



Home Office

CALL FOR EVIDENCE: AIRSIDE ALCOHOL LICENSING AT INTERNATIONAL AIRPORTS IN ENGLAND AND WALES

This consultation begins on 1 November 2018

This consultation ends on 1 February 2019

About this call for evidence

- To:** This call for evidence is open to all who wish to contribute to the UK Government's understanding of the problem of drunk and disruptive airline passengers and inform our policy options to address the problem most effectively. We want to hear from a range of individuals, public sector organisations, airlines, airports and businesses, about the extent to which the problem of drunk or disruptive passengers affects them, whether a legislative intervention is necessary and what implications, if any, a decision to maintain or remove the exemption under the Licensing Act 2003 would have.
- Duration:** From 01/11/2018 to 01/02/2019.
- Enquiries (including requests for the paper in an alternative format) to:** Email: callforevidence@homeoffice.gsi.gov.uk
- How to respond:** Please send your response by 01/02/ 2019.
Responses can be submitted online through the GOV.UK website callforevidence@homeoffice.gsi.gov.uk or by post by sending responses to:
Call for Evidence
Alcohol Strategy and Policy Team
5th Floor, Fry Building
Home Office
2 Marsham Street, SW1P 4DF
Email: callforevidence@homeoffice.gsi.gov.uk
- After the consultation:** Responses will be analysed and the findings of the Call for Evidence will be published. This will explain the Government's policy intentions. All responses will be treated as public, unless stated otherwise.

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Introduction

1. In May 2016, the House of Lords appointed a Select Committee to carry out post-legislative scrutiny of the Licensing Act 2003 (“the Act”). The Select Committee took a particular interest in disruptions caused by drunken airline passengers and implications of airside alcohol consumption for crime, disorder and public safety at international airports in England and Wales. The Select Committee concluded in its report, published in April 2017, that present regulatory arrangements and industry led initiatives are insufficient to tackle the issue of drunk and disruptive airline passengers. In light of the increased number of alcohol related incidents at airports in recent years, the Select Committee recommended that the Government revokes the exemption from the Act that currently applies to 24 international airports [Annex A] and to any ports and hoverports in England and Wales:

“The designation of airports as international airports for the purpose of section 173 of the Licensing Act 2003 should be revoked, so that the Act applies fully airside at airports, as it does in other parts of airports. The 1964 and 2003 Acts both refer to ports and hoverports as well as to airports, so that the same arrangements can be made portside. Our discussion has centred on airports. Any similar designations made for ports and hoverports should also be revoked”¹

2. The Government acknowledged in its response to the Select Committee, the significance of ensuring a safe and disruption-free environment for all passengers at airports and, despite the reportedly small number of disruptive events compared to the total passenger numbers, reaffirmed its commitment to tackle the issue of disruptive passengers and find suitable solutions as part of its new UK Aviation Strategy². The Government also committed to separately issue a call for evidence on the Select Committee’s recommendation to extend the Act airside at international airports in England and Wales.
3. The aim of this call for evidence is to allow the Government to understand the true scale of the problem of drunk and disruptive passengers, the extent to which airports and airlines use effectively the existing statutory powers and other measures to address the problem, the impact the proposed application of the Act would have on all affected parties and the practicalities of administering a

¹ House of Lords Select Committee Report on the Licensing Act 2003
https://publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/14616.htm#_idTextAnchor224
[accessed on 8 February 2018]

² <https://aviationstrategy.campaign.gov.uk> [accessed on 8 February 2018]

licensing regime airside. Accordingly, the call for evidence is broken into five main sections and within each we have set out key questions:

Section 1: scale of the problem of drunk and disruptive airline passengers.

Section 2: effectiveness and limitations of the current statutory and voluntary instruments in managing the problem of drunk and disruptive airline passengers.

Section 3: the impact the Act could have on addressing the problem of drunk and disruptive passengers if applied airside at international airports in England and Wales.

Section 4: economic implications of applying the Act airside at international airports in England and Wales.

Section 5: administration of the Act airside: feasibility and practicalities.

NOTE: Sales of alcohol at international airports in Northern Ireland and Scotland are outside the scope of this call for evidence as they are separately regulated under the Licensing (Northern Ireland) Order 1995³ and the Licensing (Scotland) Act 2005⁴.

Ports and Hoverports

4. We acknowledge the Select Committee's recommendation that any similar exemptions in respect of international ports and hoverports in England and Wales should also be revoked. We have identified only two such ports (Ramsgate and Folkstone). In light of this, a decision has been taken that at this time the call for evidence should only focus on the issue of drunk and disorderly airline passengers in England and Wales.

The information we are seeking

5. We seek both factual evidence and opinions that relate to the questions asked in Sections 1 to 5.
6. We recognise that some respondents may only be able to provide evidence on the sections which fall within their area of expertise. For example, airlines and airports will wish to submit evidence in relation to issues captured in Sections 1 to

³ <http://www.legislation.gov.uk/nisi/1996/3158/article/53> [accessed on 8 February 2018]

⁴ <https://www.legislation.gov.uk/asp/2005/16/section/124> [accessed on 8 February 2018]

4. Licensing experts, on the other hand, will wish to provide evidence in relation to issues discussed in Section 3 and 5.

Who we want to hear from

7. This call for evidence is open to all who wish to contribute to the UK Government's understanding of the problem of drunk and disruptive airline passengers and inform our decision on how best to address this problem.
8. It is important that we hear from a range of individuals, public sector organisations and businesses, about the extent to which the problem of drunk of disruptive passengers affects them, whether a legislative intervention is necessary and what implications, if any, a decision to maintain or remove the exemption under the Act would have.

How to respond to the call for evidence

9. Responses and submissions of evidence should be emailed to callforevidence@homeoffice.gsi.gov.uk by 01/02/2019. If you are unable to respond by email, please send your response to the following address:

Call for Evidence
Alcohol Strategy and Policy Team
Drugs and Alcohol Unit
5th Floor, Fry Building
2 Marsham Street
London SW1P 4DF.

10. If you need alternative formats of this document please contact us.
11. When responding, please state whether you are responding as an individual or on behalf of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

After the Call for Evidence

12. The deadline for submitting a response is 01/02/2019. Responses received after this date will not be considered.

13. All responses to this call for evidence will be reviewed by the Home Office and other Government departments as deemed appropriate. If we need further information or clarification, we may contact you after the closing date.
14. We will expect to publish your response, your name and /or the name of your organisation unless you ask us not to (but please note that, even if you ask us to keep your contribution confidential, we might have to release it in response to a request under the Freedom of Information Act).
15. We will aim to publish our full response within 12 weeks from the closing date of this call for evidence.

Historical Overview: Licensing Laws and Airports in England and Wales

16. The sale and supply of alcohol airside at international airports in the United Kingdom was not exempt from the licensing laws until 1956. Historical records of an early interest in easing the licensing laws at international airports in the United Kingdom can be traced back to the Royal Commission's review of the Licensing Act 1921 which took place between 1929 and 1931⁵. The Commission recommended, among other matters, that drinking facilities at airports cannot be subject to exception to the general application of permitted drinking hours⁶. London Croydon Airport was at the time the country's only international airport⁷ and, according to a parliamentary record from 1946, the only airport in the world where travellers were unable to buy alcohol as a consequence⁸.
17. However, the British Travel and Holidays Association's proposal to an all-party committee of the House of Commons in early 1950s, that alcoholic drinks are served outside the permitted hours at international airports in the UK, sparked a renewed interest in the subject. In 1951, for example, Lord Gifford in a debate on tourist and holidays industry called for a twenty-four-hour licence at international airports and urged a corresponding amendment to the Licensing Act of 1921⁹. In May 1952, Mr John Rodgers MP described the licensing laws as complicated, old-fashioned and illogical for most foreign visitors, and proposed a twenty-four-hour access to alcohol serving facilities at international airports¹⁰. In June 1952,

⁵ http://hansard.millbanksystems.com/commons/1956/feb/07/licensing-airports-bill-lords#S5CV0548P0_19560207_HOC_377 [accessed on 1 February 2018]

⁶ Under the Licensing Act 1921 the hours during which intoxicating liquor might be sold or supplied for consumption either "on" or "off" and whether in licensed premises or clubs, were limited to nine in the metropolis and eight hours (or eight and a half) elsewhere on weekdays, and five on Sundays, Christmas Day and Good Friday, except in Wales and Monmouthshire, where there was no Sunday opening. Between 9am and 10pm or 10:30pm (between 11am and 11pm in London) 2 hours interval required. The Licensing (Permitted Hours) Act 1934 gave authority to licensing justices to extend the closing hour from 10pm until 10:30pm for part of a year should special circumstances or requirements dictate that it was in the public interest to do so.
<http://www.yeovilhistory.info/laws.htm> [accessed on 2 February 2018]

⁷ <http://www.croydonairport.org.uk/The-Airport> [accessed on 1 February 2018]

⁸ http://hansard.millbanksystems.com/commons/1946/nov/27/croydon-catering#S5CV0430P0_19461127_HOC_72 [accessed on 1 February 2018]

⁹ <http://hansard.millbanksystems.com/lords/1951/jul/12/tourist-and-holidays-industry-1> [accessed on 1 February 2018]

¹⁰ http://hansard.millbanksystems.com/commons/1952/may/09/tourist-trade-licensing-laws#S5CV0500P0_19520509_HOC_313 [accessed on 1 February 2018]

Sir Ian Fraser MP, reportedly supported by the British Travel and Holidays Association, sought permission to introduce a Bill to amend the Licensing Act 1921 so that air travellers could get alcoholic drinks at any hour of the day or night at international airports¹¹. In common to all proponents of a more lenient licensing regime at international airports in the UK, according to their public statements at the time, was the belief that the growing UK aviation and tourist industry risked losing its competitiveness compared to other world airports and destinations where licensing laws were far less restrictive.

