written consultation responses included responses where the consultation proforma was submitted either using the online form or by email or hard-copy. Some written responses were also received by email or in hardcopy where respondents had not completed the consultation proforma but had submitted comments on specific points or policy proposals.

2 These percentages are percentages of the total number of respondents who provided information on their professional interest. Six per cent of the total number of respondents did not provide this information.

- 1.5 The majority of written responses were received via the Home Office website using the online proforma (1,056), though some were sent in by post or email (389). Most responses covered one or more of the specific questions set out in the consultation document or in the online consultation. Some were in the form of letters, emails or papers which addressed matters discussed in the consultation but did not answer specific questions. Both types of responses have been fully considered.

Associated consultation events

- 1.6 As part of the consultation process, the Home Office held six regional events: two in London, and one each in Cardiff, Leeds, Newcastle and Nottingham to raise awareness of the consultation and to gain feedback from interested parties. Each event lasted three and a half hours, with brief presentations outlining the proposals in the consultation on each of the five areas, followed up by group discussions about specific questions, some of which differed from those in the consultation document. The events were attended by a wide range of partners including local agencies and industry. Annex C gives more detail about these consultation events.
- 1.7 Nine technical groups were held during December 2012 and January 2013 on the following consultation areas: the mandatory licensing conditions review, health as a licensing objective for cumulative impact policies and measures to free up responsible businesses. Technical groups were used to discuss in more detail practical issues arising from the proposals in the consultation. Feedback from both the consultation events and technical groups was collated and has been fully considered alongside the formal written responses as part of the consultation.
- 1.8 The results of the consultation have been analysed by the Home Office. Further information on the methodology used can be found in Annex B.

2. Minimum Unit Pricing

- 2.1 The consultation sought views on a minimum unit price (MUP) for alcohol, including on the level; the review mechanism; on other factors or evidence that should be considered with regards to MUP; and on groups that could be particularly affected.

Consultation questions

Question 1: Do you agree that this MUP³ level would achieve these aims?

Table 1: summary of responses to Question 1

Response	Number of respondents	Percentage
Yes	395	34%
No	638	56%
Don't know	112	10%
Total responses:	1,145	

- 2.2 Question One invited views on whether a MUP of 45p was considered targeted and proportionate and whether it would achieve a significant reduction in harm. In total 1,145 respondents answered Question One, of those, 395 respondents (34%) agreed that a level of 45p would achieve these aims. Six hundred and thirty eight respondents (56%) disagreed.
- 2.3 While overall the majority (56%) of respondents to Question One did not agree that the proposed MUP level would achieve its stated aims, more respondents from public health bodies, voluntary and community organisations and local government were likely to agree rather than disagree that the proposed MUP would meet its stated aims. The largest group of respondents to Question One were members of the public (46%, 524 respondents) the majority (73%) of whom did not agree that the proposed MUP level would achieve its stated aims.
- 2.4 The second part of Question One asked respondents to set out their views on why they thought another MUP level would be preferable. The main point noted in response to this question was that there should be a MUP of 50p as has been proposed in Scotland. A large number of people also made general points either disagreeing with minimum unit pricing and the setting of any MUP or indicating general support for the policy. Other key themes included suggesting that there should be parity with the approach being taken in Scotland or a UK-wide MUP.

3 45 pence per unit of alcohol

- 2.5 Other notable themes raised included points related to the potential impacts of the policy, such as the potential benefits in reducing crime and health harms linked to the policy. A number of respondents raised concerns that the policy would unfairly impact on responsible or sensible drinkers; that the policy would impact on dependent drinkers and their families; and a smaller number suggested that the policy would only impact on other specific groups (such as older people or pensioners and those on lower incomes).
- 2.6 A number of respondents also made points suggesting that the policy itself was flawed, with smaller numbers of respondents raising concerns regarding the evidence base supporting the policy or suggesting that further research is needed on the potential impact of minimum unit pricing.

Question 2: Should other factors or evidence be considered when setting a minimum unit price for alcohol?

Table 2: summary of responses to Question 2

Response	Number of respondents	Percentage ⁴
Yes	763	68%
No	242	22%
Don't know	119	11%
Total responses:	1,124	

- 2.7 Question Two, which asked whether other factors or evidence should be considered when setting a MUP for alcohol, was answered by 1,124 respondents. Of those, 763 (68%) agreed that other factors or evidence should be considered while 242 (22%) disagreed.
- 2.8 Overall the majority (68%) of respondents to Question Two thought that other factors and evidence should be considered in relation to minimum unit pricing and this trend was reflected across respondent groups. The largest group of respondents to Question Two were members of the public (46%, 515 respondents) the majority (67%, 302 respondents) of whom thought that other factors or evidence should be considered in relation to minimum unit pricing.
- 2.9 For those who thought other factors or evidence should be considered, the second half of Question Two invited these respondents to set out their views. Again, many of the specific themes raised focused on the potential impact of the policy although many respondents again took the opportunity to either express general support for or opposition to the policy.
- 2.10 Among those who raised specific points regarding the potential impact of a MUP, a large number of respondents suggested that minimum unit pricing may unfairly impact on responsible or sensible drinkers, with smaller numbers suggesting that the policy would only impact upon specific groups such as older people or pensioners or low-income groups or dependent drinkers and their families. Some respondents also suggested that minimum unit pricing could have a positive impact on the local on-trade. A notable number of respondents stated that the policy may lead to increases in cross-border shopping or illicit alcohol sales

⁴ As with all subsequent tables, the percentage may not add up to 100% due to rounding

with a smaller number suggesting that the policy could increase crime, particularly theft, shoplifting or burglary to obtain alcohol. Common responses also included that further research should be conducted on the potential effectiveness of minimum unit pricing.

2.11 Other suggestions raised by respondents included that increased profits for retailers raised from a MUP should be used for the public good or that there should be parity with Scotland or a UK-wide MUP. Smaller numbers made points recommending that there should be stronger regulation around the sale of alcohol (including in relation to advertising, promotions and general licensing policy) and some used the opportunity to note further proposals either connected with minimum unit pricing or wider alcohol policy. As with other questions on minimum unit pricing, a notable number of respondents expressed the opinion that the policy is flawed and might not meet its intended policy objectives.

Question 3: How do you think the level of minimum unit price set by the Government should be adjusted over time?

Table 3: summary of responses to Question 3

Response	Number of respondents	Percentage
Do nothing – the minimum price should not be adjusted	290	27%
The minimum price should be automatically updated in line with inflation each year	319	29%
The minimum price should be reviewed after a set period	398	36%
Don't know	85	8%
Total responses:	1,092	

2.12 One thousand and ninety two respondents answered Question Three which invited views on how people thought the level of MUP set by the Government should be adjusted over time. There were mixed responses to this question. Two hundred and ninety respondents (27%) thought the MUP should not be adjusted. Three hundred and nineteen (29%) thought the minimum price should be automatically updated in line with inflation each year, and 398 (36%) thought the MUP should be reviewed after a set period.

2.13 Overall, responses to this question were mixed, but for most respondent groups responses were most likely to be split between updating the MUP automatically in line with inflation or reviewing after a set period. The largest group of respondents to Question Three were members of the public (44%, 447 respondents), 45% (223 respondents) of whom thought that the MUP should not be adjusted and members of the public comprised the majority (77%) of those respondents who selected this option.

Question 4: Do you think there are any other people, organisations or groups that could be particularly affected by a minimum unit price for alcohol?

Table 4: summary of responses to Question 4

Response	Number of respondents	Percentage
Yes	849	75%
No	195	17%
Don't know	93	8%
Total responses:	1,137	

2.14 One thousand one hundred and thirty seven respondents answered Question Four, which invited views on other people, organisations or groups that might be particularly affected by a MUP for alcohol. The majority of respondents (849 or 75%) thought that there were other people, organisations or groups that could be particularly affected by a MUP for alcohol and 195 respondents (17%) did not.

2.15 The majority of respondents to Question Four (75%) stated that there were other people, organisations or groups who could be particularly affected and this view was reflected across all respondent groups. The largest group of respondents to Question Four were members of the public, (46%, 521 respondents) the majority (74%, 384 respondents) of whom thought that there were other people, organisations or groups who could be particularly affected by a MUP for alcohol.

2.16 Respondents who thought that there were other people, organisations or groups likely to be particularly affected by a MUP for alcohol were asked to outline them. The groups most commonly noted as being likely to be impacted upon by the policy were responsible and moderate drinkers and low-income or unemployed households. Other people, organisations or groups mentioned by a notable number of respondents included children; the licensed trade generally, with on-trade premises and off-trade premises also noted specifically; dependent drinkers (and their families and children); and young people. Smaller numbers of respondents noted the potential impact of the policy on small or independent businesses; health providers; those who would be responsible for enforcing the policy; pensioners and older people; and the potential impact on the Government and taxpayers through loss of tax or revenue. As with other open questions on this policy, many respondents while not responding to the specific points, raised other points in favour of minimum unit pricing with a slightly smaller number noting risks or raising points against minimum unit pricing.

OTHER RESPONSES

2.17 Some respondents chose not to respond formally to the consultation but put their views across through letters, emails and papers or provided additional comments alongside their responses to the specific consultation questions. Key themes relating specifically to minimum unit pricing, raised in these responses included comments expressing general support for introducing a MUP and comments suggesting that the level should be set at 50p or harmonised with Scotland. Other key themes focused on the potential impacts of the policy, specifically that the policy would unfairly impact on responsible or moderate drinkers or comments from those stating that the policy would result in increased crime and health benefits.

- 2.18 A number of secondary themes were also reflected in these general responses, including views that the MUP should be set at another level, either higher or lower than 45p. Some respondents also made general points disagreeing with the policy, while some expressed the view that the policy would fail or not achieve its stated objectives.
- 2.19 Balance North East, the North East of England's Alcohol Office funded by North East Primary Care Trusts and supported by North East Police Forces, organised an online petition, which was sent to the Home Office as part of the consultation. This petition invited people to show their support for the introduction of a MUP of 50p. In total, 14,990 people signed the petition.

CONSULTATION EVENTS

- 2.20 All groups at the six consultation events discussed minimum unit pricing.
- 2.21 There was a mixed reaction to minimum unit pricing among those attending the events. Generally, those in favour showed a preference for a MUP of 50p, following the proposed level in Scotland. Others suggested setting the level even higher, for instance at £1 per unit, arguing that this would lead to increased benefits, including a greater reduction in health harms and crime and disorder.
- 2.22 Those opposed to the introduction of a MUP gave a range of reasons, including believing there was a lack of evidence; that it would not have an impact or achieve its stated aim; that it would potentially, and unfairly, penalise groups such as responsible drinkers or micro brewers; that it might encourage people to move onto drugs or higher strength products or home brewing; and the potential increase in illicit trading and crime.
- 2.23 A variety of other factors or evidence was proposed at the events in relation to minimum unit pricing. Some respondents suggested that the UK Government should wait and evaluate the effectiveness of the policy in Scotland before introducing a MUP in England and Wales. Other comments suggested undertaking further research on alternatives such as banning below cost sales.
- 2.24 Some respondents raised risks they believed would result from minimum unit pricing, including the potential for cross-border smuggling, cross-border trade disparities and potential illicit crime and black market dealings. Other respondents thought that the policy might be complex to introduce and would be an added enforcement burden. Some raised concerns that retailers may incur additional costs. It was suggested that the Government allow time for industry to adapt and should review the policy to test its effectiveness. Some suggested this could include the use of a 'sunset clause' in the policy, requiring that it be reviewed after a certain period of time.
- 2.25 Attendees suggested that those who would be particularly affected by the policy would include pensioners, people on low incomes, responsible drinkers, village halls, community centres, retailers and wholesalers.

TECHNICAL GROUPS

- 2.26 No technical consultation groups were held on minimum unit pricing.

A ban on multi-buy promotions in the off-trade

3.1 The Strategy set out a commitment to consult on whether to introduce a ban on multi-buy promotions of alcohol in the off-trade (licensed premises where alcohol is sold for consumption off of the premises). Such promotions would include those where the price of a single product in a multi-pack was less than the price of buying that product on its own, or offers such as three for the price of two or buy-one-get-one-free. Views were invited on the merits of introducing such a ban itself, on other offers that should be included, on other factors or evidence that should be considered, and on groups that could be particularly affected.

Consultation questions

Question 5: Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?

Table 5: summary of responses to Question 5

Response	Number of respondents	Percentage
Yes	552	51%
No	507	47%
Don't know	21	2%
Total responses:	1,080	

3.2 There were a total of 1,080 responses to Question Five, showing a relatively even division between those who were supportive of the proposal to ban multi-buy promotions (552 respondents, 51%) and those who were unsupportive (507 respondents, 47%).

3.3 Views were mixed on whether or not to introduce a ban on multi-buy promotions across the different respondent groups. When the responses are broken down, of those who responded, 70 per cent of members of the public (346 of 497 respondents who were members of the public) were against the introduction of a ban on multi-buy promotions, while 97 per cent of public health bodies (88 of 91 public health bodies who responded) were in favour of the policy.

Question 6: Are there any further offers which should be included in a ban on multi-buy promotions?

Table 6: summary of responses to Question 6

Response	Number of respondents	Percentage
Yes	357	33%
No	552	52%
Don't know	157	15%
Total responses:	1,066	

- 3.4 Of the 1,066 respondents who answered Question Six, 552 (52%) thought that there were no other offers that should be included in any ban, while 357 (33%) thought that there were.
- 3.5 While 71 per cent of members of the public who responded to the question (347 of 491 respondents) thought that there were no further offers which should be included in a ban on multi-buy promotions, 80 per cent of public health bodies (70 out of 88 respondents) thought there were further offers which should be included.
- 3.6 Those respondents who thought that further offers should be included in the ban were asked to specify these. Of those who made suggestions, many respondents believed there should be a ban on all alcohol promotions, with notable numbers suggesting that discounts linked to food or other non-alcoholic products should also be banned. A smaller number stated that alcohol giveaways or competitions should be banned.
- 3.7 A number of respondents raised additional points related to the policy. Some specifically suggested that a ban should extend to the on-trade as well as the off-trade. Some respondents used the opportunity to raise additional points either in favour of the policy or disagreeing with the policy and stating that no offers should be banned.

Question 7: Should other factors or evidence be considered when considering a ban on multi-buy promotions?

Table 7: summary of responses to Question 7

Response	Number of respondents	Percentage
Yes	633	59%
No	300	28%
Don't know	134	13%
Total responses:	1,067	

- 3.8 Of the 1,067 respondents who answered Question Seven, 633 (59%) thought that other factors or evidence should be taken into account when considering a ban on multi-buy promotions. Three hundred respondents (28%) did not think that other factors or evidence should be considered.
- 3.9 Those respondents who thought that further factors or evidence should be considered were asked to specify these. Many respondents indicated general support for a ban on multi-buy promotions. Similarly to responses to questions on minimum unit pricing, of those respondents who specified other factors or evidence should be considered, many related to the potential impact of the policy. For example, many respondents suggested the policy would have an unfair impact on responsible or moderate drinkers with smaller numbers stating that the policy would only impact on specific groups (such as older people or pensioners or low-income groups). However, a sizeable number of respondents noted the potential benefits of the policy on health or crime. Some respondents thought that the policy represented Government interference in the free-market with a much smaller number stating that the policy would infringe on consumer freedom and personal liberties.
- 3.10 The rationale behind the policy was considered by some respondents. A notable number believed that the proposal itself was flawed and would not meet its stated objectives or suggested that further research on the potential impact of the policy should be conducted. Smaller numbers thought that the evidence base for the policy was flawed or insufficient; that the benefits of the policy could be achieved through minimum unit pricing; or raised concerns that the policy may create loopholes or require additional resources to enforce. Some respondents also made wider suggestions in relation to the policy including that there should be stronger regulation around the sale of alcohol (including suggestions relating to advertising and licensing); or that the ban should be targeted at specific types of alcoholic drinks. A smaller number recommended new enforcement measures such as 'drunk-tanks'.

Question 8: The aim of a ban on multi-buy promotions is to stop promotions that encourage people to buy more than they otherwise would, helping people to be aware of how much they drink, and to tackle irresponsible alcohol sales. Do you think that there are any other groups that could be particularly affected by a ban on multi-buy promotions?

Table 8: summary of responses to Question 8

Response	Number of respondents	Percentage
Yes	671	63%
No	243	23%
Don't know	147	14%
Total responses:	1,061	

- 3.11 One thousand and sixty one respondents answered Question Eight which invited views on whether respondents thought that there were other groups that could be particularly affected by a ban on multi-buy promotions. Six hundred and seventy one respondents (63%) thought there were other groups that could be particularly affected, whereas 243 respondents (23%) thought that there were not.
- 3.12 Respondents who believed particular groups would be affected were invited to describe them. The most commonly made point was that the policy would affect all drinkers including moderate and sensible drinkers. Other groups frequently noted included low income or unemployed households; young people; the on-trade and health providers. Smaller numbers noted that it would affect those buying alcohol in bulk (such as clubs or community organisations); those who would be responsible for enforcing the ban; the families and children of dependent drinkers; children generally; and the wider licensed trade.
- 3.13 Some respondents made general points in agreement with the proposal with slightly smaller numbers disagreeing with it. Some respondents also made additional or alternative proposals connected with the ban on multi-buy promotions.

Other responses

- 3.14 Key themes raised in other general consultation responses included respondents who used the opportunity to express general agreement with a ban on multi-buy promotions and that the ban should also be extended to the on-trade.
- 3.15 Many of the other points raised were more general, including those generally disagreeing with the proposal to ban multi-buy promotions and those making additional or alternative proposals in relation to the policy. A smaller number of respondents expressed the view that wine clubs should be excluded from any ban.

Consultation events

- 3.16 Seven different questions were asked of those attending the consultation events concerning the proposed ban on multi-buy promotions. Not all seven were answered by every table of attendees.
- 3.17 The main benefits highlighted by attendees of a ban on multi-buy promotions were the removal of the incentive to buy more alcoholic products and the reduction in alcohol-related harms, both crime and health related. The main suggested challenges were the potential loopholes for businesses that could allow, for example, heavy discounting to continue. Respondents believed that responsible drinkers, those on low incomes, families and young people would all be affected by a ban on multi-buy discounts. On those who might be least affected there was some disagreement, with both dependent and non dependent drinkers and the trade proposed.

- 3.18 Before introducing any ban, many respondents thought the Government should wait and look to evidence from the Scottish ban on bulk discounting. Some wanted to see more evidence of the link between multi-buy promotions and alcohol-related harms. They also wanted the Government to address irresponsible promotions and marketing aimed at young drinkers, alongside improved education.
- 3.19 Two main practical challenges were raised by attendees to introducing a ban: the difficulties of defining a “multi-buy” offer and of enforcing a ban. The majority of attendees also believed businesses would find alternative methods of discounting, for example discounting individual products without the multi-buy promotion attached, perhaps to the extent of selling at or below its market cost as a “loss leader” to stimulate other sales.
- 3.20 The majority of attendees believed a ban would reduce the volume of alcoholic products bought by consumers and in turn consumption, though some thought this might not be significant or true over the long term. Some respondents raised concerns that this measure could lead to an increase in illicit alcohol, home brewing, or cross-border purchasing of alcohol.

Technical groups

- 3.21 No specific technical groups were held on the proposal to ban multi-buy promotions in the off-trade. However, during the technical group held on the mandatory licensing conditions with representatives from the off-trade, the opportunity was taken to discuss the proposal. Attendees stated the products most frequently the subject of multi-buy promotions were wine, cider and ale. Representatives stated they were unable to say what the cost to business of implementing a ban would be or how long they would need as a lead-in time to adjust product prices.
- 3.22 During the meeting members of the off-trade were also given the opportunity to raise issues they believed would result from a ban on multi-buy promotions. Trade representatives questioned the necessity of the measure and raised the lack of evidence of effectiveness.
- 3.23 Some questioned whether a multi-buy ban would achieve its stated objective of reducing binge drinking, as many of the people who took advantage of such promotions did not increase their level of consumption. They also questioned the lack of any proposed ban in the on-trade where the items were for immediate consumption.
- 3.24 Representatives also suggested a ban would simply prevent consumers from getting value for money, might increase illicit production or trade in alcohol or lead to other forms of discounting that were not compliant with fair trading rules, such as a percentage discount on an inflated “full price”.
- 3.25 Other issues raised included the potential for a disproportionate impact on smaller stores, with the concern that banning multi-buys would deprive small stores of opportunities to demonstrate better value in comparison with the supermarkets.

4. Reviewing the mandatory licensing conditions

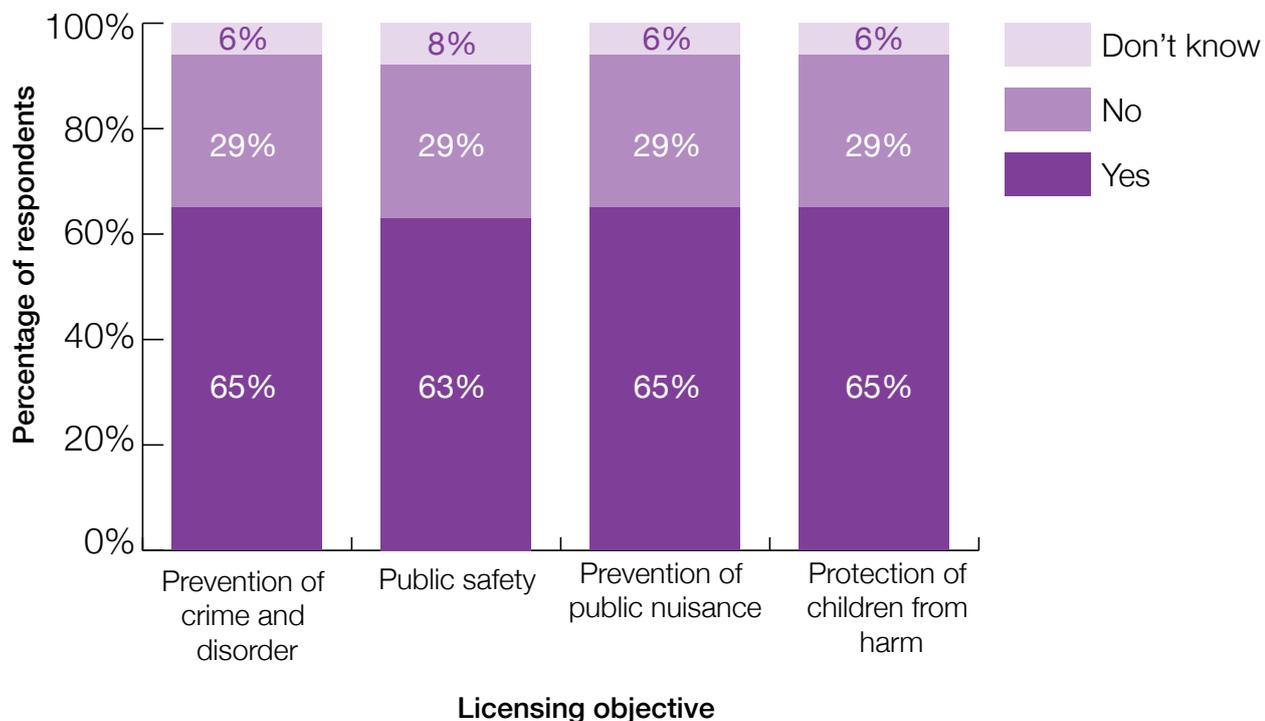
4.1 The consultation formed part of the review of the mandatory licensing conditions, the impact of which the Government committed to reviewing in its response to the ‘Rebalancing the Licensing Act’ consultation in 2010. More recently it announced in the Strategy that it would review the conditions to ensure that they are sufficiently targeting problems such as irresponsible promotions in pubs and clubs. As such the consultation asked about the effectiveness of each condition at promoting the four licensing objectives and on the targeting of irresponsible promotions. Respondents were also given the opportunity to suggest further issues which could be tackled through the mandatory licensing conditions and to give views on the balance between the on-trade and off-trade.

Consultation questions

Question 9: Do you think each of the mandatory licensing conditions is effective in promoting the licensing objectives (crime prevention / public safety / public nuisance / prevention of harm to children)?

Question 9A: Irresponsible promotions

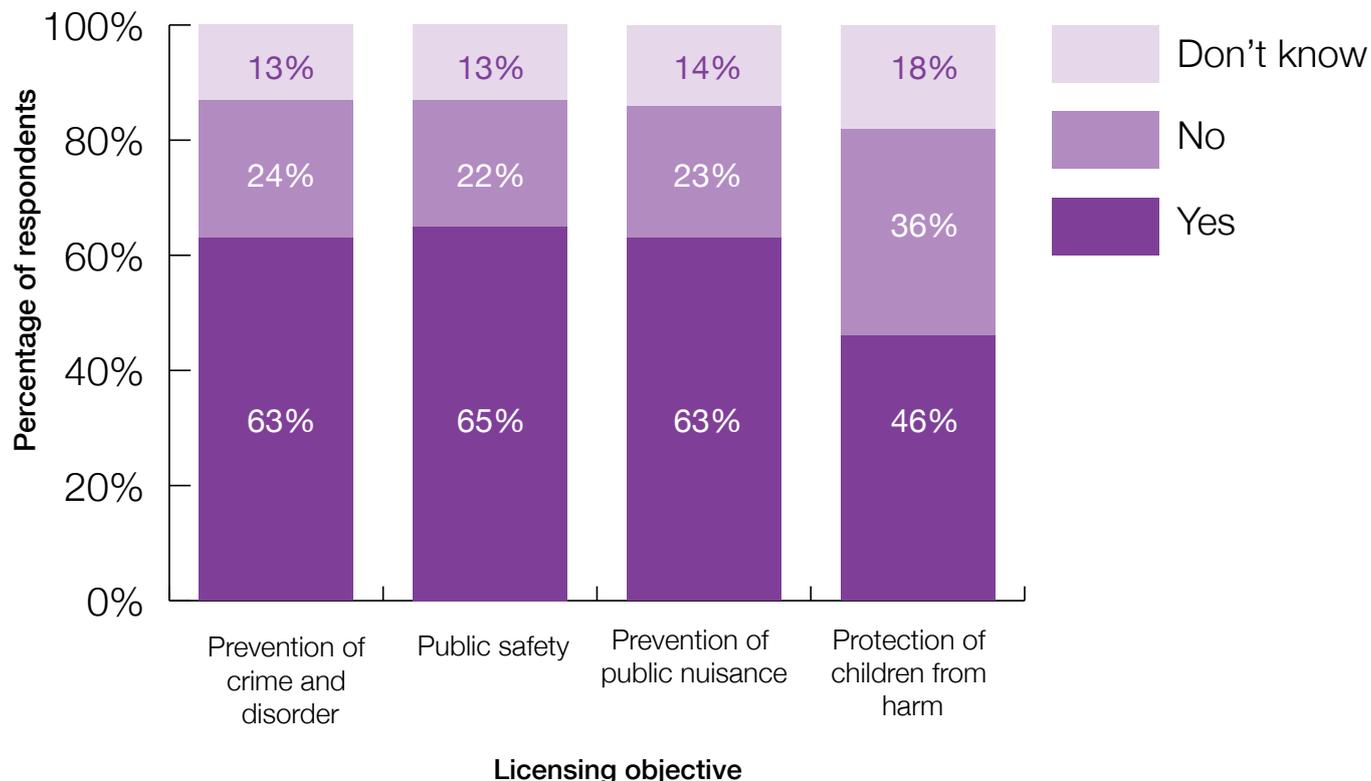
Graph 1: summary of responses to Question 9A



Total response bases: prevention of crime and disorder, 837 respondents; public safety, 835 respondents; prevention of public nuisance, 833 respondents; protection of children from harm, 825 respondents. Missing and unclear responses have not been included in the analysis.

Question 9B: Dispensing alcohol directly into the mouth

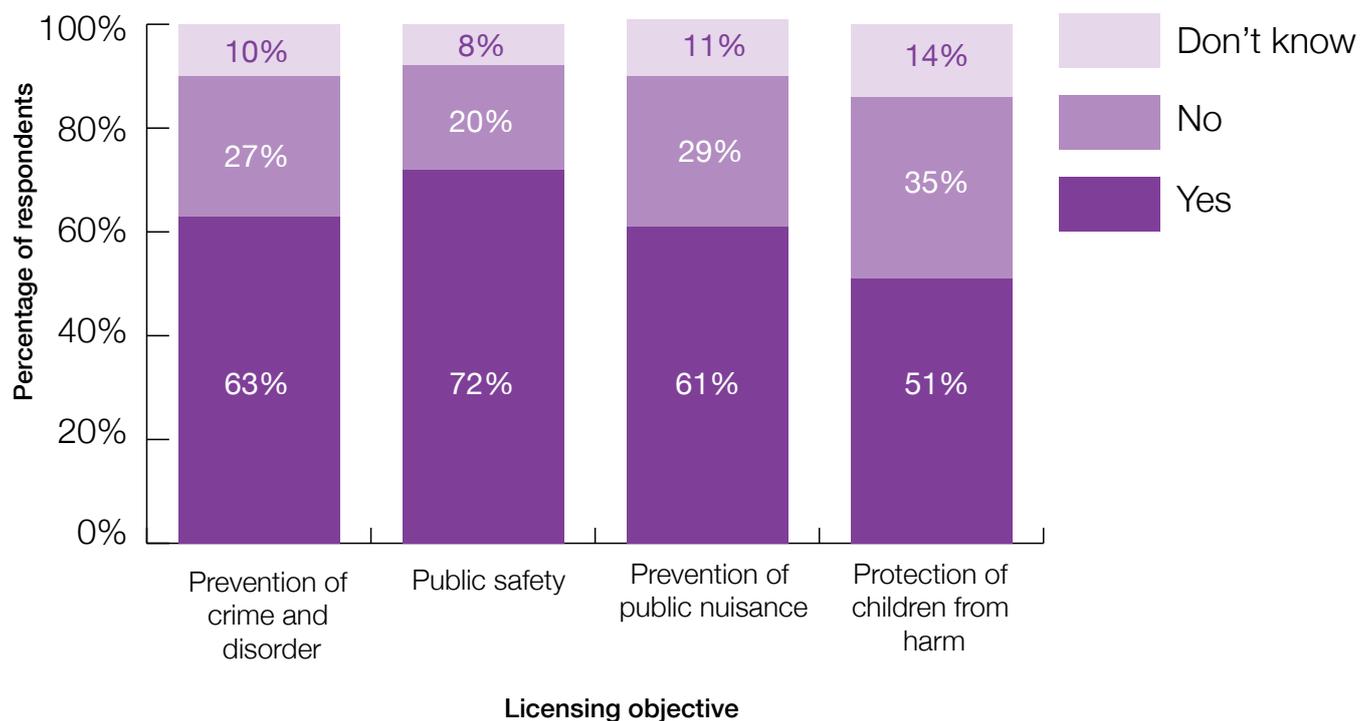
Graph 2: summary of responses to Question 9B



Total response bases: prevention of crime and disorder, 833 respondents; public safety, 830 respondents; prevention of public nuisance, 833 respondents; protection of children from harm, 819 respondents. Missing and unclear responses have not been included in the analysis.