18. The Licensing (Airports) Bill, reportedly reminiscent of Sir Fraser's earlier Bill, to enable alcoholic drinks to be sold at any hour of the day or night to international air passengers who are departing from, arriving at, or transiting through UK airports, was eventually introduced in mid 1950s by the then Government¹². The scope of the Bill was considered narrow as it was to apply to licensed premises situated airside at the two main airports at the time – London and Prestwick. The Government advanced the measure in the interest of protecting the competitive position of the two airports and the UK tourist industry¹³. Mr Harold Watkinson, the Minister of Transport and Civil Aviation, supporting the Bill during a parliamentary debate in February 1956, explained:

“Perhaps the House will permit to quote a few figures to show how air traffic is growing. During the twelve months which ended on 30th November last, more than 2 million passengers passed through London Airport either in the course of an international flight or at commencement or conclusion of such a journey. In one month – August – last year, there 280,000 such passengers, of whom 150,000 embarked or disembarked outside normal licensing hours; in other words, there were 150,000 passengers who, under the present arrangements, could not get any alcoholic refreshment if they so desired [...] I am told about 40 per cent of these passengers are foreign visitors either in transit or coming to or from this country and one may forgive them if they do not always understand why it is that they cannot always obtain a drink unless they happen to arrive or depart within the permitted hours¹⁴ [...] Almost every other international airport gives a twenty-four-hour service, or a very much longer one than we give in this country [...] That is the main point in this Bill, and it is not an unimportant one. If we want to build up a trade in this country – and I think we can build up a very considerable trade and make ourselves a focal

¹¹ http://hansard.millbanksystems.com/commons/1952/jun/24/licensing-at-airports#S5CV0502P0_19520624_HOC_285 [accessed on 1 February 2018]

¹² http://hansard.millbanksystems.com/commons/1956/feb/07/licensing-airports-bill-lords#S5CV0548P0_19560207_HOC_349 [accessed on 1 February 2018]

¹³ http://hansard.millbanksystems.com/commons/1956/may/07/clause-1-exemption-of-international#S5CV0552P0_19560507_HOC_395 [accessed on 1 February 2018]

¹⁴ 8.5 hours on week days according to the Minister of Transport

point of world airlines – it is quite clear that we must try provide equivalent service...”¹⁵

19. The Bill received considerable objections in both Houses of Parliament largely on the grounds of passengers’ safety and unjustified interference with the licensing laws which risked undermining the established licensing regime landside¹⁶. For example, Mr Somerville Hastings MP, opposing the Bill, observed:

“First, as I see it, this may very well be the thin end of the wedge and the beginning of interference with our licensing laws and, secondly, the special dangers and risks in air travel. I shall explain more fully in a moment [...] once we admit the claim in this Bill, there may be claims on all sides for changes in the licensing laws [...] There are particular risks in air travel and for that reason discipline is necessary, not only for the officials but everyone on plane [...] I believe that by making it easier for people who are about to board a plane to get a drink we are increasing the risks of air travel [...] A person at the airport has a meal and drink. He goes on to a plane perfectly sober and is so for perhaps an hour afterwards, because very little of the alcohol has at that time been absorbed. Therefore, those who welcome him on the aircraft notice nothing wrong with him. But, later, he develops the symptoms of intoxication and becomes a nuisance.”¹⁷

20. The Bill was eventually approved by Parliament and received Royal Assent on 17 May 1956¹⁸. The Licensing (Airports) Act 1956 empowered Government to exempt, by Orders, sale and supply of alcohol airside at international airports from the licensing laws. This provision was later incorporated in the Licensing Act 1964 (section 87)¹⁹ and Orders were made over decades to exempt the growing number of international airports from the licensing laws.

21. A series of disruptive incidents in the mid-to-late 1990s²⁰ prompted a new interest in ways in which the problem of disruptive behaviour by airline passengers could be addressed. In 1999, the Environment, Transport and Regional Affairs Committee looked at the subject of aviation safety, including at what was then

¹⁵ http://hansard.millbanksystems.com/commons/1956/feb/07/licensing-airports-bill-lords#S5CV0548P0_19560207_HOC_377 [accessed on 1 February 2008]

¹⁶ Ibid.

¹⁷ http://hansard.millbanksystems.com/commons/1956/feb/07/licensing-airports-bill-lords#S5CV0548P0_19560207_HOC_349 [accessed on 11 February 2018]

¹⁸ http://hansard.millbanksystems.com/lords/1956/may/17/royal-commission#S5LV0197P0_19560517_HOL_82 [accessed on 1 February 2018]

¹⁹ <http://www.legislation.gov.uk/ukpga/1964/26/part/III/crossheading/miscellaneous/enacted?view=plain> [accessed on 1 February 2018]

²⁰ <https://publications.parliament.uk/pa/ld199899/ldhansrd/vo990112/text/90112-11.htm> [accessed on 15 March 2018]

termed “air rage”. The Committee took the view that media reports created the false impression that air rage is a common problem whereas the evidence was much less precise and definite over the frequency of air rage incidents or its causes; the Committee recommended that further research into the issue is conducted before any counter-measures are introduced²¹. A year later, the UK Airport Police Commander’s Group issued a report on *Powers and Penalties for Offences on Aircraft and Aerodromes* in which it recommended that drunkenness on aircraft should be an arrestable offence²². The subsequent Aviation (Offences) Bill to give police powers of arrest to deal with drunk and disruptive passengers on aircraft and to allow for future increase in the penalty of endangering the safety of an aircraft or person in an aircraft, received an all-party support and was given Royal Assent on 10 July 2003²³.

22. The Licensing Act 2003, which repealed and replaced licensing provisions in ten statutes, including the Licensing Act 1964, bringing them together into one²⁴, repeats the exemption provision and, in effect, disapplies the Act from licensable activities airside. Section 173(4) provides that any airport where section 87 of the 1964 Act applied before the commencement of the 2003 Act will continue to be designated for the purposes of the Licensing Act 2003. The last Order to that effect was the Airports Licensing (Liquor) Order 2005, designating 23 international airports in England and Wales, which continue to be exempt under the Act²⁵, as well as the Blackpool Airport Licensing (Liquor) Order 2005²⁶. The only international airport in England for which no exemption order has been identified is the Doncaster-Sheffield Airport.

23. In April 2017, the House of Lords Select Committee on the Licensing Act 2003 recommended that the exemption of 24 international airports in England and Wales should be revoked. The Government committed to issuing a call for evidence in response to the Select Committee’s recommendation.

²¹ <https://publications.parliament.uk/pa/cm199899/cmselect/cmenvtra/275/27510.htm> [accessed on 15 March 2018]

²² <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN02061#fullreport> [accessed on 15 March 2018]

²³ Ibid.

²⁴ London Government Act 1963, Schedule 12; Licensing Act 1964; Greater London Council (General Powers Act) 1966, Part IV; Private Places of Entertainment (Licensing) Act 1967; Theatres Act 1968; Late Night Refreshment Houses Act 1969; Local Government (Miscellaneous Provisions) Act 1982, Schedule 1; Licensing (Occasional Permissions) Act 1983; Cinemas Act 1985; and London Local Authority Act 1990

²⁵ http://www.legislation.gov.uk/ukxi/2005/1733/pdfs/ukxi_20051733_en.pdf [accessed on 1 February 2018]

²⁶ <https://www.legislation.gov.uk/ukxi/2005/3119/contents/made> [accessed on 1 February 2018]

Section One: the scale of the problem of drunk and disruptive airline passengers in England and Wales

24. Passenger flows have grown significantly at UK airports, averaging an increase of 4.2% per annum since 2011²⁷. With over 285 million passengers currently travelling through UK airports per annum²⁸, and with 410 million passengers projected by 2050²⁹, the Government is strongly committed to ensuring that everyone enjoys a safe and disruption-free environment when travelling by air. While the reported number of alcohol-related incidents is relatively small compared to total passenger numbers, they are distressing for passengers and cabin crew, they can be costly, and the most serious instances can cause safety issues. Through this call for evidence we seek to ascertain the full scale of the problem and its recent trends.

Evidence on the number of alcohol-related disruptive incidents

25. Between 1999/2000 and 2008/09, UK airlines were required to report alcohol-related disruptive behaviour onboard aircraft to the UK Civil Aviation Authority (CAA). The number of reported alcohol-related incidents increased from 607 in 1999/2000 (1 incident per 161,000 passengers) to 1,315 in 2008/09 (1 incident per 94,000 passengers)³⁰. Further detail is provided in Table 1 and Table 2.

26. Since 2010, CAA data on disruptive incidents has solely originated from the Mandatory Occurrences Reports (MOR) which is governed by European Regulations, specifically EU376/2014 and Commission Implementing Regulation (EU) 2015/1018. The latter lays down a list classifying occurrences in civil aviation to be mandatorily reported; an “occurrence” is defined as any safety-related event which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person. This also includes

²⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674749/uk-aviation-forecasts-2017.pdf p. 9 [accessed on 15 March 2018]

²⁸ https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Data_and_analysis/Analysis_reports/Aviation_trends/AviationTrends_2017_Q3.pdf [accessed on 11 February]

²⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674749/uk-aviation-forecasts-2017.pdf [accessed on 13 February 2018] p11, 94 and 96

³⁰

<http://webarchive.nationalarchives.gov.uk/20100916051852/http://www.dft.gov.uk/pgr/statistics/datatablespublications/aviation/db> [retrieved on 13 February 2018]

difficulty in controlling intoxicated, violent or unruly passengers but not all disruptive events are reportable under MOR³¹. Furthermore, this data does not identify the number of incidents which are specifically alcohol-related. As shown in Table 3, the number of reported incidents doubled between 2014 and 2015, and remained at a similar level in 2016 and 2017. We understand that the marked change in numbers from 2014 to 2015 is due to the introduction of EU 376/2014, which changed the reporting criteria for MOR.

TABLE 1: Disruptive incidents reported by UK airlines to the CAA between 1999/00 and 2003/04³²

	1999/00 ³³	2000/01	2001/02	2002/03	2003/04
Total incident reports received	1,205	1,250	1,055	648	696
Alcohol related incident reports (%of total incidents)	607 (50%)	533 (43%)	472 (45%)	271 (42%)	290 (42%)
Number of passengers per one alcohol-related incident	161,000	195,000	220,000	387,000	386,000
Contributory factors to alcohol-related incidents by source of alcohol					
Pre-boarding	66	198	198	121	85
Airline	234	165	92	63	66
Own	283	214	182	88	85
Unknown	0	0	0	0	54

³¹ For example, events considered as reportable include physical abuse of any crew member, continuous significant passenger disruption including those requiring and en-route diversion, the request of an expeditious approach or emergency call etc. Events not considered reportable include general arguments, physical contact between passengers, alcohol not purchased onboard being consumed or subsequently being discovered as having done so, passengers being offloaded prior to departure etc.

<https://www.caa.co.uk/Our-work/Make-a-report-or-complaint/MOR/The-MORs-code/> [accessed on 17 April 2018]

³²

<http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/pgr/statistics/datatablespublications/aviation/db/disruptivebehaviouronboarduk2955> [retrieved on 13 February 2018]

³³

<http://webarchive.nationalarchives.gov.uk/+http://www.dft.gov.uk/pgr/statistics/datatablespublications/aviation/db/disruptivebehaviouronboarduk2951> [retrieved on 16 March 2018]

TABLE 2: Disruptive incidents reported by UK airlines to the CAA between 2004/05 and 2008/09)³⁴

	2004/05	2005/06	2006/07	2007/08	2008/09
Total incident reports received	1,486	1,359	2,219	2,702	3,529
Alcohol related incident reports (%of total incidents)	530 (36%)	479 (35%)	746 (34%)	1,041 (39%)	1,315 (37%)
Number of passengers per one alcohol-related incident	210,000	233,000	163,000	119,000	94,000
Contributory factors to alcohol-related incidents by source of alcohol					
Pre-boarding	151	118	172	232	310
Airline	95	90	124	134	115
Own	154	171	215	282	391
Unknown	130	100	235	393	499

TABLE 3: CAA Disruptive incidents reported under MOR between 2009 and 2017

Year	Number of incidents reported
2010	168
2011	210
2012	126
2013	162
2014	209
2015	422
2016	418
2017	422

27. We understand that more recent internal airline data collected by a number of UK airlines – which records all incidents and not just those that reach the high threshold of the MOR – show that the overall number of disruptive passenger incidents is much higher and that incidents (as recorded by airlines) have increased by significant margins in recent years. We further understand that airline data suggests that alcohol is by far the single largest factor in disruptive

³⁴

<http://webarchive.nationalarchives.gov.uk/20100916051940/http://www.dft.gov.uk/pgr/statistics/datatablespublications/aviation/db/disruptivebehaviour200809.pdf> [retrieved on 13 February 2018]

passenger incidents from UK airports, with many airlines reporting that it accounts for more than half of all incidents³⁵.

28. The problem of disruptive passengers is not unique to the UK. The International Air Transport Association (IATA) recorded 10,854 “unruly passenger” incidents worldwide in 2015, an increase from the 9,316 incidents in 2014³⁶. Alcohol or drug intoxication was identified in 23% of reported incidents (one such incident for every 5,239 flights) and it is believed that in most cases alcohol was consumed prior to boarding or from personal supply without knowledge of the crew³⁷.

Evidence on the number of arrests

29. The majority of respondents to the Select Committee cited the figure of 422 people who were reportedly arrested on suspicion of being drunk at an airport or on a plane between 2014 and 2016³⁸. Of these arrests, 220 took place during 2014/15 and 222 took place during 2015/16. Police officers based at Manchester Airport reported that 42% of all incidents they dealt with at Manchester Airport were alcohol-related³⁹. Figures obtained by the media found that there were 387 arrests for people being drunk on flights or at airports from February 2016 to February 2017, compared to 255 in the previous year⁴⁰.

Evidence on the number of prosecutions, convictions and sentences

30. Data is available on the number of prosecutions, convictions and sentences for the offences of “enter aircraft when drunk/be drunk in aircraft” and “drunkenness in aircraft (including drugs)”. As shown in Table 4, the number of prosecutions, convictions and sentences increased by more than double between 2013 and 2014. This was followed by a fall in 2015, before returning to a similar level to 2014 in 2016 and 2017.

³⁵ Airlines UK

³⁶ <http://www.iata.org/pressroom/pr/Pages/2016-09-28-01.aspx> [accessed on 19 February 2018]

³⁷ Ibid.

³⁸ House of Lords Select Committee on the Licensing Act: Consolidated Written Evidence p. 99, 139, 363, 453, 505, 568, 714, 823, 875, 916, 928 [accessed on 15 February 2018]

³⁹ <https://www.parliament.uk/documents/lords-committees/Licensing-Act-2003/Collated-written-evidence-volume.pdf> p.433 [accessed on 15 February 2018]

⁴⁰ <http://www.bbc.co.uk/news/uk-40877229>

TABLE 4: Number of prosecutions, convictions, sentences for the offence “enter aircraft when drunk/be drunk in aircraft” or “drunkenness in aircraft (including drugs)”, 2013 to 2017⁴¹

	2013	2014	2015	2016	2017
Prosecutions	24	56	42	57	53
Convictions	21	53	38	53	56
Sentences	19	52	43	52	53

Evidence on the experiences of passengers and cabin crew

31. An Alcohol Concern survey of holidaymakers found that nearly one in five said that they began their holiday drinking at the airport⁴². One in five passengers who had flown in the last three years reported experiencing aggressive or drunken behaviour when flying; while one in ten reported witnessing another passenger being aggressive towards them or someone else⁴³. A survey by Unite of over 4,000 cabin crew working for British-based airlines found that 87 per cent of respondents reported witnessing drunken passenger behaviour at UK airports or on flights from UK airports⁴⁴. In evidence to the Select Committee, Derbyshire Police stated that many incidents remain unreported⁴⁵.

Evidence on irresponsible alcohol sales airside

32. Sussex Police conducted alcohol test purchases at Gatwick Airport and found that all but one premises sold alcohol to under 18 year old test purchasers⁴⁶. Greater Manchester Combined Authority submitted to the Select Committee that one business at Manchester airport sold alcohol from mobile “trolleys” to travellers waiting to board at the gates⁴⁷. One airline reported to the Select Committee that some airside premises promote “limitless drinking through unmanned, customer-facing beer taps or early morning duty free sampling stands”.⁴⁸ South Wales police reported that the majority of disruptions occur after the passenger has

⁴¹ <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017>

⁴² House of Lords Select Committee on the Licensing Act: Consolidated Written Evidence p. 28

⁴³ <http://publicapps.caa.co.uk/docs/33/CAP1623Wave4.pdf> [accessed on 11 February]

⁴⁴ <http://www.unitetheunion.org/news/major-cabin-crew-survey-reveals-tide-of-drunken-and-anti-social-behaviour-on-uk-flights/> [accessed on 11 February]

⁴⁵ <https://www.parliament.uk/documents/lords-committees/Licensing-Act-2003/Collated-written-evidence-volume.pdf> p. 350 [accessed on 15 February]

⁴⁶ Ibid. p. 928.