Question 9C: Mandatory provision of free tap water

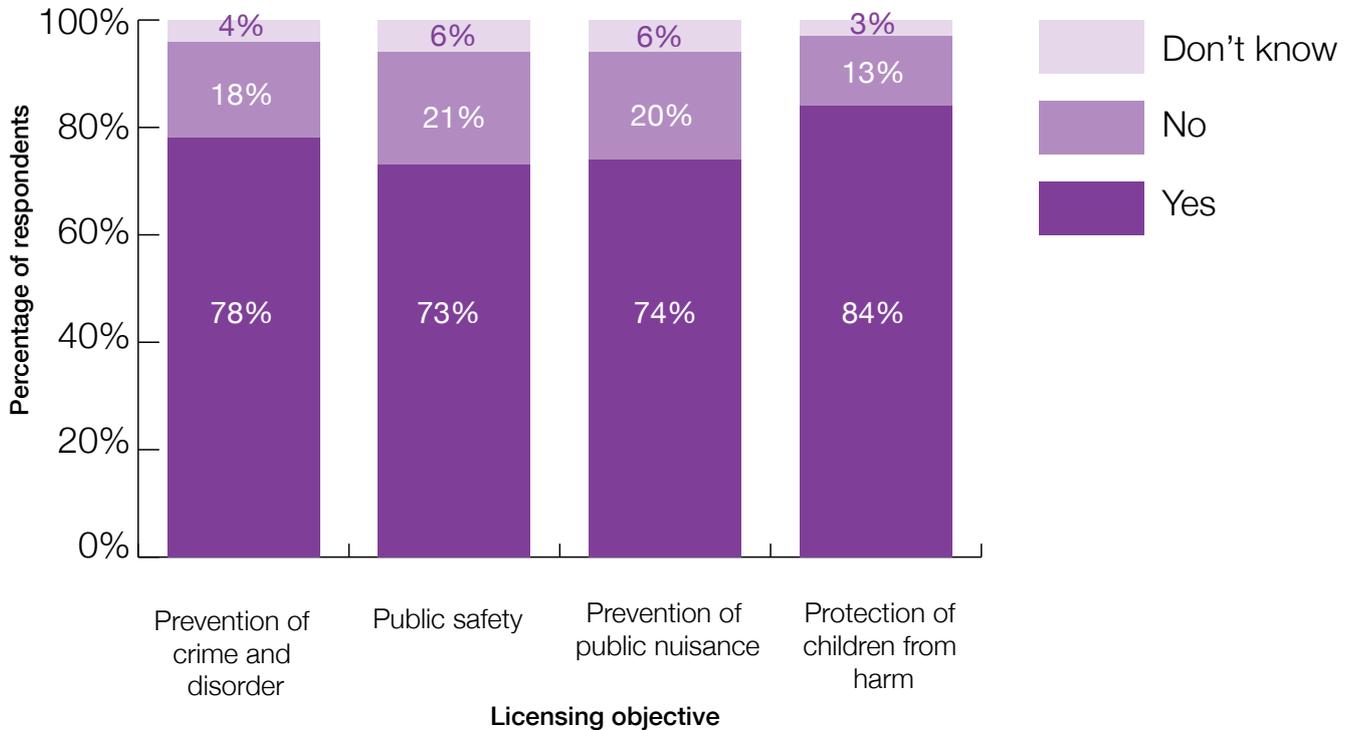
Graph 3: summary of responses to Question 9C



Total response bases: prevention of crime and disorder, 837 respondents; public safety, 835 respondents; prevention of public nuisance, 831 respondents; protection of children from harm, 827 respondents. Missing and unclear responses have not been included in the analysis.

Question 9D: Age verification policy

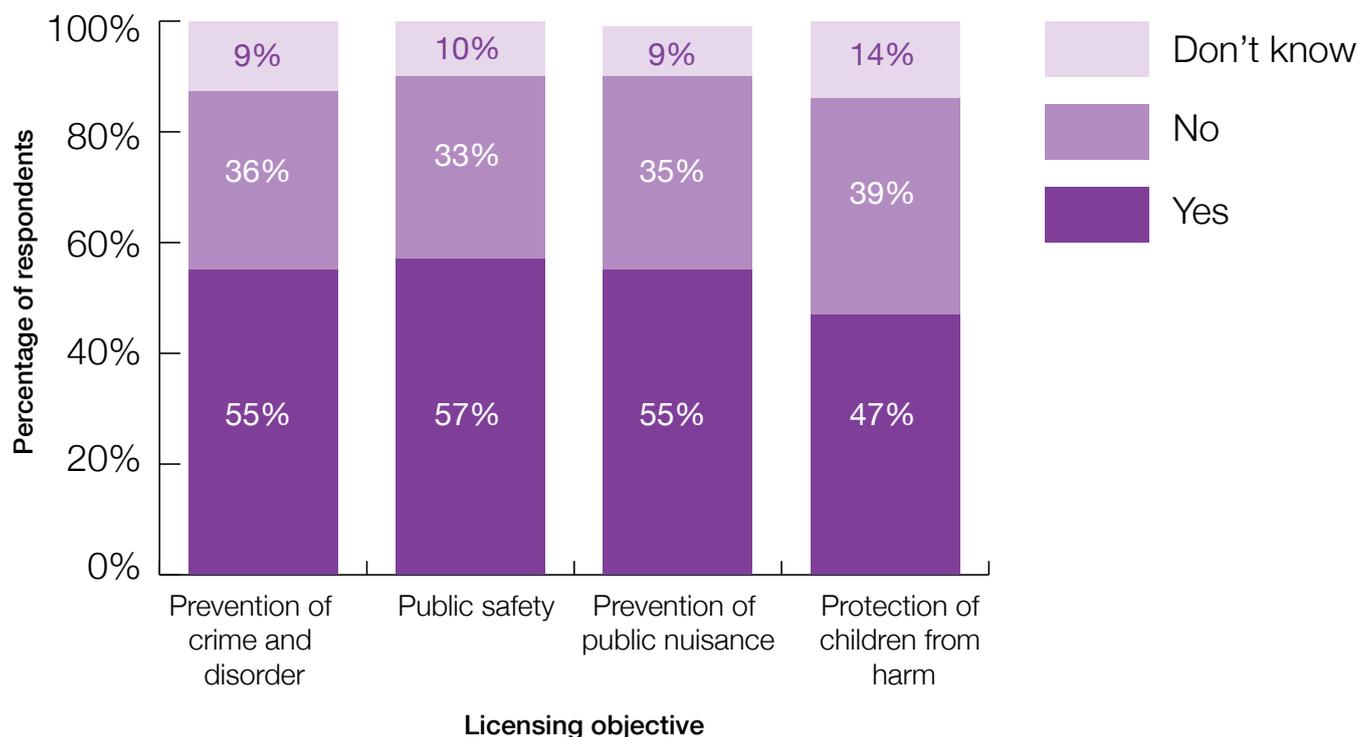
Graph 4: summary of responses to Question 9D



Total response bases: prevention of crime and disorder, 844 respondents; public safety, 834 respondents; prevention of public nuisance, 837 respondents; protection of children from harm, 842 respondents. Missing and unclear responses have not been included in the analysis.

Question 9E: Mandatory provision of small measures

Graph 5: summary of responses to Question 9E



Total response bases: prevention of crime and disorder, 837 respondents; public safety, 835 respondents; prevention of public nuisance, 833 respondents; protection of children from harm, 825 respondents. Missing and unclear responses have not been included in the analysis.

4.2 The results show that the majority of people responding to Question Nine believe that the mandatory conditions are effective in promoting all of the licensing objectives. The mandatory licensing condition concerning age verification policies received the highest level of support at between 73 per cent and 84 per cent for each of the licensing objectives, while the mandatory provision of small measures received the least support receiving between 47 per cent and 57 per cent support for each of the licensing objectives.

Question 10: Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs?

Table 9: summary of responses to Question 10

Response	No. of respondents	Percentage
Yes	279	31%
No	514	58%
Don't know	100	11%
Total responses:	893	

- 4.3 While Question Nine suggests the majority of respondents thought the mandatory licensing conditions were effective in promoting the licensing objectives, the majority of those responding to Question 10 (514, 58%) did not believe that the mandatory licensing conditions do enough to target irresponsible promotions within the on-trade. Two hundred and seventy nine respondents (31%) thought that the mandatory licensing conditions do enough to target irresponsible promotions.
- 4.4 Fifty-six per cent of businesses (23 out of 41) who responded to this question stated that they thought the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs. However, a number of other respondent groups did not agree, with 65 per cent of licensing authorities (62 out of 96); 73 per cent of voluntary and community organisations (45 out of 62); and 93 per cent of health bodies (75 out of 81) stating that they did not think the mandatory licensing conditions do enough to target irresponsible promotions.
- 4.5 A large number of respondents made additional or alternative proposals connected with the policy in response to this question. Of those making specific points, the points raised most frequently were that there should be more active enforcement of existing laws in relation to irresponsible promotions and that there should be better guidance on the legal definition of an irresponsible promotion. A smaller number of respondents specifically mentioned the need for guidance on the enforcement of the mandatory condition on irresponsible promotions.
- 4.6 Other points made by a notable number of respondents included specific suggestions such as banning large volume alcoholic drinks sales (such as ‘fishbowls’ and ‘pitchers’) and providing information on the unit content of alcoholic drinks. Some respondents wanted to see all alcohol promotions banned, some thought there were too many irresponsible promotions occurring and some thought that there should be an increased focus on the ban on the sale of alcohol to drunks. Other alternative proposals were made in connection with wider alcohol policy and a number of respondents also took the opportunity to make other additional points supporting the policy or expressed the view that the mandatory conditions should remain as they are.

Question 11: Are there other issues related to the licensing objectives (prevention of crime and disorder / public safety / prevention of public nuisance / protection of children from harm) which could be tackled through a mandatory licensing condition?

Table 10: summary of responses to Question 11

Response	No. of respondents	Percentage
Yes	450	51%
No	229	26%
Don't know	198	23%
Total responses:	877	

- 4.7 Of the 877 respondents who answered Question 11, 450 (51%) thought there were other issues related to the licensing objectives which could be tackled through a mandatory licensing condition. Two hundred and twenty nine respondents (26%) did not think there were other issues that could be tackled.

- 4.8 If respondents believed that other issues could be tackled through a mandatory licensing condition, they were invited to specify them. A large number of respondents made additional or alternative proposals connected with the policy. Of those making specific suggestions, many respondents suggested that there should be improved training or qualifications for businesses and many suggested that non-alcoholic drinks should be provided at a reasonable or cheap price.
- 4.9 Other notable suggestions related to requiring businesses to take greater responsibility, including requiring the designated premises supervisor at each premises to take more responsibility. This could include for example, keeping customers safe and secure, taking responsibility for crime, disorder or nuisance around the premises and requiring businesses to provide seating.
- 4.10 Notable suggestions in relation to irresponsible promotions included banning other types of irresponsible promotions in the on-trade and introducing such a ban in off-trade premises. A number of suggestions were also made around how alcohol is sold, including requiring menus or price lists to show the number of units in each product, encouraging the purchase of smaller measures (for example, by ensuring smaller measures are not proportionately more expensive) and providing low or lower alcohol products as an alternative to regular strength products. Some respondents stated that there should be more active enforcement of existing laws whereas others thought that more could be done and that other problems could also be tackled through mandatory licensing conditions.

Question 12: Do you think the current approach, with five mandatory licensing conditions applying to the on-trade and only one to the off-trade is appropriate?

Table 11: summary of responses to Question 12

Response	No. of respondents	Percentage
Yes	272	31%
No	490	55%
Don't know	129	14%
Total responses:	891	

4.11 Of the 891 respondents who answered Question 12, 272 (31%) agreed that the current approach with five mandatory licensing conditions applying to the on-trade and only one to the off-trade is appropriate. The majority of respondents (490, 55%) did not agree that the current approach was appropriate.

4.12 Those respondents who thought the current approach was not appropriate were invited to explain why. The most frequent responses to this question were that there should be the same conditions for the on-trade and off-trade or that the number of mandatory conditions applying to the off-trade should increase.

4.13 A notable number of respondents made additional or alternative proposals connected with mandatory licensing conditions or raised general points in favour of the mandatory licensing conditions. Some other respondents did make specific suggestions, notably that there should be a ban on irresponsible promotions in the off-trade or that there should be no change in the mandatory licensing conditions.

Other responses

4.14 In addition to, or instead of, responding to the formal consultation questions a number of people provided more general consultation responses. The views expressed most frequently related to the mandatory condition banning irresponsible promotions in the on-trade. These views included wanting all promotions to be banned as well as additional suggestions of irresponsible promotions that should be included in the mandatory licensing conditions. Another key point reflected in these responses was that sale of shots of alcohol should be banned or regulated in bars and restaurants, for example, that shots should be sold at the bar only and not through table service.

4.15 Secondary themes raised by smaller numbers of respondents included suggestions that there should be a ban on large volume alcoholic drinks (such as 'fishbowls' and 'pitchers') and that there should be more conditions imposed on the off-trade.

Consultation events

4.16 Those attending all the consultation events were asked a range of questions about the effectiveness of the current mandatory licensing conditions and suggestions for possible new conditions.