⁴⁷ Ibid. p. 433.

⁴⁸ Ibid p. 534.

departed on an aircraft or when the passenger is prevented from boarding, and suggested that responsibility for these issues must be taken by those premises serving alcohol prior to departure⁴⁹. However, the current evidence on irresponsible alcohol sales airside remains largely anecdotal.

Evidence required

33. The available evidence illustrates that excessive alcohol consumption is likely to be a contributing factor to disruptive passenger behaviour. However, there is a lack of comprehensive data on the total number of alcohol-related incidents, and how this has changed over time. The data gathered by the CAA does not identify the number of incidents which are specifically alcohol-related, and there is no other centrally collected data on the number of alcohol-related disruptions recorded by all airlines and/or airports. Data on arrests is gathered, but many incidents are likely to go unreported and may not result in an arrest.

34. Also, it is unclear from the available evidence whether all airports, airlines and passengers are similarly affected by the problem of drunk and disruptive passengers. It is unclear whether the majority of alcohol-related incidents occur in airports or on inbound/outbound flights, and how many are reported to the police. It is also difficult to establish the contributing factors to alcohol-related disruptions at airports and on-board aircrafts, for example “pre-loading” landside, consumption of own alcohol (smuggled or purchased), irresponsible promotions by airside premises, affordability and availability of alcohol airside, flight delays, in-flight service of alcohol etc. The evidence is also limited on the demographics of the passengers involved, and their purchasing and drinking habits.

QUESTIONS

35. We have set out seven questions in this section to help us fill gaps in our understanding of the problem and to build a more accurate picture of its scale and causes. Respondents are encouraged to include only evidence of the problem of drunk and disruptive passengers in England and Wales, where possible, given that the Licensing Act does not apply to other UK territories such as Scotland and Northern Ireland.

Question 1

⁴⁹ <https://www.parliament.uk/documents/lords-committees/Licensing-Act-2003/Collated-written-evidence-volume.pdf> p. 884 [accessed on 15 February].

To what extent, if any, have drunk and disruptive airline passengers become more of a problem in recent years?

Please provide any data on the number of alcohol-related incidents at international airports in England and Wales, and flights departing from and arriving to those airports. The following breakdowns would also be useful for each airport/airline where available:

- *By year, for as many years as available*
- *By severity of incident (e.g. serious disturbances versus low level nuisance)*
- *By outcome/impact – e.g. arrest, emergency landing, delayed take-off, fine*
- *By time (morning, afternoon, evening, night) and day of incident*
- *By source of alcohol (pre-boarding, aircraft, own – smuggled or purchased)*
- *By amount and/or strength of alcohol purchased by passengers both at airports and/or on planes for as many years as available.*
- *By the demographics of the individuals involved (age, gender etc)*

Question 2

Are all airports, airlines and routes in England and Wales similarly affected by the problem of drunk and disruptive passengers? If not, which airports and airlines are affected more than others and why?

Please provide specific evidence and data where available – for example the number of incidents of drunk and disruptive passengers each year split by airport, airline and route (including, where available, breakdowns of incidents on outbound and inbound flights).

Question 3

Is there a common definition used by airports and airlines to define drunk and disruptive passenger incidents? If so, how do airports and airlines ensure these incidents are classified, recorded and/or reported in a consistent manner?

Question 4

To what extent, if any, do premises that sell/supply alcohol airside contribute to the problem of drunk and disruptive passengers?

Please provide specific evidence and data where available – for example, the number of reports each year of irresponsible practices by airside premises (preferably split between retail, hospitality, lounges and/or other premises), and the number of incidents linked to these practices.

Question 5

What other factors, if any, contribute to the problem of drunk and disruptive passengers (e.g. “preloading” landside, in-flight alcohol sales, flight delays, affordability etc.)?

Please provide specific evidence and data where available – for example the number of incidents each year associated with contributory factors.

Question 6

To what extent, if any, do drunk and disruptive passengers pose a safety risk?

Please provide specific evidence and data where available - for example, the number of incidents which have posed a safety risk each year.

Question 7

What is the perception and experience of passengers and cabin crew, regarding the problem of drunk and disruptive behaviour at airports and/or in-flight?

Please provide specific evidence and data where available - for example, the percentage of passengers/cabin crew experiencing issues with drunk and disruptive passengers each year.

Question 8

What are the financial, economic, administrative and other impacts of alcohol related incidents at airports and on aircraft?

Please provide specific evidence and data where available - for example, estimates of loss of revenue, impacts on staff retention, administrative burdens each year, costs of legal actions, losses recovered through litigation etc.

Section Two: the effectiveness and limitations of the current arrangements to tackle the problem of drunk and disruptive airline passengers in England and Wales

36. The sale of alcohol at designated international airports in England and Wales is exempt from the Act. This means that a premises licence, setting out conditions which regulate the operation of the premises for licensable activities, is not required by airside premises. Consequently, the four licensing objectives - the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm - which all licensed premises are required to observe landside, do not apply to airside premises. This further means that no representations can be made by any responsible authority or member of the public on airside premises with regard to suspected breaches of the four licensing objectives⁵⁰. Similarly, the five mandatory licence conditions intended to reduce irresponsible drinking may not apply to airside premises:

- A ban on irresponsible promotions, including provision of unlimited quantities of alcohol for free or for a fixed or discounted fee and provision of free or discounted alcohol dependent on the outcome of a sporting event;
- A requirement to provide free, potable water on request to customers;
- A requirement to make available and display to customers small measures such as half pints of beer or cider or 125ml glasses of wine;
- A requirement to have an age verification policy to prevent the sale of alcohol to persons under 18 years of age; and
- A ban on alcohol sales below the cost of duty plus VAT.

⁵⁰ Representations concerning the promotion of the licensing objectives may be made about an application for the grant of a premises licence by responsible authorities. Once the licence has been granted the same stakeholders may seek a review of the premises licence and conditions attached to it. The responsibility authorities are: the relevant Licensing Authority and any other Licensing Authority in whose area part of the premises is situated; the chief officer of police; the local fire and rescue authority; the relevant enforcing authority under the Health and Safety at Work etc Act 1974; the local authority with responsibility for environmental health; the local planning authority; a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm; each local authority's Director of Public health (DPH) in England and Local Health Boards (in Wales); and the local weights and measures authority (trading standards). Any other interested person, including residents and businesses may also make a representation.

37. The sale and supply of alcohol airside at international airports in England and Wales is self-governed by individual airport policies and airlines instead. This does not mean that airside premises are exempt from all the criminal offences in the Act as, for example, it is an offence for anyone to sell alcohol to someone under the age of 18 whether they have a licence or not. However, the offence of selling alcohol to someone who is drunk does not apply to premises which are not licensed as that offence can only be committed on “relevant premises” which means premises which hold a premises licence, a club premises certificate or a temporary event notice.

38. These are complemented by a range of statutory powers to tackle drunk and disruptive behaviour (outlined further below), industry led measures and internal policies concerning airports/airlines staff as well as customers affected by the problem of drunk and disorderly passengers.

Evidence required

39. We aim to understand the range, effectiveness and limitations of statutory powers and self-governed policies that are currently available to airports, airlines and the police to tackle the problem of drunk and disruptive airline passengers at international airports in England and Wales. We are specifically interested in understanding what steps industry has taken to fulfil its duty of care and empower its staff to use the existing statutory powers and other measures to protect their customers by tackling the problem of drunk and disorderly passengers more effectively (e.g. evidence of training and other type of support provided, the use of bans, fines, prosecutions etc.). We further seek to understand the effectiveness of the existing collaboration between airlines and airports in identifying and preventing excessive drinking and alcohol related incidents at all stages of one’s journey. Where there are obstacles to more effective use of the existing statutory and other powers and/or stronger industry collaboration, we seek to understand why this is and what does industry intend to do to overcome any such obstacles.

Aviation policies and bylaws

40. We seek information on policies adopted by airports and airlines in England and Wales on the sale and supply of alcohol airside and in-flight, and managing the consequences of excessive consumption, specifically:

- whether such policies promote the licensing objectives and/or any of the five mandatory conditions as prescribed in the Act (*e.g. through legally binding instruments such as lease contracts between airports and airside businesses*)

or relevant bylaws that apply to individual airside premises or entire airports). For example, Gatwick Airport has recently amended its lease agreements to bring provisions around alcohol sales in line with some aspects of the Licensing Act following the results of an underage test purchase by Sussex Police⁵¹;

- whether any such policies are standardised and applied across England and Wales (i.e. applied by all international airports/airlines) and to what extent, if any, are these provisions/policies successful in promoting responsible alcohol sales or tackling the problem of drunk and disruptive passengers;
- a level of training and guidance that staff members at airside premises receive on alcohol sales, especially in relation to sales to drunk, underage sales and irresponsible promotions. Similarly, a level of training provided to airport and airline staff to effectively identify, prevent and/or challenge drunk and disruptive behaviour through the use of current statutory or other powers. For example, IATA's Cabin Operation Safety Best Practice Guide (3rd Edition) provides detailed guidelines to airline crews on in-flight alcohol sales and handling of disruptive passengers⁵²;

Lounges

41. Executive lounges are accessible to paying passengers from as early as 4am at some airports and may offer a range of complementary alcoholic drinks as well as self-service alcohol bars⁵³. We are interested in understanding what rules, if any, are in place with regard to the sale and supply of alcohol at airport lounges and how well alcohol consumption is monitored in these environments. Respondents may provide evidence and/or indicators, if available, of disruptive passenger behaviour associated with the availability and consumption of alcohol in airport lounges.

Enforcement powers, multi-agency partnerships and voluntary codes of practice

42. International airports in England and Wales are complex environments with a range of stakeholder involved in their successful running, including ensuring the

⁵¹ <http://www.telegraph.co.uk/travel/travelnews/8061829/Departure-lounge-pubs-able-to-sell-alcohol-to-under-age-teenagers.html> [accessed on 15 February 2018]

⁵² <https://skybrary.aero/bookshelf/books/3996.pdf> [accessed on 19 February 2018]

⁵³ https://no1lounges.com/service/airport-lounges/no1-lounge/london-gatwick?utm_source=google&utm_medium=cpc&utm_campaign=UK%20%7C%20en%20%7C%20GEN%20%7C%20LGW%20%7C%20EXA&utm_term=gatwick%20airport%20lounges&device=c&matchtype=e&adpos=1t1&qclid=Cj0KCQiA2Y UBRCGARIsALglqQ3YraZNCoM jxIXbsyqx8DVJ F2hR9ZOWQ52wTumOtEKY8IKM8j1LloaAmv5EALw_wcB [accessed on 14 February]

safety of all terminal passengers and maintaining public order at all times. This is supported by a range of statutory powers.

43. The Aviation Offences Act 2003 (AOA) provides police with automatic powers to arrest to deal with passengers who have been drunk or disruptive on board an aircraft. Police officers at airports may also assist to identify people who are drunk before they have boarded an aircraft, thereby preventing them from becoming disruptive passengers. The 2011 National Policing Improvement Agency Guidance on Airport Policing, for instance, advised that the airport police force should agree a multi-agency approach to identify and deal with people who are drunk before they board an aircraft, take action against premises which consistently supply alcohol to people who go on to become disruptive passengers and adopt an alcohol and flying awareness strategy⁵⁴.
44. There are a number of offences that can be committed by airline passengers under the Air Navigation Order 2016 such as entering an aircraft while drunk and being drunk on an aircraft⁵⁵. Airlines have a right to refuse to carry passengers that they consider to be a potential risk to the safety of the aircraft, its crew or its passengers. We are specifically interested in understanding how effective is the use of this power by airlines and airports and what more industry as a whole could do to empower its staff to deny boarding to drunk passengers.
45. Acts of drunkenness on an aircraft face a maximum fine of £5,000 and two years in prison. The prison sentence for endangering the safety of an aircraft is up to five years. Disruptive passengers may also be asked to reimburse the airline with the cost of the diversion which could cost between £10,000 and £80,000 depending on the size of the aircraft and where it diverts to⁵⁶. Other prohibitions under the ANO 2016 include endangering safety of an aircraft (article 240), endangering safety of any person or property (article 241), disobeying the authority of pilot in command of an aircraft (article 244) and acting in a disruptive manner (article 245)⁵⁷. We seek evidence on the strengths and limitations of these powers in tackling the problem of drunk and disruptive passengers. We are also interested in understanding to what extent, and how effectively, airlines and airports use powers prescribed by the ANO. We further seek evidence on the use and effectiveness of warnings, bans, fines and prosecutions against drunk and

⁵⁴ <http://library.college.police.uk/docs/npia/Guidance-Policing-Airports-2011.pdf> [accessed on 19 March 2018]

⁵⁵ www.researchbriefings.files.parliament.uk/documents/SN02061/SN02061.pdf

⁵⁶ <https://www.caa.co.uk/Passengers/On-board/Disruptive-passengers> [accessed on 21 February 2018]

⁵⁷ <http://www.legislation.gov.uk/ukxi/2016/765/part/10/made> [accessed on 11 May 2018]

disruptive passengers and whether industry as a whole could do more to improve the use of the available punitive measures.

46. Airlines that ship passengers between EU countries and sell excise goods, including alcohol, to passengers onboard for them to take away are subject to HMRC rules and must apply to become Registered Mobile Operators (RMO). An RMO is not needed if airlines are to supply stores for onboard consumption although there are daily limits that apply to alcohol allowances for passengers and crew on board ship or aircraft. Airlines that travel to destinations outside the EU are allowed to load any goods – including excise goods – duty free as stores for sale if authorised by HMRC; these goods can be either to take away or for consumption onboard⁵⁸. We seek to understand whether any of these provisions are relevant to controlling the availability and consumption of alcohol purchased in-flight.
47. The industry has also created the UK Aviation Industry Code of Practice on Disruptive Passengers (“the Code”), launched in summer 2016⁵⁹. The voluntary Code includes a commitment to responsible sale of alcohol in airside establishments; it reportedly incorporates some conditions of the Act and it allows the police to inspect the alcohol sales practices. We understand that this has already resulted in improved situation at some airports but we require further evidence of the overall impact of the voluntary codes in reducing the number of drunk and disorderly passenger behaviour. We also seek to understand whether industry led measures are adopted and implemented by all airports, airlines and airside premises in England and Wales and if not, why this is. We are interested in understanding the limitations of industry led measures and what more industry intends or could do to remedy all known constraints in tackling the problem themselves and bring about a real difference on the ground by replicating best international practice or developing new and innovative collaborative approaches.
48. Globally, the European Travel Retail Confederation (ETRC) adopted the Duty Free World Council Self-Regulatory Code of Conduct for the Sale of Alcohol Products in 2017 to promote responsible retailing of alcohol products the duty free and travel and all of its corporate members adopted and began implementing the Code of Conduct in early 2018⁶⁰. We recognise that this initiative is at its nascent stage but we seek to understand the impact the Code of Conduct for the

⁵⁸ <https://www.gov.uk/guidance/alcohol-products-sell-duty-free-or-duty-paid#aircraft-store-floors> [accessed on 21 February 2018]

⁵⁹ <http://www.bata.uk.com/07/uk-airlines-support-aviation-industry-code-of-practice-on-disruptive-passengers> [accessed on 13 February 2018]

⁶⁰ <http://www.etrcc.org/current-issues/alcohol-retailing.html> [accessed on 19 February 2018]

sale of alcohol in duty free shops and travel retail in any participating international airports in England and Wales.

QUESTIONS

49. We have set out eight key questions further below to help us fill the gaps in our understanding of the above issues.

Question 9

How effective is the use of relevant powers in the Air Navigation Order 2016 as well as any other appropriate statutory powers in tackling the problem of drunk and disruptive passengers at international airports in England and Wales?

Please provide evidence where available, including but not limited to the use and effectiveness of the provisions under ANO 2016:

- *Endangering safety of an aircraft (article 240)*
- *Endangering safety of any person or property (article 241)*
- *Drunkenness in aircraft (article 242)*
- *Authority of pilot in command of an aircraft (article 244)*
- *Acting in a disruptive manner (article 245).*

Question 10

What are other statutory or legally binding instruments (e.g. lease agreements) and/or voluntary arrangements (e.g. the Code of Practice on Drunk and Disruptive Passengers) that currently govern the sale and supply of alcohol airside and on a plane? Please provide evidence where available on:

- *All airports and airlines in England and Wales that have developed and adopted own measures and collaborative agreements to tackle the problem of drunk and disruptive passenger; if there are airports and airlines in England and Wales that do not have such provisions and/or agreements, please explain why is this the case?*

Question 11

How effective is the use of existing statutory and any other instruments, including industry partnerships, in promoting responsible alcohol sales and tackling the problem of drunk and disruptive passengers at international

airports in England and Wales? Please provide evidence where available, including but not limited to:

- *Evidence where existing statutory and other powers, including industry led measures, are used but do not lead to the desired outcomes; please explain why this could be the case.*
- *Evidence where existing statutory and other powers, including industry led measures, are used and do result in the desired outcomes; where relevant, please explain why this might be the case in some airports/airlines but not others?*
- *The breakdown, where available, of passengers that have received warnings, bans and fines, including prosecutions brought by the airport or airline operators against the total number of drunk and disorderly passengers recorded by airlines and/or airports?*

Question 12

To what extent is training provided to, and competence assessed of, airport and airline staff on the responsible sale of alcohol, managing drunk and disruptive passengers, and exercising their statutory or other powers? Please provide where available the following information:

- *The number of airport and airline staff that have received appropriate training compared to the total number of airline/airport staff that deals with airline passengers throughout their journey (e.g. check-in desks, security points, duty free shops, bar and restaurants, lounges, departure gates, aircrafts etc).*
- *Evidence of reduced alcohol related disruptions as a direct result of training and/or support provided to airports/airlines staff.*

Question 13

To what extent have consistent airport and airline operators' communications been provided to the public to assist in the prevention of drunk and disruptive behaviour prior to and during passengers' journey? Please provide evidence of their effectiveness.