- 4.17 While most saw the existing conditions as valid, there were many suggestions for improvements to make them more effective. In response to a question about whether the mandatory licensing conditions should be scrapped, there were repeated concerns that the incidents that had led to their original introduction would recur.
- 4.18 In relation to the irresponsible promotions condition, there were calls for greater clarity about the definition of “irresponsible”. One group argued for the regulation of social media sites in relation to alcohol promotions, where many are now advertised.
- 4.19 Of the ideas for additional conditions, there was little enthusiasm for a suggestion for a requirement for premises to have a policy on serving to drunks and to display it. Some pointed out that it is already illegal to serve alcohol to drunks, and therefore there was no need for such a policy. Others thought this should be a condition applied to premises where there was a problem, rather than being imposed automatically on all licences.
- 4.20 It was noted that three possible new conditions that were proposed (the provision of taxi and public transport information, the keeping of incident records and the regular collection of glasses by on-trade premises) were already good practice. Some questioned the merits of requiring the provision of transport information since customers could readily access this information using their smart phones. Others suggested that the broad imposition of this as a mandatory condition was not required. On premises keeping a record of incidents, several attendees saw benefits for premises as part of proving they had shown due diligence, and if necessary in providing the police with an audit trail that could be cross-checked with their own reporting systems and closed circuit television systems. There was little enthusiasm for a condition requiring the regular collections of glasses. It was noted that many responsible premises already collected glasses regularly to reduce the risk of accidents and remove potential weapons. It was thought that such a condition would be difficult to enforce.

Technical groups

- 4.21 There were three technical groups which discussed the review of the mandatory licensing conditions. The groups focused on potential changes to the five current conditions.
- 4.22 Discussion of the irresponsible promotions condition saw the clearest divergence of views. Police representatives argued strongly that the condition is difficult to enforce because of a requirement that, in order to be considered irresponsible, a promotion must carry a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children. That judgement requires consideration of a multiplicity of factors, some of which (such as the likelihood of the promotion attracting trouble-makers) are difficult to assess in advance of the event. However, there were strong arguments from representatives of the on-trade and the legal profession that the condition should be left as it is. It was suggested that making all listed promotions irresponsible in all circumstances would ban some responsible promotions. There were also concerns expressed about the unintended consequences of altering the condition in such a significant way.
- 4.23 There was strong support from all groups for retention of a requirement for an age verification policy. There was concern that removing the requirement would undermine the work that responsible businesses had put into setting up their policies. There was discussion of whether the condition should go further by requiring that the policy be written. However, trade representatives argued that a written policy would place an unnecessary burden on small businesses, for example, where the small number of staff understood the policy without the need for it being formally written down.

- 4.24 International standards do not require a holographic mark in passports. Options were discussed for amending the age verification condition to allow acceptance as a valid form of identification foreign passports and national identification cards that do not feature a holographic mark. There was some enthusiasm for an approach which listed all acceptable forms of identification. However, representatives of the trade were keen that their discretion as to the types of identification that their businesses accepted should be maintained.
- 4.25 There was discussion of whether the condition requiring small measures to be made available could be strengthened by making those measures the default serving. There was some enthusiasm for this from police and local authority representatives. However, trade representatives considered it difficult to implement and also saw the proposal as undermining commitments made in their Responsibility Deal with the Government.

5. Health as a licensing objective for cumulative impact policies

5.1 The consultation proposed introducing a health-related licensing objective related to cumulative impact. This would allow licensing authorities to consider wider alcohol-related health harms, such as liver disease and alcohol-related deaths when deciding whether to introduce a cumulative impact policy (CIP) to restrict new licence applications in their local area. Specifically, the consultation invited views on sources of evidence which might be used to support such a policy, aspects of the existing CIP process which would need to be amended to allow consideration of health and the potential impact of the proposal.

Consultation questions

Question 13: What sources of evidence on alcohol-related health harm could be used to support the introduction of a cumulative impact policy (CIP) if it were possible for a CIP to include consideration of health?

- 5.2 The sources of evidence most frequently noted in response to this question were A&E or emergency admission data; general or other alcohol-related hospital admission data; ambulance callout data; and data on alcohol-related crime or violent crime. A number of other evidence sources were also reported by a notable number of respondents including coroners data and data on alcohol-related deaths; other local health data; domestic abuse data; GP records; data on chronic or long-term conditions; and substance misuse service data. Other types of evidence mentioned by smaller numbers of responses included alcohol offence data; safeguarding and child services data; data on where people have been drinking; and public complaints and residents views.
- 5.3 A notable number of respondents also raised additional points connected with the policy in response to this question. Some raised negative views surrounding the quality or availability of evidence and some raised general points against the proposal. A number of respondents expressed the view that it was very difficult or impossible to link any evidence to individual premises.

Question 14: Do you think any aspects of the current cumulative impact policy process would need to be amended to allow consideration of data on alcohol-related health harms? (Please select one option):

Table 12: summary of responses to Question 14

Response	Number of respondents	Percentage
Yes	365	51%
No	162	23%
Don't know	188	26%
Total responses:	715	

- 5.4 Of the 715 respondents to Question 14, 365 (51%) thought that aspects of the current CIP process would need to be amended to allow consideration of data on alcohol-related health harms, while 162 (23%) disagreed.
- 5.5 If respondents agreed that aspects of the current CIP process would need to be amended, they were invited to specify how the process would need to be amended. However, the majority of those who responded to this question did not answer the specific question, with most respondents either making additional points connected with the policy or expressing general support for the policy. A smaller number raised additional points in favour of the policy.
- 5.6 Of those who did make specific points, the most common points made were that respondents thought that data quality was poor, for example that it would not allow links to be drawn to specific premises or areas, or was too general to demonstrate a causal link, or that consideration of health impacts should be mandatory.

Question 15: What impact do you think allowing consideration of data on alcohol-related health harms when introducing a cumulative impact policy would have if it were used in your local area? Please provide evidence to support your response.

- 5.7 The most frequent responses to this question were that the policy would enable a more meaningful understanding of issues caused by alcohol sales in the local area and that the policy would result in a reduction in the number or density of licensed premises in specific areas. A large number also raised general points in favour of the policy.
- 5.8 Other notable views expressed by respondents included that the policy would reduce alcohol-related harm; that the policy would strengthen consideration of health in the licensing process; or that the policy would have little or no impact.

Other responses

- 5.9 A number of general responses were received on this proposal either where respondents only provided general comments or provided additional comments to support their responses to specific questions. The themes occurring most frequently in these general responses were either general points in favour of the policy or points expressing the view that public health should be a full licensing objective.
- 5.10 Specific concerns raised by a smaller number of respondents in relation to the policy focused on the potential impact of the policy, particularly on business. Some expressed the view that the policy would be unfair on new businesses and make them harder to open while some reported that the policy would discourage new employment, businesses and economic regeneration in local areas.

Consultation events

- 5.11 Questions at the consultation events invited views on the types of health data available to support such a policy; the potential impacts of the proposal; feedback on current links between health-bodies and licensing authorities; and how partnership working could be encouraged.

- 5.12 A number of potential data sources were noted with Accident and Emergency, ambulance data and other hospital and alcohol-related health admissions data most frequently cited. Several attendees also noted the potential for using data on violence and child protection. However, concerns were widely raised that data linking problems to specific premises or areas was not available and that overall the availability of data differed depending on the area.
- 5.13 Several attendees questioned the likely impact of the proposal, particularly in the shorter term. Some noted that chronic health conditions are caused by long-term drinking and that existing data does not allow for clear cause and effect to be established between drinking at specific premises or in specific areas with alcohol-related health harms. Trade attendees raised specific concerns that the proposal would benefit incumbent businesses and reduce competition. However, many attendees saw the benefit of allowing greater consideration of health in the licensing process and noted that the proposal may facilitate better partnership working between health and licensing. Some attendees questioned whether a policy linked to cumulative impact was the best way of allowing consideration of health and suggested that allowing broader consideration of health might be more effective.
- 5.14 While there appeared to be good links between health bodies and licensing authorities in some areas, attendees suggested there was a great deal of variation and for many areas these links were yet to be established. The need for improved data sharing and better links, particularly with new health functions was noted. The main examples of partnership working included Community Safety Partnerships, Crime Reduction Partnerships and specific licensing forums and liaison groups.

Technical groups

- 5.15 Two technical consultation groups were held in relation to introducing health as a licensing objective for cumulative impact policies to explore in detail how such a policy might be implemented. Those attending primarily comprised representatives of licensing authorities and local health bodies.
- 5.16 Attendees were given a brief overview of the proposal in the consultation document. However, attendees were asked to think broadly about what a policy linking a health-related licensing objective to cumulative impact might look like and the factors that would need to be considered both from a licensing and a health perspective.
- 5.17 There was general support for the idea of giving local areas the power to consider wider alcohol-related health harms when making some licensing decisions. However, it was clear when reviewing feedback from the groups that many attendees were thinking beyond the specific proposal linked to cumulative impact and were considering health in relation to licensing more widely. For example, some potential benefits of the proposal noted included being able to introduce more targeted licence conditions (such as restricting high-strength drinks), taking action to restrict certain types of premises (such as off-trade premises) and reducing licensed opening hours.
- 5.18 The main positive outcomes noted in relation to a density-type approach included the potential benefits this would have in improving local data availability and use of data, and encouraging better local co-ordination between health and licensing. Attendees saw the benefits of giving greater power to local areas and noted that as well as health benefits, the proposal would also have a positive impact on reducing crime and disorder. Raising the profile of health, both amongst operators of licensed premises and the general public was also seen as a significant benefit.

- 5.19 Many of the issues raised centred on technical aspects of the proposal such as difficulty defining what 'density' or 'cumulative impact' is and when an area has reached saturation point. There was also significant concern about the availability of data to support such a policy, particularly data linking health to specific premises or areas. Many attendees were concerned about the potential risk of legal challenge and cost of appeals if these issues were not addressed.
- 5.20 The potential impact of the proposal, both in delivering its stated aims and possible wider impacts were also considered. Impacts on local businesses, particularly potential loss of trade to businesses in surrounding areas was noted along with concerns that the policy would favour incumbent businesses. Some attendees were also concerned that a CIP could stigmatise an area or maintain a problem, rather than encouraging development and change in the local economy and loss of local revenue was seen as a concern. Attendees suggested that drinking patterns are likely to be historical and unrelated to the persons' current area of residence and there was also discussion on how to consider those who don't always drink or purchase alcohol from the immediate area in which they live. Some attendees therefore suggested that this could be seen as an example of the 'nanny state'.
- 5.21 Suggested changes that would be needed to the CIP process included putting CIPs on a legislative footing with a carefully defined public health objective in the Licensing Act to ensure the policy has sufficient weight. Many attendees also noted that specific and detailed guidance would be needed, covering how density should be defined and the data and criteria that licensing authorities should use to determine applications. Comparison was also made with Scotland with some suggesting that consideration of cumulative impact should be mandatory; that elements of overprovision policies, as used in Scotland, should be considered; and what lessons should be learned from how these policies have been implemented.
- 5.22 Overall, one of the main challenges raised was that the policy was too restrictive as it would not allow wider health data or specific local problems to be addressed. Wider suggestions raised included allowing licensing authorities to bring in 'special measures' to address specific areas of harm such as limiting licensed opening hours or the number of certain types of premises. These focused around tackling specific harms such as street drinking or dependent drinking by introducing specific licence conditions or making changes to local statements of licensing policy, rather than focusing on density. Some attendees questioned why health was not being introduced as a full fifth licensing objective. Looking at the wider Alcohol Strategy, it was also suggested that the proposal was not compatible with other proposals to reduce regulation on businesses.

6. Freeing up responsible businesses

6.1 The consultation asked for views on three areas for reducing burdens on responsible businesses on which the Government had committed to consult in the Strategy: proposals for certain types of premises providing minimal alcohol sales, temporary event notices (TENs) and the licensing of late night refreshment. The consultation then set out additional proposals to free up responsible businesses in relation to the advertising of applications, motorway service areas and personal licences. It also provided a further opportunity for interested parties to make suggestions on whether there were other sections or processes under the Licensing Act 2003 (the 2003 Act) that could be removed or simplified.

Ancillary sales

6.2 The consultation invited views on options to reduce licensing burdens on businesses where 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. The consultation called these businesses “ancillary sellers” and sought views on how burdens could be reduced while ensuring that irresponsible businesses could not take advantage of loopholes.

6.3 The consultation set out two options to achieve this, which may not be mutually exclusive. These options were defining ancillary sellers with reference to specific types of businesses and the kinds of sales they make, and or, defining a set of qualification criteria for ancillary sellers.

Consultation questions

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?

Table 13: summary of responses to Question 16

Response		Yes	No	Don't know	Total Responses
A. The provision should be limited to a specific list of certain types of business and the kinds of sales they make ⁵ .	No. of responses	269	362	43	674
	Percentage	40%	54%	6%	
B. The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller ⁶ .	No. of responses	299	354	30	683
	Percentage	44%	52%	4%	
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.	No. of responses	271	358	52	681
	Percentage	40%	53%	8%	

6.4 Question 16 invited views on ways in which burdens on ancillary sellers could be reduced and how to determine who such provisions should apply to. For all options proposed in Question 16, views were fairly balanced, although for each option more respondents were opposed than in favour. Forty per cent of respondents (269) to option A thought that the provision should be limited to a specific list of certain types of business and the types of sales they made whereas 54 per cent (362 respondents) disagreed. Forty-four per cent of respondents (299) to option B thought that the provision should be available to all businesses providing they met certain qualification criteria to be an ancillary seller, but 52 per cent (354 respondents) disagreed. Forty per cent of respondents (271) to option C thought 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, with 53 per cent of respondents (358) opposed to this option.