Question 14

What other non-legislative measures, including technological and data-sharing solutions, have already been introduced effectively by airports and/or airlines outside the UK to tackle the problem of drunk and disruptive passengers?

Could these measures be replicated in England and Wales by the UK aviation industry? If not, why not?

Question 15

What, if anything, prevents airlines, airports, airside businesses and other relevant entities to jointly introduce further and stricter measures to tackle the problem of drunk and disruptive passengers at international airports in England and Wales (e.g. banning the sale of “miniatures” in airside shops, limiting the availability of alcohol to passengers at certain hours, data sharing on drunk and disruptive passengers, replicating best practice schemes etc.)?

Question 16

How effective is the cooperation between industry and airport police in tackling the problem of drunk and disorderly passengers at airports and/or on planes? Please provide evidence.

Section Three: the impact the Act could have on addressing the problem of drunk and disruptive passengers if applied airside at international airports in England and Wales

50. In recent years, there has been a generally downward trend in overall alcohol consumption and alcohol-related violent crime. The proportion of adults in Great Britain who reported heavy drinking⁶¹ was 16 per cent in 2017, compared with 20 per cent in 2007. For people aged 16-24 the downward trend was more pronounced, with 20 per cent of this cohort reporting heavy drinking in 2017, compared with 28 per cent in 2007⁶². The estimated number of alcohol-related violent incidents in England and Wales has fallen from approximately 990,000 in 2006/07 (52% of all violent incidents) to approximately 464,000 in 2016/17 (40% of all violent incidents)⁶³.
51. The arguments in favour of an airside licensing regime suggest that it may help to reduce the number of drunk and disruptive passengers. For example, the Act may empower licensing authorities to promote licensing objectives airside, ban any irresponsible promotions, and strengthen police powers to prosecute under the Act⁶⁴.
52. However, the arguments against applying the Act airside question the evidence on the scale of the problem⁶⁵. They also point to likely limitations an extension of the Act could have on addressing the problem, mostly in relation to its effective enforcement, or judge airports and other aviation bodies to have credible security and other frameworks in place to effectively manage any such incidents. Other arguments suggest alternative policies such as a code of practice or improved training of bar staff to be better solutions⁶⁶.

Evidence Required

53. Airports' airside zones are space-constrained and time-driven environments. They are not situated in a community or open to non-travelling public in the same way as other licensed premises. They are also home to retail and catering premises that play an

⁶¹ Defined as consuming more than 8 units for men or 6 units for women on their heaviest drinking day in the week before the interview

⁶² Office for National Statistics (2018) [Adult Drinking Habits in Great Britain: 2017](#)

⁶³ Office for National Statistics (2018) [Focus on Violent Crime and Sexual Offences, 2016/17](#)

⁶⁴ <https://www.parliament.uk/documents/lords-committees/Licensing-Act-2003/Collated-written-evidence-volume.pdf> [accessed on 15 February 2018]

⁶⁵ Ibid. p. 203, 229, 260, 313, 340, 346, 356, 519, 578, 604, 633, 648, 745, 806, 815, 833, 855, 1009

⁶⁶ Ibid.

integral part in providing appropriate airport services to make the experience of air travel more enjoyable.

54. Given most UK international airports' historical exemption from licensing laws, it is difficult to come by any comparable evidence and indicators of the past impact of domestic licensing laws on alcohol-related disruption at airports and on planes. Similarly, it is difficult to determine to what extent the Act would reduce airside alcohol consumption and alcohol related incidents in future. Furthermore, it is not possible to ascertain to what extent, if any, the Act would prevent greater consumption of alcohol outside licensed premises or give rise to other purchasing and consumption behaviours that would be no less problematic or outside the reach of the Act alone.
55. We seek evidence and opinions on the strengths and limitations of applying the Act to tackle the problem of drunk and disorderly passengers at international airports in England and Wales. We recognise that any such evidence might be historical, limited to one international airport in England (*i.e. the Doncaster-Sheffield international airport*) and/or available from other countries where international airports are subject to licensing laws. For example, alcohol sales at airports in Australia are regulated by the Airports (Control of On-Airport Activities) Regulations 1997⁶⁷. Respondents may specifically wish to reflect on the effectiveness of a licensing regime at the Doncaster-Sheffield airport compared to all other airports in England and Wales in tackling the problem of drunk and disorderly passenger behaviour. Alternatively, respondents may provide international evidence on the effectiveness of licensing laws in addressing the problem as well as opinions on practical benefits and limitations of an airside licensing regime in tackling drunk and disruptive passenger behaviour.

QUESTIONS

56. We have set out two questions in this section of the paper.

Question 17

What would be the strengths and limitations of the Act, if applied airside at international airports in England and Wales, in addressing the problem of drunk and disruptive airline passengers?

Question 18

Please provide any examples of where licensing laws have been applied at international airports in or outside the UK, and please provide any evidence of their impact if available?

⁶⁷ <https://www.legislation.gov.au/Details/F2017C01035> [accessed on 16 February 2018]

Section Four: economic implications of applying the Act airside at international airports in England and Wales

57. The proposed application of the Act to airside premises at international airports in England and Wales may generate new economic costs for airports, alcohol selling businesses situated airside, their suppliers, airlines, passengers, local authorities and enforcement agencies. For example, all airside premises that sell alcohol would be required to pay a licence fee and an annual charge based on the rateable value of their business; the conditions on a premises licence may restrict the availability of alcohol at airports during certain times (e.g. 4am to 8am) as well as add to the costs of running the premises (e.g. a requirement to employ door staff or install CCTV).
58. On the other hand, the continued exemption of international airports from the Act could mean that some businesses may continue to face disproportionate costs from controlling the problem of drunk and disorderly passengers. For example, evidence submitted to the Select Committee suggests that drunken and disruptive behaviour incurs significant costs to airlines due to delayed and diverted flights (in one instance a flight was diverted at an estimated cost of £50,000)⁶⁸.
59. We seek evidence and opinions on potential economic implications of a decision to apply the Act to airside premises or to maintain the exemption. We also seek to understand what impact, if any, either decision could have in striking the right balance between promoting economic growth of the aviation industry and protecting passengers' rights, health and safety throughout their journey.

Economic benefits of the aviation industry in the UK

60. In 2012, Airlines UK commissioned Oxford Economics to assess the economic contribution of the aviation sector to the UK. This study estimated that in 2012, the aviation sector contributed £52 billion (3.4%) to UK GDP, of which £22 billion was contributed through the direct output of the aviation sector (airlines, airports and ground services, aerospace), £17 billion indirectly through the aviation sector's procurement from its domestic supply chain, and a further £13 billion through the wage-financed spending by the employees of the aviation sector and its direct supply chain. The same study estimated that the sector supported 961,000 jobs in the UK and paid nearly £8.7 billion in tax in 2012⁶⁹. A more recent figure from the Department for Transport confirms

⁶⁸ House of Lords Select Committee collated written evidence p. 584 (accessed on 16 February 2018)

⁶⁹ <http://airlinesuk.org/wp-content/uploads/2015/03/Oxford-Economics-2014.pdf> [accessed on 20 February 2018]

that the UK aviation sector provides at least £22 billion to the economy each year and supports over half a million jobs⁷⁰.

Commercial revenues

61. The financing of airports relies upon two main sources of income: aeronautical revenues from airlines and passengers, and commercial revenues from renting or operating shops and catering facilities.

62. Retailing is an important source of income for international airports in England and Wales. For example, Heathrow Airport reported retail revenue of £492 million for the first nine months in 2017, 23 per cent of total revenue⁷¹. Retail income generated £98 million of revenue at Gatwick Airport in the six months to September 2017, 21 per cent of total revenue⁷². MAG, a UK airport group that owns and operates four UK airports – Manchester, London Stansted, East Midlands and Bournemouth – generated retail income of £164 million in 2016, 20% of total revenue⁷³. Retail sales for airlines are reported on the other hand to be significantly smaller than for airports, with duty free and travel retail sales by airlines accounting for 5.5% of total retail sales in Europe in 2014⁷⁴.

Airside alcohol sales

63. The available international evidence suggests that wines and spirits accounted for 15 to 20 percent of global duty free and travel retail sales in 2014/15⁷⁵. A global travel retailer reported that wine and spirits accounted for 15 per cent of their global net sales in 2016⁷⁶. However, published data is not available on the volume and value of alcohol sales at international airports in England and Wales, or onboard flights.

Applying the Act: immediate administrative costs

⁷⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/636625/aviation-strategy-call-for-evidence.pdf [accessed on 19 March 2018]

⁷¹ https://www.heathrow.com/file_source/Company/Static/PDF/Investorcentre/heathrow-sp-limited-9m-2017-results-release.pdf p.9 [accessed on 19 February 2018]]

⁷² Ibid.

⁷³ <https://www.magairports.com/media/1416/annual-report-year-ended-31st-march-2017-mahl.pdf> [accessed on 19 February 2018]

⁷⁴ <http://www.etc.org/uploaded/downloads/dfwc-report-economic-impact-of-duty-free-and-travel-retail-in-europe--march-2016.pdf> p. 40 [accessed on 19 February]

⁷⁵ <http://www.etc.org/uploaded/downloads/dfwc-report-economic-impact-of-duty-free-and-travel-retail-in-europe--march-2016.pdf> [accessed on 21 February 2018]

⁷⁶ https://www.dufry.com/sites/default/files/document/2017-03/Dufry_Corporate_Brochure_2017_Web_3.pdf [accessed on 15 February 2018]

64. All licensed premises in England and Wales are subject to licence fees and certain levies unless they are exempt from the licensing regulations. There is no distinction between the licensing of “landside” and “airside” premises at airports for rating purposes as airports are rated as single properties. If the Act applied airside at international airports in England and Wales, below are immediate licensing costs that all airside premises could face.

Licence Fees

65. Holders of premises licences and club premises certificates⁷⁷ are required under the Act to pay licence fees and annual charges as outlined in Table 5. Licensing authorities will also be able to charge other fees in relation to their duties, most notably for temporary events and personal licences^[2].

66. Fee levels for a premises licence are categorised under five bands based on their rateable values. In England and Wales, the Valuation Office Agency (VOA) assess properties to determine their rateable values according to who, in fact, controls the premises. In general, where premises are part of a larger property (e.g. a department store), this overall control rests with the occupier of the larger property. This means that the premises are assessed as part of that larger property rather than separately. This applies equally to airports where on the whole premises within the airport and assessed as part of the overall airport valuation. As a result, the proposed airside licensing would lead to licencing fees being set based on the rateable value of the airport as a whole rather than the value of the area occupied by the licensed premises. There are some exceptions where premises are separately assessed, but this will be due to the facts for the individual premises.

67. We seek to understand what implications, if any, application of the current licensing fees and charges would have on airport businesses which sell and/or supply alcohol, including the availability of alcohol airside at airports in England and Wales.

Table 5: Main Fees⁷⁸

Band	A	B	C	D	E
Non domestic rateable value	None to £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 plus
<i>Premises licences</i>					
New application	£100	£190	£315	£450	£635

⁷⁷ <https://www.gov.uk/government/publications/alcohol-licensing-fee-levels/additional-and-other-fees>

⁷⁸ <https://www.gov.uk/government/publications/alcohol-licensing-fee-levels/main-fee-levels> [accessed on 22 February 2018]

and variation					
Multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises (Bands D & E only)	N/A	N/A	N/A	X2 (£900)	X3 (£1,905)
Annual Charge	£70	£180	£295	£320	£350
Annual charge multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises (Bands D&E only)	N/A	N/A	N/A	X2 (£640)	X3 (1,050)
Club premises certificates					
New application/variation	£100	£190	£315	£450	£635
Annual charge	£70	£180	£295	£320	£350

Personal licence

68. The premises licensee or at least one member of their staff must hold a personal licence so that every sale or supply of alcohol can be authorised by a personal licence holder. The current cost of applying for a personal licence is £37.

Newspaper advertisements

69. Applicants for a premises licence are required to publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the area in which the premises are situated. The cost of advertisements in the local newspaper may vary and are on average between £200 and £400 although in some places the cost is as high as £1000⁷⁹.

Late Night Levy

⁷⁹ <https://publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf> p.62 [accessed on 23 February 2018]

70. The light night levy (“the levy”) enables licensing authorities to collect a financial contribution from businesses that profit from selling alcohol late at night (midnight to 6am) and for the raised funds to be used for late night policing and other costs associated with the night time economy which can generate significant policing and enforcement costs. The levy is an optional tool used at the discretion of the local authority to recoup some of these costs and is currently used by ten licensing authorities. At present, this includes licensing authorities in Newcastle, City of London and Southampton, all with airports within their boundaries serving 4.2% (11.4 million) of all airline passengers in the UK in 2017⁸⁰. Licensing authorities may exempt certain premises from the levy, such as licensed premises that are not part of a wider night time economy, but are not able to choose a category of premises for an exemption if it is not prescribed in regulations (i.e. premises with overnight accommodation, theatres and cinemas, bingo halls, community amateur sports clubs, community premises, country village pubs and Business Improvement Districts). Airside premises at international airports in England and Wales that sell alcohol between midnight and 6am could therefore attract the levy as neither airside premises nor airports are currently listed as a category of premises and schemes that may be offered an exemption from paying the levy under the Act.

71. The amount of the levy is prescribed nationally and is based on the current licence fee system under the Act, with holder being placed in bands based on their premises rateable value (Table 6). The net levy revenue must be split between the licensing authority and the relevant police and crime commissioner with at least 70% of the net revenue given to the police.

Table 6: Late Night Levy Fees

Rateable value bands (based on the existing fee bands)	Annual LNL	Weekly
A – no rateable value to £4,300	£299	£5.75
B - £4,301 to £33,000	£768	£14.77
C - £33,001 to £87,000	£1,259	£24.21
D - £87,001 to £125,000	£1,365	£26.25
E - £ 125,001 and above	£1,493	£28.71
D x 2 – multiplier applies to premises in category D that primarily or exclusively sell alcohol	£2,730	£52.50
E x 3 – multiplier applies to premises in category E that primarily or exclusively sell alcohol	£4,440	£85.38

[Police and local authority: impact on resources](#)

⁸⁰https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Data_and_analysis/Datasets/Airport_stats/Airport_data_2017_01/Table_01_Size_of_UK_Airports.pdf [accessed on 22 February 2018]

72. Introduction of a licensing regime airside at international airports in England and Wales may also require additional resources from local authorities, the police and other enforcement agencies for it to be administered effectively. We seek to understand the extent to which application of the Act airside would affect their resources and overall ability to administer the Act if it applies airside.

Evidence required

73. In light of the above, we have set out four questions to help us complete the gaps in our knowledge. We are particularly interested in the evidence on the above issues from the Doncaster-Sheffield international airport.

Question 19

What would be the economic advantages and disadvantages of applying the Act airside for international airports and its users in England and Wales?

Please provide evidence where available on the following:

- *indicators of economic value of alcohol sales (retail and catering) at international airports in England and Wales;*
- *economic implications of applying the Act airside on your organisation, other entities and/or the aviation sector operating in England and Wales as a whole; this may also include evidence of implications for international competitiveness of airports and airlines in England and Wales;*
- *implications for the future quality and costs of airports services for airline passengers in both scenarios;*

Question 20

What financial impact would application of the Act airside have on local government and police resource? *Please provide evidence where available.*

Question 21

What impact, if any, will application of the current licensing fees and charges to airside at international airports in England and Wales have on airside business that sell and/or supply alcohol, including the availability of alcohol at airports?

Question 22

What financial impact would upholding the current exemption have on your organisation, airports and/or its users (e.g. airlines, passengers)?

Section Five: administering the Act airside

74. The Act, introduced in November 2005, provides the legal framework within which local authorities administer and regulate the licensing regime in their respective areas. The Act abolished set licensing hours in England and Wales and opening hours of landside premises are now set locally through the conditions on individual premises licences. The aim was to liberalise a rigid system whilst reducing the problems of heavy drinking and disorder associated with a standard closing time. The Act regulates the following licensable activities:

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment;
- the provision of late night refreshment (i.e. the supply of hot food or hot drink to the public between 11pm and 5am).

75. There are three different kinds of authorisation under which licensable activities can be provided: a premises licence (to use a premises licence for licensable activities, subject to conditions on the licence); a club premises certificate, and temporary event notices (TENs), which enable the user to carry on licensable activities on a “one off” or occasional basis without the need for another authorisation. The administration of the Act is carried out by licensing authorities – local councils at district or unitary level – who must carry out their functions under the Act with a view to promoting four statutory licensing objectives: (i) the prevention of crime and disorder; (ii) public safety; (iii) the prevention of public nuisance; and the protection of children from harm.

76. The Act also provides licensing authorities with the power to suspend or revoke a licence, to exclude specific licensable activities from the licence, or to modify operating conditions attached to the licence. These powers must be exercised at all times with a view of promoting the four licensing objectives. The licensing regime is further supported by a range of offences (e.g. sale of alcohol to underage individuals), inspection powers (e.g. right of entry investigate offences) and enforcement provisions (e.g. suspension of premises licence for failure to pay the annual licensing fee). The Act also contains provisions empowering the courts and the police to make temporary closure orders in respect of premises associated with problems such as public nuisance or crime and disorder.