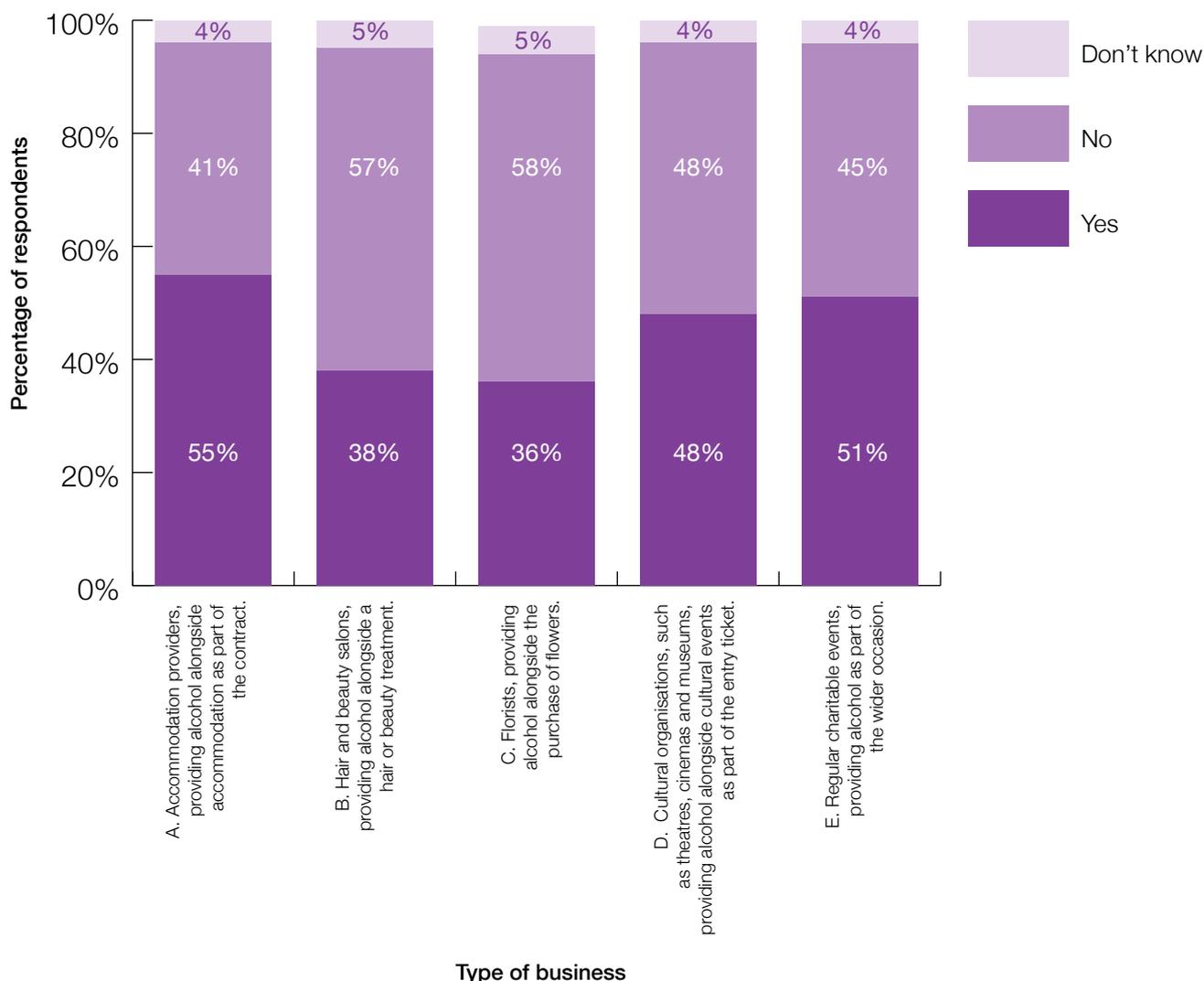
Question 17: If special provision to reduce licensing burdens on ancillary sellers were to include a list of certain types of business, do you think it should apply to the following?

5 The first option is to define ancillary sellers by reference to specific types of businesses and the kinds of sales they make, such as those examples of guesthouses or hairdressers given in paragraph 9.2 of the consultation document. Consultation Question 17 invited views on specific types of premises which could be included.

6 The qualification criteria proposed in the consultation document were that:

- alcohol must be sold or supplied as a small part or proportion of a sales transaction or contract for a wider service; and
- the amount of alcohol that could be supplied as part of that contract cannot exceed a prescribed amount.

Graph 6: summary of responses to Question 17



Total response bases: option A, 734 respondents; option B, 730 respondents; option C, 729 respondents; option D, 736 respondents; option E, 734 respondents

6.5 Question 17 invited views on the types of business that any special provisions in relation to ancillary sales should apply to. Graph Six shows responses to this question. The majority of those answering these options agreed that accommodation providers (55%, 401 respondents), cultural organisations (48%, 355 respondents) and regular charitable events (51%, 372 respondents) should be included in the provision. However, more respondents were opposed to including florists (58%, 425 respondents opposed) and hair and beauty salons (57%, 413 respondents opposed) within the provisions than those who were in favour.

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?

6.6 Rather than making specific suggestions, the majority of those who responded to this question either expressed general disagreement with the proposal or raised general points against the proposal. Of those making specific points, some respondents did not feel the special provisions should apply to any businesses or suggested that not for profit and community organisations should also benefit from the proposals.

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. Do you think that the qualification criteria proposed meet this aim⁷?

Table 14: summary of responses to Question 19

Response	Number of respondents	Percentage
Yes	243	33%
No	365	50%
Don't know	119	16%
Total responses:	727	

- 6.7 Of the 727 respondents who answered Question 19, half (365, 50%) did not think the qualification criteria proposed would meet the stated aim. Two hundred and forty three respondents (33%) did think the qualification criteria would meet the stated aim.
- 6.8 Those who believed that changes should be made to the qualification criteria were then asked to describe the changes that they would make. The most frequently expressed view was that the system should not be changed and that the proposal would be an unnecessary complication of the licensing regime and against the licensing objectives. A smaller number of respondents raised other general points against or risks associated with the policy.
- 6.9 Other notable points made included concerns about how the proposal would work in practice and the potential impact. Some raised concerns that it would be difficult or impossible to define ancillary sales or an ancillary seller or that there was a risk that the policy could create loopholes which could be used by criminals to access the retail market. Some also raised concerns about how the policy would be enforced.

⁷ The qualification criteria proposed in the consultation document were that:

- alcohol must be sold or supplied as a small part or proportion of a sales transaction or contract for a wider service; and
- the amount of alcohol that could be supplied as part of that contract cannot exceed a prescribed amount

Question 20: Do you think that these proposals would significantly reduce the burdens on ancillary sellers?

Table 15: summary of responses to Question 20

Response		Yes	No	Don't know	Total Responses
A. Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	No. of responses	273	261	118	652
	Percentage	42%	40%	18%	
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.	No. of responses	259	288	106	653
	Percentage	40%	44%	16%	
C. Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN - with no requirement for a personal licence holder.	No. of responses	295	252	103	650
	Percentage	45%	39%	16%	

6.10 Question 20 invited views on whether the proposals put forward would significantly reduce the burdens on ancillary sellers. Views were mixed across the different options. For both options A and C, a slight majority of respondents (42%, 273 respondents and 45%, 295 respondents respectively) agreed that these options would reduce the burdens on ancillary sellers. A slight majority of those responding to option B (44%, 288 respondents) disagreed that this option would reduce the burden on ancillary sellers.

Question 21: Do you think that the following proposals would impact adversely on one or more of the licensing objectives (see glossary)?

Table 16: summary of responses to Question 21

Response		Yes	No	Don't know	Total Responses
A. Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	No. of responses	358	229	102	689
	Percentage	52%	33%	15%	
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.	No. of responses	324	261	114	699
	Percentage	46%	37%	16%	
C. Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN – with no requirement for a personal licence holder.	No. of responses	373	223	102	698
	Percentage	53%	32%	15%	

6.11 Question 21 invited views on whether each of the proposals around ancillary sales would adversely impact on one or more of the licensing objectives. For each of the options, more respondents agreed that the proposal would impact adversely on the licensing objectives than disagreed.

Question 22: What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation?

6.12 The most frequently expressed view in response to this question was that the current licensing regime should be kept. Most of the other notable points made raised concerns regarding the potential risks of the policy. These included the potential of creating a loophole which could be exploited by businesses, or by criminals to access the retail market; or that the policy would increase or normalise alcohol consumption by widening its availability. Some respondents raised other risks or potential adverse impacts and some stated their general disagreement with the policy and the view that it would not achieve its aims. A number of other additional or alternative proposals were also made in relation to this policy.

Other responses

6.13 A very small number of other responses were received which dealt with either the ancillary sales or other deregulation proposals. These responses have been considered as part of the consultation but given the small number, they have not been summarised in this document.

Consultation events

6.14 One group at each of the six consultation events was asked about possible advantages and barriers of the two proposals to make selling alcohol easier for those businesses with minimal alcohol sales, and which of the proposals they preferred.

6.15 In general, participants thought the proposals would reduce costs and remove bureaucracy for small businesses. However, many thought that the proposals risked increasing the availability of alcohol on the high street in a marked way, while creating a two-tier licensing regime between the licensed trade and ancillary sellers. Others were concerned that enforcement of the definition of 'ancillary' would be very difficult.

6.16 Rather than removing the need for a personal licence holder, many of those who responded preferred the introduction of a new form of lighter-touch authorisation under the 2003 Act for ancillary sellers. However, many considered it necessary that those giving notice had to be trained in selling alcohol responsibly.

Technical groups

6.17 The two proposals to make selling alcohol easier for those businesses with minimal alcohol sales were discussed at three technical groups.

6.18 In general, there was agreement that a new lighter touch authorisation was the preferred option, since it would bring greater benefits to the holders. All believed that a clear definition of 'ancillary sales' would be required if local agencies, including the police, and business were to enforce and use the notice properly.

6.19 There were concerns, however, that the notice would create an unfair two-tier licensing regime, disadvantaging current premises licence holders. Others were concerned that the ASN would create an escalation of alcohol availability on the high street, with shops competing with each other to make it available to customers.

Occasional provision of licensable activities at community events

6.20 The consultation explained that, following its previous reforms to TENs, the Government was considering allowing individual licensing authorities to determine their own, less burdensome TEN process, if they wished, for holders of community events. Respondents were asked whether such a process should be introduced and what the impact would be on those organising community events.

Consultation questions

Question 23: Do you agree that licensing authorities should have the power to allow organisers of community events involving licensable activities to notify them through a locally determined notification process?

Table 17: summary of responses to Question 23

Response	Number of respondents	Percentage
Yes	387	52%
No	316	42%
Don't know	43	6%
Total responses:	746	

6.21 Of the 746 respondents who answered Question 23, just over half (387, 52%) agreed that licensing authorities should have the power to allow organisers of community events involving licensable activities to notify them through a locally determined notification process. Three hundred and sixteen respondents (42%) disagreed with this proposal.

Question 24: What impact do you think a locally determined notification would have on organisers of community events?

Table 18: summary of responses to Question 24

Response	No. of responses	Percentage
Reduce the burden	385	76%
Increase the burden	121	24%
Total	506	

6.22 As Table 18 shows, overall the majority of respondents to Question 24 (76%, 385 respondents) thought that a locally determined notification would reduce the burden on organisers of community events. Around a quarter of respondents (24%, 121 respondents) thought the proposal would increase the burden.

Other responses

6.23 No general responses were received on a locally determined TEN process.

Consultation events

6.24 One group at five of the consultation events was asked about their views on the possible advantages of and barriers to introducing a locally determined TEN process for community events, and what form such a process might take.

6.25 In general, participants thought the proposals would reduce costs for businesses and could help community groups. However, there were concerns that a locally determined system of TENs might create inconsistency in the licensing regime, causing confusion for business and creating difficulties in enforcement.

Technical groups

6.26 The proposals for locally set TEN processes were discussed with partners at four technical groups. It was thought that although a simpler TEN process could reduce bureaucracy, there were concerns that different systems would create inconsistency and confusion for businesses. Guidance about what form the simpler TEN might take would be key if it were introduced.

An extension of the TEN limits at individual premises

6.27 The consultation invited views on increasing the limit on the number of TENs that an individual premises can have each year from 12 to either 15 (an increase of 25%) or 18 (an increase of 50%).

Consultation questions

Question 25: Should the number of TENs which can be given in respect of individual premises be increased?

Table 19: summary of responses to Question 25

Response	Number of respondents	Percentage
Yes	301	40%
No	389	52%
Don't know	58	8%
Total responses:	748	

6.28 Of the 748 respondents who answered this question, just over half (389, 52%) did not think that the number of TENs which could be given in respect of individual premises should be increased. Three hundred and one respondents (40%) thought the number of TENs which could be given should be increased.

Question 26: If yes, please select one option to indicate which you would prefer.

Table 20: summary of responses to Question 26

Response	Number of respondents	Percentage
15	50	14%
18	229	66%
Don't know	66	19%
Total responses:	345	

6.29 Of those 345 respondents who indicated which limit for the number of TENs which could be given in respect of individual premises they preferred, the majority (229, 66%) thought the limit should be increased to 18, with 50 respondents (14%) expressing a preference for increasing the limit to 15.

Consultation events

6.30 One group at five of the consultation events was asked about their views on the possible advantages of and barriers to increasing the TEN limits and whether the extension should be to 15 or 18 per year. In general, participants thought the proposals would reduce costs for businesses and could help community groups. However, many were concerned that the proposals would increase administrative costs for licensing authorities in dealing with a greater number of TENs.

Technical groups

6.31 Four technical groups discussed the proposals for increasing TEN limits. Many thought that increasing the TEN limit would benefit businesses and community groups, although there were serious concerns from licensing authorities that any increase would create extra administrative burdens.

Late night refreshment

6.32 The consultation made two proposals, not mutually exclusive, for how the burdens of the licensing of late night refreshment (LNR) on business could be reduced. The first was to introduce local discretion on whether LNR should be licensable; either by giving licensing authorities power to determine that premises providing only LNR should be exempt from requiring an authorisation under the 2003 Act in certain parts of their area, or by allowing licensing authorities to exempt certain types of premises in their area. The second proposal was to add new centrally prescribed exemptions to those in schedule 2 of the 2003 Act, including motorway service areas. The consultation asked for views on these proposals, and invited suggestions for other areas that should receive a nationally prescribed exemption from the LNR licensing regime.

Consultation questions

Question 27: Do you think that licensing authorities should have local discretion around LNR in each of the following ways?

Table 21: summary of responses to Question 27

Response		Yes	No	Don't know	Total Responses
A. Determining that premises in certain areas are exempt	No. of responses	299	387	54	740
	Percentage	40%	52%	7%	
B. Determining that certain premises types are exempt in their local area	No. of responses	306	375	49	730
	Percentage	42%	51%	7%	

6.33 Question 27 invited views on two different proposals on ways in which licensing authorities could be given local discretion around LNR and whether respondents thought that such discretion should be given in each way.

6.34 Seven hundred and forty respondents gave views on the first proposal that licensing authorities be able to determine that premises in certain areas are exempt. Just over half (387, 52%) disagreed with this proposal with 299 respondents (40%) agreeing that discretion should be given in this way.

6.35 Seven hundred and three respondents provided responses on the second proposal that licensing authorities be able to determine that certain premises types are exempt in their local area. Again, just over half (375, 51%) disagreed with this proposal with 306 respondents (42%) agreeing that discretion should be given in this way.

Question 28: Do you agree that motorway service areas (MSAs) should receive a nationally prescribed exemption from regulations for the provision of LNR?

Table 22: summary of responses to Question 28

Response		Yes	No	Don't know	Total Responses
A. Motorway service areas should receive a nationally prescribed exemption from regulations for the provision of LNR	No. of responses	473	221	57	751
	Percentage	63%	29%	8%	

6.36 The majority of the 751 respondents who answered Question 28 (473, 63%) agreed that MSAs should receive a nationally prescribed exemption from regulations for the provision of LNR. Two hundred and twenty one respondents (29%) did not agree with this proposal.

Question 29: Please describe any other types of premises to which you think a nationally prescribed exemption should apply.

6.37 Of those who responded to this question, the most frequently given response was that no exemptions should apply at all and that all LNR venues should be regulated. A number of respondents also made additional or alternative proposals connected with the policy or raised wider points regarding the potential risks or adverse impacts which might be caused by the policy. One of the suggestions raised by some respondents was that there should be national exemptions for specific types of activity, for example overnight accommodation serving alcohol to residents only or overnight ferries.

Consultation events

6.38 The feedback from the consultation events on local discretion for types of business largely reflected the same concerns as those discussed in the technical groups, again there was also recognition that the deregulation could benefit small low risk businesses in rural areas. It was suggested that premises on A-roads away from town centres and other low risk types of business could benefit from these proposals as well as MSAs.

6.39 Discussions from both the technical groups and the consultation events, as well as the quantitative responses from the consultation preferred the option to set national exemptions, such as for MSAs.

Technical groups

6.40 Where discussions in the technical groups focussed on exempting types of premises or areas from LNR, these proposals were generally negatively received, based on experience from both police and licensing authorities. However, licensing authorities suggested they could support exemptions where they applied to certain areas rather than enabling local discretion to exempt types of premises.

6.41 It was proposed that another approach would be to enable licensing authorities to determine that LNR was a licensable activity at a later hour, for example, that it was licensable only from 12am-5am and outside the town centre. There was support for this alternative suggestion, and some thought that it would be helpful in small villages. More generally however, across both police and licensing authorities, there was less enthusiasm for local discretion, as exemptions in different licensing authority areas would lead to inconsistency across the country.

Further proposals to reduce burdens on business

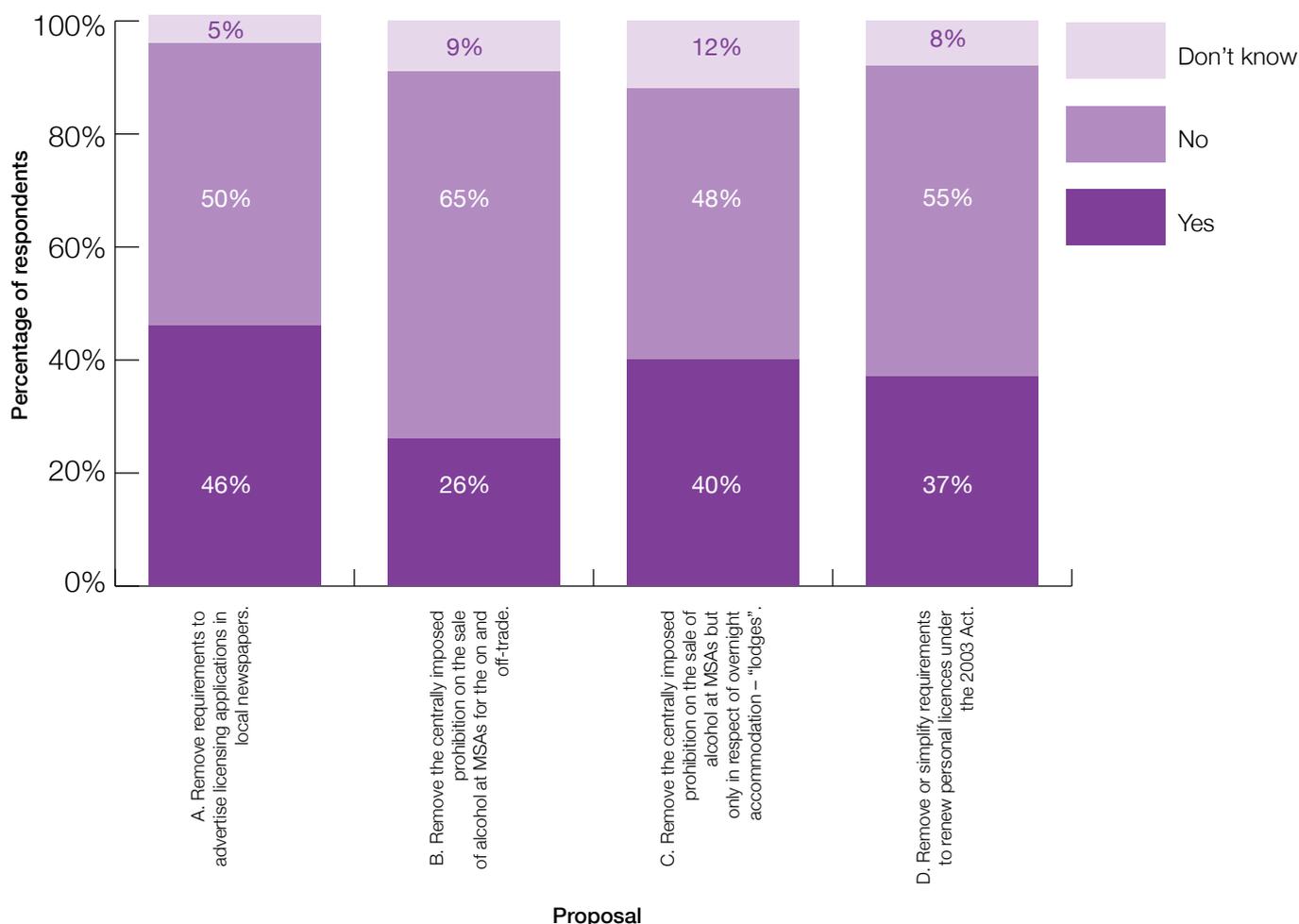
6.42 In the consultation, the Government put forward proposals in three additional areas to reduce burdens on business. The first was to remove the requirement for applications for new premises licence and club premises certificate applications to be advertised in a local newspaper or circular. The second was to deregulate the sale of alcohol in relation to MSAs. Licensing legislation and current Government guidance results in a general prohibition of the sale of alcohol at MSAs. Two proposals were put forward, either to lift the restriction on sales of alcohol at MSAs and make on- and off-trade sales a matter for licensing authorities locally, or to allow lodges and other overnight accommodation to provide alcohol to residents. Thirdly, we asked whether the requirement for personal licences to be renewed after ten years to

be valid should be removed or simplified⁸. Respondents were invited to give their views on the proposals and say whether they thought they would impact adversely on the licensing conditions and whether they would reduce burdens on business.

Consultation questions

Question 30: Do you agree with each of the following proposals?

Graph 7: summary of responses to Question 30



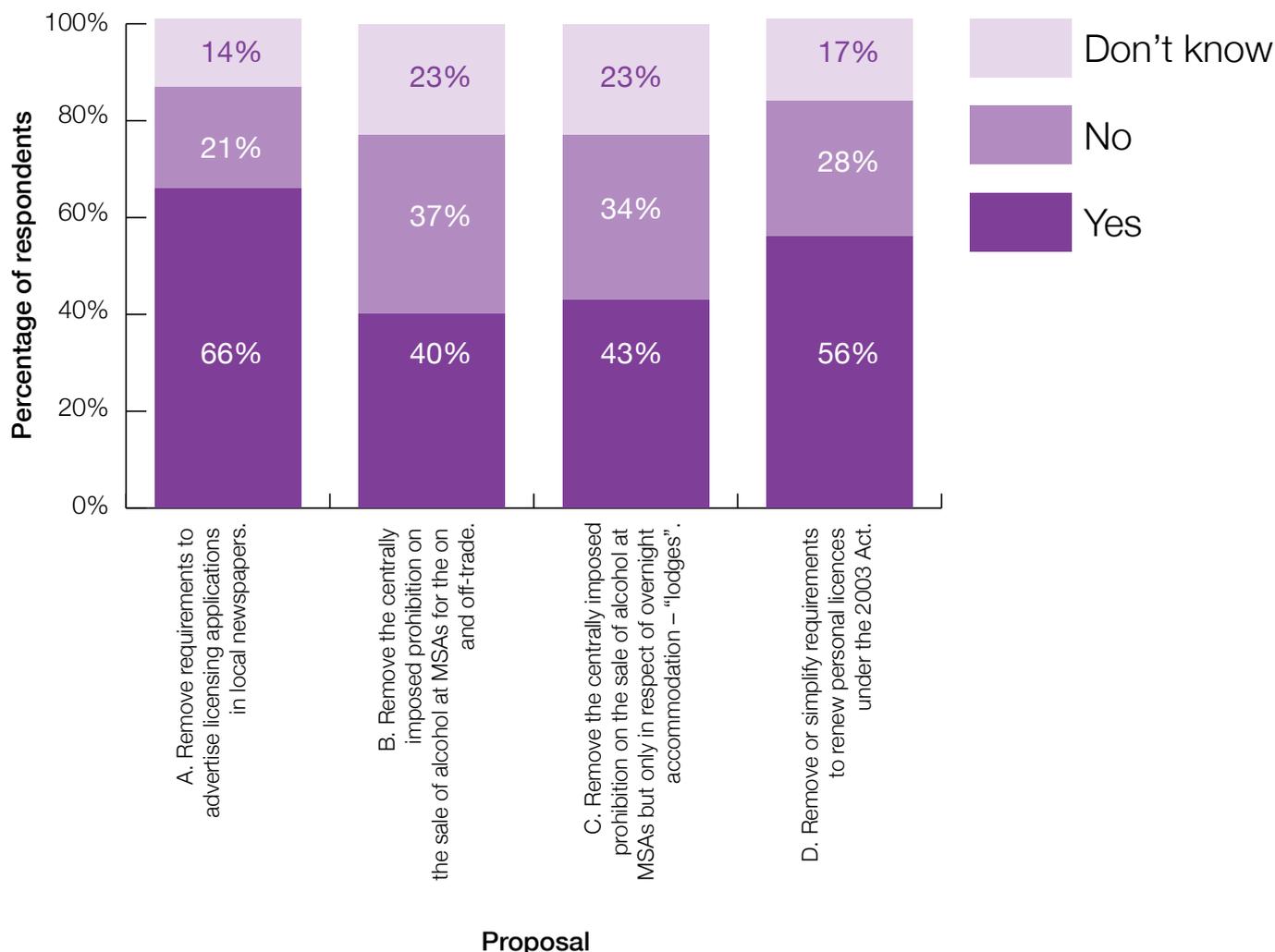
Total response bases: option A, 753 respondents; option B, 746 respondents; option C, 733 respondents; option D, 736 respondents

6.43 Question 30 invited views on a number of additional deregulatory proposals: removing the requirements to advertise licensing applications in local newspapers; removing the prohibition on the sale of alcohol at MSAs completely, or only for overnight accommodation providers; and removing or simplifying requirements to renew personal licences. Graph Seven presents the responses to this question. For each proposal, more respondents disagreed with the proposal than those who agreed. The proposal receiving most support (46% of respondents, 343 agreed) was that to remove the requirement to advertise licensing applications in local newspapers. The proposal which received least support (only 26% of respondents, 191 agreed) was the proposal to lift the prohibition on the sale of alcohol at MSAs entirely.

⁸ Under the 2003 Act, each sale of alcohol under a premises licence must be made under the authority of a personal licence holder.

Question 31: Do you think that each of the following would reduce the overall burdens on business?

Graph 8: summary of responses to Question 31

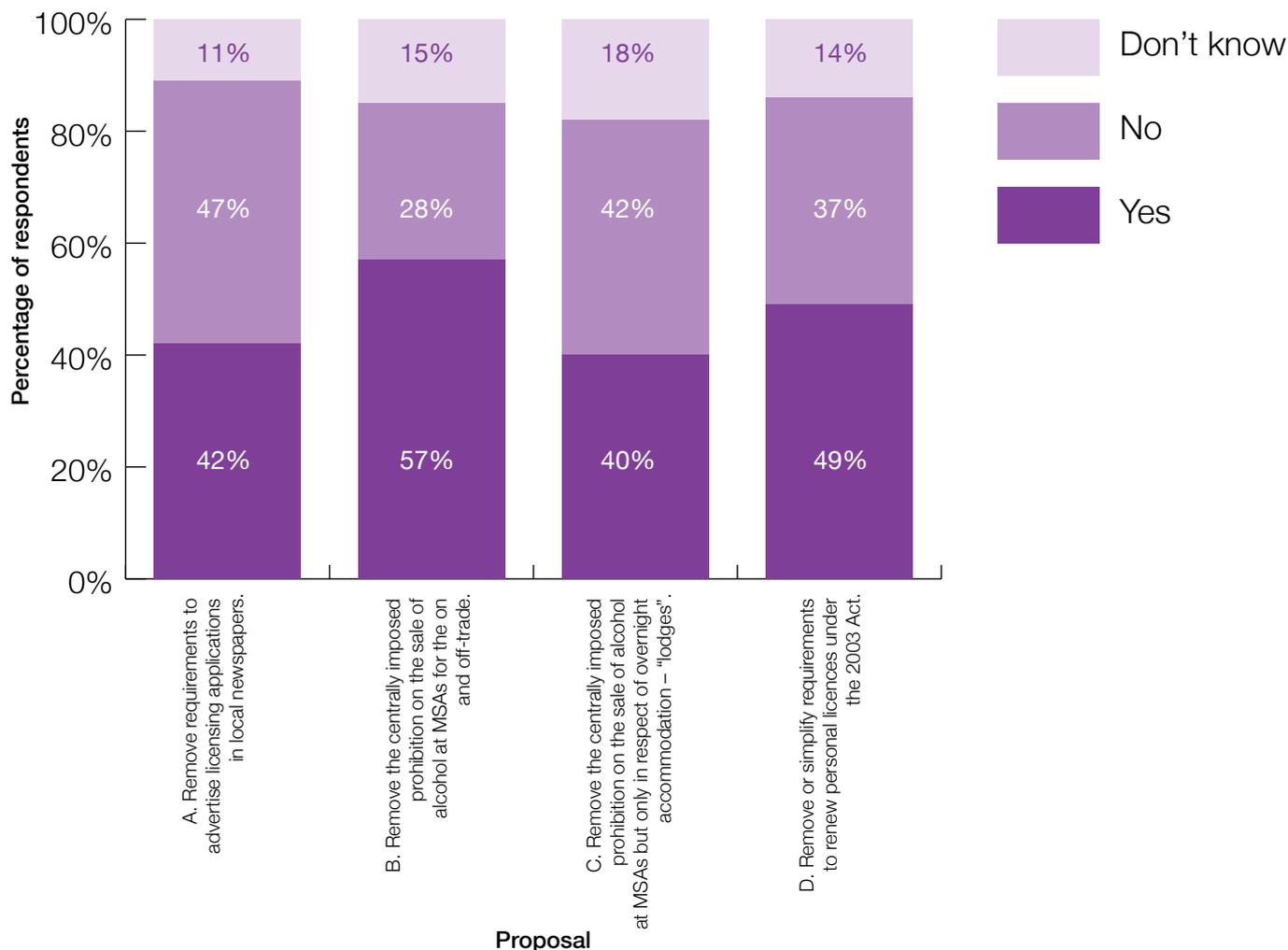


Total response bases: option A, 703 respondents; option B, 702 respondents; option C, 699 respondents; option D, 709 respondents

6.44 For each of the proposals set out in Question 30, Question 31 asked whether respondents thought each of the proposals would reduce the overall burdens on business. Graph Eight presents the responses to this question. For each proposal, more respondents thought the proposal would reduce the burden than those that thought it would not. In particular, the majority of respondents to option A; to remove the requirement to advertise in local newspapers (66%, 463 respondents) and the majority to option D; the proposal to remove or simplify requirements to renew personal licences (56%, 397 respondents) agreed the proposal would reduce the burden on business.