77. At present, there are no provisions in the Act that are specific to managing a licensing regime airside at international airports in England and Wales; this means that the existing provisions would apply if the Government was to revoke the Airports Licensing

(Liquor) Order 2005. However, given most international airports' historical exemption from the licensing laws in England and Wales, it is difficult to ascertain whether the licensing regime in its current form is entirely suitable for administering licensable activities in an airside environment. The mere application of the Act in its current shape may give rise to operational issues and unintended side-effects that otherwise might not affect the system as it operates landside. It may also give rise to concerns about the suitability of local decision-making in relation to licensable activities at airports (as they are part of the national infrastructure or owned partially or fully by local authorities). For illustrative purposes, we have outlined several aspects of the licensing regime that might generate some practical problems for its effective administration airside.

Prospective Practical Problems

Applications: promoting licensing objectives airside

78. Applicants for a premises licence when completing an operating schedule are expected to have regard to the statement of licensing policy for their area and be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives. These steps should be realistic, appropriate, proportionate and within control of licensed premises. If the Act applied airside, the licensing authorities with international airports within their geographical areas, would have to update their statements on licensing policy and manage the application process.
79. Applicants are also expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand, for example, the layout of the local area and physical environment including crime and disorder hotspots, any risk posed to the local area by the applicants' proposed licensable activities or proximity to areas where children may congregate. While these arrangements are appropriate for applications concerning licensed premises landside, they might not be as relevant for premises wishing to operate airside. For example, applicants for an airside premises licence could be expected to describe steps they intend to take to promote one or more licensing objectives in relation to the departing flights and/or other public areas airside at an airport as opposed to their local community situated landside (e.g. steps to prevent alcohol related incidents on planes).
80. The majority of information which applicants will require should be available in the licensing policy statement for the area and/or by means of publicly available sources such as the crime mapping website. However, as there are very few public resources at present that provide information relevant to airside licensing, it is likely to be difficult for applicants to acquire such information. For example, police.uk data shows 146

reported crimes in December 2017 on or near Stansted Airport and the airfield⁸¹ but the applicant may not be able to establish with certainty whether any of these crimes were alcohol related or took place airside.

Representations

81. Where an application is properly made and no responsible authority or other person makes representations, the licensing authority must grant the application, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the Act. Representations may be made about an application for the grant of a premises licence by responsible authorities, or any other person, including local residents and businesses, and must concern the promotion of at least one of the licensing objectives. Once granted, anyone may seek a review of the licence and the conditions attached to it. If representations are made, it is for the licensing authority to decide whether those representations are relevant to the licensing objectives and not frivolous or vexatious.
82. The present system and process for making representations has never been applied to airside premises at all but one international airport in England and Wales. It is unclear from the available evidence whether it would operate as effectively airside as it does landside. For example, applications for airside premises licences could attract more representations from the passengers, individual airlines and other users of the airport than from local residents. Some of these representations could specifically concern the safety of passengers on airborne planes rather than the impact of licensable activities at individual premises or on their immediate vicinity (i.e. airside areas of the airport). Representations that result in stricter conditions or outright rejections of an application for an airside premises licence could affect the airports' commercial interests and/or their ability to expand their capacities and services in the longer term; some airports might be affected more than others depending on the scale of the problem of drunk and disruptive passengers and their users' experience.

Late Night Refreshment

83. Airside premises at international airports in England and Wales (e.g. cafes and takeaway outlets) that provide late night refreshment might have to be regulated under the Act. Schedule 2 to the Act defines the provision of late night refreshment as the supply of "hot food or hot drink" between the hours of 23:00 and 05:00 to the public for consumption on or off the premises. The provision of late night refreshment is regulated under the Act because it is often linked to alcohol-fuelled crime and disorder in the night time economy such as at fast-food takeaways where late-night drinkers congregate. However, as these safeguards may not be needed everywhere or for every type of late night refreshment business, licensing authorities can exempt certain

⁸¹ <https://www.police.uk/essex/141/crime/696421> [accessed on 19 February]

types of premises from the requirement to have a licence to provide late night refreshment. This can be done where licensing authorities consider that there are no problems associated with the night economy, such as anti-social behaviour, crime and disorder or illegal working in licensed premises, that could undermine the promotion of the licensing objectives. Airports or airside premises, however, are not currently recognised as the type of premises that can be exempt for the purpose of Paragraph 2A of Schedule 2 to the Act.

Regulated Entertainment

84. Many activities such as performances of live music, indoor sporting events, boxing or wrestling and the playing of recorded music are largely exempt from regulation under the Act and no licence is required for a range of regulated entertainment activities that take place between 8am and 11pm in front of an audience that does not exceed 500 people. However, if the same activities take place outside these hours they would be licensable under the Act. For example, a performance of live music or recorded music on relevant alcohol licensed premises between 07:00hrs and 23:30hrs in the presence of audience no larger than 500 people is licensable in respect of activities taking place between 07:00-08:00hrs and 23:00-23:30hrs.
85. Airports, on the other hand, often have their own regulations which govern the use of buildings and premises that might be prohibitive of any such activities. For example, the following acts cannot take place at Heathrow Airport unless specifically permitted by the airport authorities:
- no person shall sing, dance, shout, play a musical instrument, operate a Portable Music Machine or otherwise behave in such a way so to give reasonable cause for annoyance to any other person;
 - no person shall erect or use any apparatus for transmission, receipt, recording, reproduction or amplification of sound, speech or images for commercial purposes or for any purpose in a Security Search Area⁸²
86. We recognise that due to the airports' unique nature and structure, airside premises such as pubs and bars may not seek to introduce entertainment activities, regulated or unregulated, beyond what is already permitted under the airport rules and regulations. However, the Act, if applied airside, could lead to attempts by operators of airside pubs, bars and restaurants to diversify their customer service through entertainment in order to attract more passengers. For example, an independent research shows that pubs that provide music take on average 44% more in revenues than pubs without music⁸³.

⁸² <https://www.heathrow.com/company/partners-and-suppliers/conditions-of-use/heathrow-byelaws>
[accessed on 16 February 2018]

⁸³ <https://www.parliament.uk/documents/lords-committees/Licensing-Act-2003/Collated-written-evidence-volume.pdf> p. 199 [accessed on 16 February]

Enforcing the Act airside

87. As observed earlier, the licensing regime is supported by a range of offences, enforcement provisions and inspection powers, including the power of the courts and the police to make temporary closure orders in respect of certain premises. These provisions would extend to airside premises at international airports in England and Wales if the exemption is revoked. It is unclear from the available evidence what implications this could have for the effective enforcement of the Act airside.

Evidence required

88. We seek evidence and opinions on the suitability and feasibility of applying the Act airside in its present form. This will assist our assessment of the practicalities, including looking at barriers, for effective administration of the Act. We are particularly interested in the evidence of how the Act currently operates airside at the Doncaster-Sheffield international airport.

Question 24

Would it be feasible and practical to apply and administer the Act in its current form airside at international airports in England and Wales?

Please provide evidence, where available, on the following but not limited to:

- *suitability of locally led processes in relation to licence applications, decision-making, representation, reviews, mediation and appeals;*
- *strengths and limitations of using existing enforcement powers in an airside environment;*
- *obstacles to effective enforcement of the Act airside (e.g. airside access for licensing officers and/or other relevant authorities);*
- *incompatibility and/or conflicts that may arise between the Act and other legally binding instruments already in place (e.g. bylaws, airport master plans).*
- *number of airside premises at each international airport in England and Wales that sell and/supply alcohol, late night refreshment and/or provide any other licensable activities as prescribed by the Act.*

Question 25

Are there any other issues in relation to drunk and disorderly airline passengers and the Select Committee's recommendation with regard to international airports in England and Wales that you wish to provide further evidence on?

Local authorities and police forces in England and Wales with airports in their areas that are currently exempt from the Licensing Act 2003			
	Airport	Local Authority	Local Police Force
1	Birmingham	Solihull Metropolitan Borough Council	West Midland Police
2	Bournemouth	Christchurch Borough Council	Dorset Police
3	Bristol	North Somerset Council	Avon & Somerset Police
4	Blackpool	Fylde Borough Council	Lancashire Police
5	Cardiff	Vale of Glamorgan Council	South Wales Police
6	Coventry	Warwick District Council	Warwickshire Police
7	Exeter	East Devon District Council	Devon and Cornwall Police
8	Humberside	North Lincolnshire Council	Humberside Police
9	Leeds Bradford	Leeds City Council	West Yorkshire Police
10	Liverpool John Lennon	Liverpool City Council	Merseyside Police
11	London City Airport	London Borough of Newham	Metropolitan Police
12	London Gatwick	Crawley Borough