Question 32: Do you think that the following measures would impact adversely on one or more of the licensing objectives (see glossary)?

Graph 9: summary of responses to Question 32



Total response bases: option A, 731 respondents; option B, 727 respondents; option C, 724 respondents; option D, 728 respondents

6.45 Question 32 invited views on whether each of the options set out in Questions 30 and 31 would impact adversely on one or more of the licensing objectives. For the proposals to lift the prohibition on the sale of alcohol at MSAs entirely and the proposal to remove or simplify requirements to renew personal licences, more respondents thought each proposal would adversely impact on the licensing objectives than those who did not think there would be an adverse impact. For the proposal to remove requirements to advertise licence applications in local newspapers and the proposal to lift the prohibition on the sale of alcohol at MSAs but only for overnight accommodation providers, slightly more respondents thought that there would not be an adverse impact on the licensing objectives than those who thought there would be an adverse impact.

Newspapers

Consultation events

6.46 One group at three of the six consultation events answered a series of questions on removing the requirement on licence applicants to advertise in local newspapers. These asked about possible advantages of and barriers to the proposal and whether there was a danger of excluding some groups from the licensing process.

- 6.47 Some advantages of the policy were suggested, including that the proposal would reduce bureaucracy and the cost of making applications. It was believed that there were better ways of engaging local communities than advertising details of the applications in newspapers. It was also queried how well local newspapers were read.
- 6.48 Others raised concerns. For example, it was suggested that if the requirement to advertise applications in local newspapers were removed, an alternative and effective means of communicating application should be made. A related proposal was that such a means of communication could be delivered through the licensing authority, which applicants would pay for⁹.
- 6.49 There was a general concern that this policy could mean that certain groups, for example those in rural areas, older people and those without access to the internet, would be less likely to become aware of licensing applications.

Technical groups

- 6.50 Four technical groups involving a range of partners considered the proposal to remove the requirement on licence applicants to advertise in local newspapers.
- 6.51 The group considered how people found out about applications. The trade and some licensing authorities thought that advertisements in newspapers generated very few representations about licensing applications. Licensing authority representatives stated that anecdotal evidence suggested applications were discovered through other means, including word of mouth. Representatives of the licensed trade and community groups thought the obligation to advertise was a cost burden on applicants.
- 6.52 In contrast, representatives of local newspapers and residents associations voiced concerns about reduced awareness of new applications if the proposal to advertise in newspapers were removed. It was argued that research showed many adults did not use the internet but relied on local newspapers for local information. The proposal could remove a substantial source of revenue for newspapers which were vital for community information.
- 6.53 Concerns were also raised that as an unintended consequence, councillors could ask licensing authorities to write directly to those potentially affected by an application, which could increase the number of representations to licensing authorities. This practice is already taking place in some areas where licensing authorities write to those in the vicinity about a premises licence application or variation.

Motorway service areas

Consultation events

- 6.54 One group at each of the six consultation events answered a set of questions on the two alternative proposals in connection with MSAs: lifting the centrally imposed restriction on the sale of alcohol at MSAs or only at premises with overnight accommodation. They were asked about advantages of and barriers to the two MSA proposals, and which of the two proposals they preferred.

⁹ Under the Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) Regulations 2012, there is already a requirement for licensing authorities to place details of applications for new premises licences and club premises certificates on their websites.

6.55 In general, participants believed that, as well as giving the public greater choice, removing the national ban would be a boost to growth, allowing greater development at MSAs. Some also noted that removing the national ban would clarify the current uncertainty in the law. Nonetheless, there were concerns that doing so would increase the risk of drink driving and complicate the enforcement of laws banning the drinking of alcohol on coaches travelling to football matches. Of almost all of those groups who expressed a preference for one proposal, the vast majority preferred the deregulation of the sale of alcohol at overnight lodges, considering that this posed less of a risk to drink driving rates.

Technical groups

6.56 The proposals concerning MSAs were discussed at three technical groups with a range of partners.

6.57 As well as concerns over the possibility of increased drink driving risks, police attendees expressed concerns that deregulation at MSAs could start an escalation of alcohol provision amongst premises. However, in general, members of the licensed trade said they were committed to tackling any increased risk of drink driving due to the sale of alcohol. Examples were given of clear messaging at those premises already licensed at MSAs as well as coordination with licensing authorities and the police on match days.

Personal licences

Consultation events

6.58 One group at five of the six consultation events gave their views on the advantages of and barriers to the proposals on removing or simplifying the requirement to renew personal licences every ten years. They were also asked what could be done to simplify the process and whether the Government could go further in relation to personal licences.

6.59 In general, participants thought the proposal would reduce costs for businesses requiring renewals and for licensing authorities administering the process. However, many thought that the proposal risked weakening the system by removing the option for police to object to renewals, and many called for a national database for personal licences. Respondents in Nottingham, in particular, were keen that personal licences be renewed more frequently. As an alternative, it was suggested that timeframe in which renewal is required could be relaxed.

Technical groups

6.60 The proposal to simplify or remove the requirement to renew personal licences every ten years was discussed at three technical groups.

6.61 In general, there was a consensus that the current personal licensing system did not work as effectively as it might. This was in part due to difficulties in sharing data between the courts, licensing authorities and the police in the absence of a national database. Police representatives said that, in these circumstances, the requirement to renew personal licences offered a valuable opportunity to require criminal records checks from personal licence holders. However, members from the trade argued that there were enough safeguards in place to deal with problems. Some queried whether the system of personal licences was required at all.

Further suggestions for reducing burdens on business

6.62 Finally the consultation invited views on additional proposals for reducing burdens on business, providing a further opportunity for interested parties to propose ways in which other sections of, or processes under the 2003 Act could be removed or simplified.

Consultation question

Question 33: In addition to the suggestions outlined above, what other sections of or processes under the 2003 Act could in your view be removed or simplified in order to impact favourably on businesses without undermining the statutory licensing objectives or significantly increasing burdens on licensing authorities?

6.63 The response given most often to this question was that there should be no change to the current licensing regime as the current regime works well. Some of the comments made by these respondents included that further changes could undermine the licensing objectives and that business profit and economic growth should not be prioritised over reducing crime and health harms.

6.64 A number of specific suggestions were noted by respondents. Some of these related to the licensing process, including suggestions that licensing forms should be simplified or that the overall licensing process should be toughened, for example, by tightening the role of the designated premises supervisor (DPS). A notable number of respondents specifically suggested that the personal licence regime should be strengthened with some of the specific suggestions in relation to this point including the introduction of a national database of personal licence holders, the retention of criminal records checks and the removal of licences from those made bankrupt.

6.65 Some respondents took the opportunity to express general disagreement with the principle of reducing regulation and believed that alcohol regulation should be increased rather than decreased with further measures introduced to restrict the availability of alcohol. A number also expressed specific objections in response to the proposal to remove the prohibition on alcohol sales at MSAs.

Consultation events

6.66 All groups at the consultation events were invited to give other ideas and proposals to cut red tape in connection with alcohol licensing.

6.67 Respondents suggested several ways to cut licensing red tape. Some of these suggestions related to simplification of administrative licensing processes such as simplifying licensing forms or making them more available online; moving to an annual payment date for premises licence annual fees; and allowing for a light touch mechanism to change the DPS. Amendments to other processes suggested included simplifying the relationship between the DPS and personal licences and limiting the number of responsible authorities for applications. Other suggestions proposed new processes or powers for licensing authorities including giving licensing authorities the power to revoke personal licences; setting up a national database of all licences, premises and personal; and removing hot drinks from Late Night Refreshment licensing.

Technical groups

6.68 Four technical groups with partners discussed new ideas to cut red tape from alcohol licensing, resulting in a number of suggestions. Some of these echoed suggestions raised at the consultation events, including: moving to an annual payment date for premises licence annual fees; simplifying licensing forms or making them more available online; and limiting the number of responsible authorities for applications submitted in paper form. Other suggestions were raised at these groups such as providing for a temporary authorisation when premises licences are transferred; abolishing the system of personal licences altogether; and giving licensing authorities discretion to design their own licensing forms.

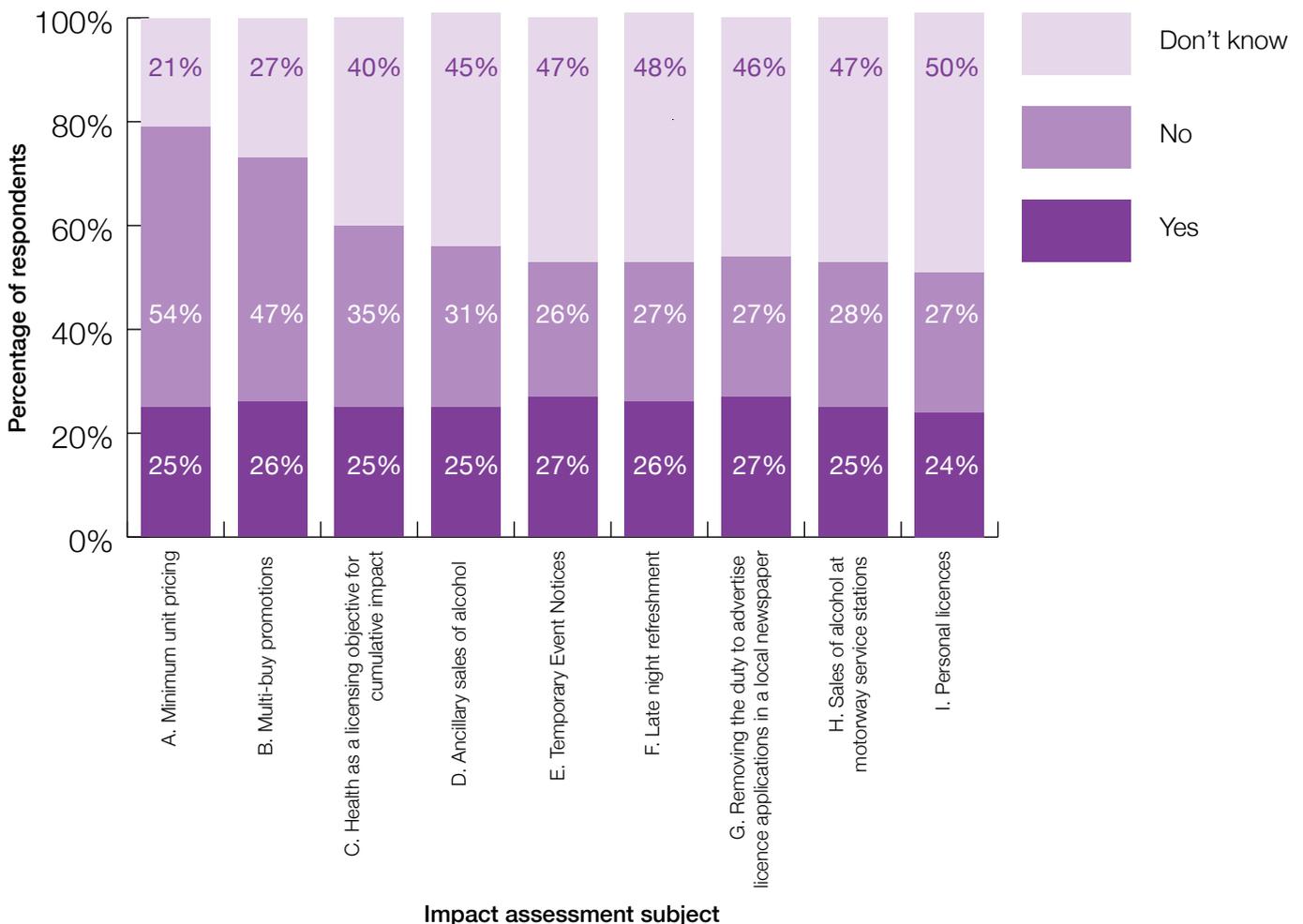
7. Impact assessments

7.1 Impact assessments for the majority of the proposals set out in the consultation were published alongside the consultation document and consultation respondents were encouraged to comment on these. Specifically respondents were asked whether each of the impact assessments provided an accurate representation of the costs and benefits of the proposals. Comments were also invited on the methodologies or assumptions used in the impact assessments.

Consultation questions

Question 34: Do you think that the Impact Assessments related to the consultation provide an accurate representation of the costs and benefits of the proposals?

Graph 10: summary of responses to Question 34



Total response bases for each impact assessment: A, 993 respondents; B, 942 respondents; C, 945 respondents; D, 942 respondents; E, 921 respondents; F, 921 respondents; G, 921 respondents; H, 914 respondents; I, 909 respondents

7.2 Graph 10 presents responses to Question 34 which asked whether each of the impact assessments related to the consultation provided an accurate representation of the costs and benefits of the proposals. Of those respondents who answered the question, many stated that they did not know whether the impact assessments provided an accurate representation of the costs and benefits. Of those respondents who did express a clear view, in general, responses to this question were mixed and in most cases similar numbers of respondents thought that the impact assessments accurately represented the costs and benefits as those who did not think they accurately presented the costs and benefits. However, for the impact assessments on minimum unit pricing, multi-buy promotions and health as a licensing objective for cumulative impact, more respondents did not think that the impact assessments accurately represented the costs and benefits than those who did.

Question 35: Do you have any comments on the methodologies or assumptions used in the impact assessments? If so please detail them, referencing clearly the impact assessment and page to which you refer.

7.3 Respondents were invited to detail their views on the methodologies or assumptions used in the impact assessments for the policy proposals set out in the consultation document. The impact assessments most frequently commented on were those on minimum unit pricing, health as a licensing objective related to cumulative impact and ancillary sales with a number of respondents commenting on the impact assessments generally.

7.4 Two key themes were reflected across the responses to this question. Firstly, many respondents stated that the methodologies or evidence bases used in the impact assessments were flawed or incorrect, with some questioning how the costs and benefits used in the impact assessments had been calculated. The other key view reflected across responses was that the impact assessments were incomplete or did not consider all the issues or data properly. Some noted specific groups or issues which they felt had not been considered fully. While these were the key themes, a notable number of respondents expressed the view that the assumptions used in the impact assessments were flawed, for example the links between policies such as minimum unit pricing and reducing alcohol consumption.

Annex A – Additional consultation analysis

Institute of licensing

1. The Institute of Licensing¹⁰ submitted two responses which have been analysed separately as they were in survey form. They presented a number of different views on consultation questions and so could not be analysed as part of the wider consultation responses. The first followed a meeting of the Welsh Region of the Institute of Licensing on 28 January 2013 and represented the views only of those in attendance. The second recorded the results of the Institute of Licensing's own online survey of its members.
2. There were only some areas where there appeared to be strong consensus among attendees in the first response:
 - a. 12 out of 19 respondents did not think there should be a ban on multi-buy promotions in the off-trade (Question 5).
 - b. 18 out of 20 did not believe that the mandatory licensing conditions did enough to target irresponsible promotions in pubs and clubs (Question 10).
 - c. 17 out of 20 did not think the current approach of five mandatory conditions applying to the on-trade, with only one of those applying to the off-trade, was appropriate (Question 12).
 - d. None of the respondents believed that any aspect of the current cumulative impact policies would need amending to allow consideration of data on alcohol related health harms (Question 14).
 - e. All respondents disagreed with all options about how to define an ancillary sale and disagreed that this would reduce burdens on ancillary sellers (Questions 16, 17 and 20). All respondents believed that all of the proposals for how the burden on those defined as ancillary sellers could be reduced would impact adversely on one or more of the licensing objectives (Question 21).
 - f. None of the respondents thought that licensing authorities should have the power to allow the organisers of community events involving licensable activities to notify them through a locally determined process (Question 23).
 - g. 14 out of 20 respondents did not want the number of temporary event notices which can be given to increase (Question 25).
 - h. 19 out of 20 respondents did not want the requirements to renew a personal licence under the 2003 Act removed or simplified (Question 30).

¹⁰ The Institute of Licensing is the professional body for licensing practitioners in England, Wales and Northern Ireland. Its membership includes practitioners from local authorities, police and other regulatory bodies. Legal practices, private consultants and training providers, those working in industry and those in industry trade bodies.

3. The second response, based on an online membership survey by the Institute of Licensing, received 80 responses, with 53.8 per cent of respondents being licensing authority officers, 11.5 per cent licensing authorities, 9 per cent persons or organisations specialising in licensing law, 9 per cent police officers, 6.4 per cent police forces, 5.1 per cent local government (other), 3.8 per cent members of the public, 1.3 per cent small or medium sized enterprises involved in the licensed trade and 3 per cent other. Despite the overall majority being involved in local government or authority areas there were few areas of strong consensus. Those there were included:
- 60 per cent did not think the current approach of five mandatory conditions applying to the on-trade and only one of those applying to the off-trade was appropriate. It was not clear how many respondents had answered this question. (Question 12).
 - 20 of 31 respondents did not agree that licensing authorities should have the power to allow the organisers of community events involved in licensable activities to notify them through a locally determined process (Question 23).
 - 23 of 32 respondents did not want the number of TENs which can be given in respect of an individual premises to increase (Question 25).
 - 21 of 32 respondents believed that motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment (Question 28).
4. Both responses indicated concerns relating to the mandatory conditions and also the overall consensus that there should not be an increase in the number of TENs issued. The overall responses and comments were considered alongside other consultation responses.

Demographic Information

5. We invited those who responded to the consultation to submit some information about themselves alongside their consultation response to help us better understand the context in which they were responding. The following information is therefore self-reported. Please note that percentages may not sum to 100 due to rounding.

Professional interest

Professional interest: Which of the following best describes you or the professional interest you represent?

Table A(i): summary of responses to question on professional interest

Interest group (similar professions e.g. businesses, police etc.) grouped	No. of respondents	% ¹	% (exc. missing) ²	Interest group	No. of respondents	Percentage ¹	Percentage (exc. missing) ²
Businesses	81	6%	6%	Individual involved in licensed trade/ club premises	12	1%	1%
				SME involved in licensed trade/ club premises (up to 50 employees)	23	2%	2%
				Large business involved in licensed trade/ club premises	28	2%	2%
				SME involved in the production of alcohol (up to 50 employees)	3	<1%	<1%
				Business involved in the production of alcohol	15	1%	1%
Trade body representing the licensed trade/club premises or alcohol producers	26	2%	2%	Trade body representing the licensed trade/ club premises or alcohol producers	26	2%	2%
Alcohol-related best practice scheme	4	<1%	<1%	Alcohol-related best practice scheme	4	<1%	<1%
Person or organisation specialising in licensing law	15	1%	1%	Person or organisation specialising in licensing law	15	1%	1%
Voluntary and community organisation	83	6%	6%	Voluntary and community organisation	83	6%	6%

Interest group (similar professions e.g. businesses, police etc.) grouped	No. of respondents	% ¹	% (exc. missing) ²	Interest group	No. of respondents	Percentage ¹	Percentage (exc. missing) ²
Licensing Authorities	114	8%	8%	Licensing authority	86	6%	6%
				Licensing authority officer	28	2%	2%
Public health body	113	8%	8%	Public health body	113	8%	8%
Local Government	86	6%	6%	Local Government	86	6%	6%
Police	58	4%	4%	Police and crime commissioner	9	1%	1%
				Police force	32	2%	2%
				Police officer	17	1%	1%
Bodies representing public sector professionals	23	2%	2%	Bodies representing public sector professionals	23	2%	2%
Central Government	9	1%	1%	Central Government	9	1%	1%
Member of the public	641	44%	47%	Member of the public	641	44%	47%
Other	96	7%	7%	Other	96	7%	7%
Prefer not to say (online only)	14	1%	1%	Prefer not to say (online only)	14	1%	1%
Missing	82	6%	n/a	Missing	82	6%	n/a
Total responses:	1,445				1,445		

1 Percentages are based on all responses to the consultation including, including 'missing' responses.

2 Percentages are based on only those responses where an answer to the question was given and excludes 'missing' responses.

6. Of those who responded to the consultation 1,363 out of 1,445 self-reported their professional interest in the consultation. Those who responded by letter or email and who did not report their professional interest or other demographic information, where possible were assigned one on the basis of other information in their response. Members of the public comprised the majority of respondents (47% of those who provided information on their professional interest and 44% of all responses). The next largest groups were public health bodies and licensing authorities (both 8%), followed by businesses, voluntary and community organisations, and local government (6%). Other interest groups represented were the police (4%), bodies representing public sector professionals (2%), people or organisations specialising in licensing law (1%), and central government (1%). Less than one per cent of respondents represented alcohol-related best practice schemes.

Region

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

Table A(ii): summary of responses to question on region

Region	No. of respondents	Percentage ¹	Percentage (exc. missing) ²
North East England	101	7%	10%
North West England	166	11%	16%
South East England	132	9%	13%
Yorkshire and the Humber	72	5%	7%
West Midlands	86	6%	8%
East Midlands	91	6%	9%
East of England	57	4%	5%
South West England	101	7%	10%
London	140	10%	13%
Wales	52	4%	5%
Scotland	14	1%	1%
Northern Ireland	15	1%	1%
European Union	4	<1%	<1%
Rest of the world	9	1%	1%
Missing	405	28%	n/a
Total responses:	1,445		

1 Percentages are based on all responses to the consultation, including 'missing' responses.

2 Percentages are based on only those responses where an answer to the question was given and excludes 'missing' responses.

7. Of 1,040 respondents who provided their region, the highest number of responses was received from the North West of England (16%). Other regions of England represented by over 10 per cent of the total response base were the South East and London (both 13%), while 10 per cent of responses came from both the North East and the South West. Five per cent of responses came from Wales, one per cent from Scotland and Northern Ireland and less than one per cent from the European Union. One per cent of responses were received from the rest of the world.

Gender: What is your gender? (Please select on option)

Table A(iii): summary of responses to question on gender

	No. of respondents	Percentage ¹	Percentage (exc. missing) ²
Female	193	13%	25%
Male	554	38%	72%
Prefer not to say	21	1%	3%
Missing	677	47%	n/a
Total responses:	1,445		

1 Percentages are based on all responses to the consultation, including 'missing' responses.

2 Percentages are based on only those responses where an answer to the question was given and excludes 'missing' responses.

8. Of the 768 respondents who reported their gender, nearly three-quarters (72%) were male, and one quarter female.

Age: What is your age?

Table A(iv): summary of responses to question on age

	No. of respondents	Percentage ¹	Percentage (exc. missing) ²
Under 18	0	-	-
18 – 24	39	3%	5%
25 – 34	105	7%	14%
35 – 49 (HARDCOPY/ EMAIL)	2	<1%	<1%
50 – 64 (HARDCOPY/ EMAIL)	8	1%	1%
65 and over	108	7%	15%
Prefer not to say	19	1%	3%
35 – 54 (ONLINE)	290	20%	40%
55 – 64 (ONLINE)	160	11%	22%
Missing	714	49%	n/a
Total responses:	1,445		731

1 Percentages are based on all responses to the consultation, including 'missing' responses.

2 Percentages are based on only those responses where an answer to the question was given and excludes 'missing' responses.

9. Of the 731 respondents who reported their age, the majority of respondents were aged between 35 and 64 years of age.

Annex B – The consultation analysis process

Consultation analysis methodology

1. Consultation responses were analysed and written up by officials at the Home Office.
2. While it was clear that respondents using the consultation proforma or answering specific questions were replying to the consultation, a view also had to be taken on what other correspondence constituted a formal response. It was decided to consider all letters or emails received during the consultation and include them, so long as they mentioned the consultation or one of the policies within it and gave a view.
3. Data from responses to the quantitative (closed) questions in the consultation (those that invited 'yes', 'no', 'don't know' responses) were inputted and analysed. All qualitative responses (those responses to open questions or where a respondent had written a paper, letter or email rather than answering specific questions) were also logged and analysed. This was done by coding the responses to identify frequently occurring themes. Where respondents commented on a different aspect of the policy which they were being asked about, this too was recorded. Findings have been reported in this document.
4. A number of in-depth annexes to consultation responses were also received, covering areas such as evidence, data and legal opinions. These were not coded but have been considered by officials and fed into the Government's response and further impact assessments.
5. Feedback from attendees at the consultation events has also been analysed. Notes were made of the discussions at these consultation events by the attendees themselves using an electronic system (see Annex C). These have been considered by Home Office officials alongside feedback received from the technical consultation groups which were held on some of the proposals. A summary of key themes raised at both the consultation events and the technical consultation groups has been produced and is included in this document.

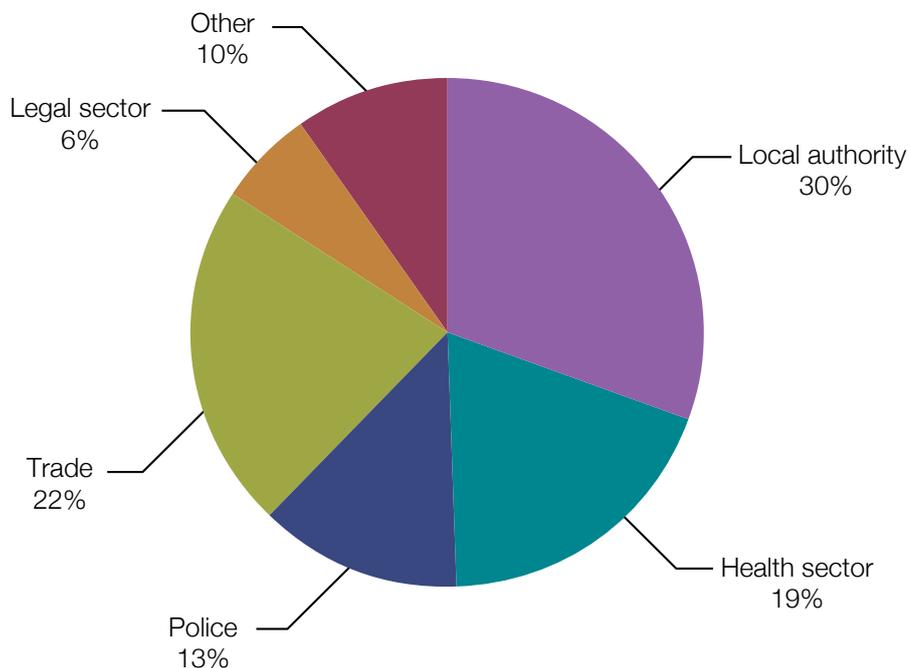
Annex C: Consultation events and technical groups

1. A series of events were held during the consultation to further engage interested parties in the Alcohol Strategy Consultation proposals.
2. These events took two forms. The first were six consultation events held across England and Wales for a wide range of key partners. The second were a series of smaller technical groups with attendees who have expertise in the particular proposals under discussion.

Consultation events

3. During January 2013 six events, run by Home Office officials, were held in five locations in England and Wales: in London (two events), Cardiff, Leeds, Newcastle and Nottingham.
4. Those with an interest in the consultation proposals were alerted to the events through a variety of means: through the Home Office website and newsletters as well as by inviting key partners to disseminate the information through their own membership networks. Those interested were asked to complete an 'Expression of Interest' pro-forma to allow officials to allocate places fairly, rather than on a first come first served basis, should the events prove oversubscribed. For instance, there were limitations on how many representatives from the same organisation would be permitted to attend due to fears of over-subscription. However, ultimately all organisations requesting a place at an event were accommodated.
5. A total of 186 individuals attended across the six sessions and included representatives from local authorities, health bodies, police, trade and the licensing legal sector. A breakdown of the percentage split by sector across all six consultation events is shown below.

Sector percentage split of Alcohol Consultation Event Delegates



6. Each session ran for three and a half hours and began with a brief summary of action across Government following the Strategy. The remainder of the session was used to seek views from delegates across all five areas of the consultation. Each self-selected group used 'iPad' technology to capture feedback from their table discussions. This enabled officials to consider their comments alongside formal consultation responses.¹¹
7. A list of those organisations which had at least one representative at the events has been published on the website alongside this analysis document.

Technical groups

8. Nine technical groups were held during December 2012 and January 2013 on the following consultation areas: mandatory licensing conditions review, health as a licensing objective for cumulative impact policies and measures to free up responsible businesses where introduction, subject to the consultation outcome, was considered to be potentially less straightforward. The intention of these sessions was to bring together licensing experts with an interest in the detailed technical considerations of that specific policy area.
9. A call for expressions of interest to take part was circulated to almost 800 individuals and partner organisations. More than 100 individuals expressed an interest in attending. For practical reasons the size of the groups were limited, so places were allocated to those people considered best placed to provide technical expertise, based on the information they provided and in the interests of providing a mix of perspectives and experiences at each meeting.
10. Eight technical groups were convened in London with one held in Leeds. Efforts were made to host a group in Cardiff but there was insufficient interest so this was withdrawn.
11. The format was small face-to-face discussion groups. The discussions were facilitated by policy officials to identify practitioner views on the benefits and challenges of implementing draft proposals and identifying alternative options where applicable.

¹¹ Technical and delegate management support to the consultation events was provided by Glasgows, an event management agency.

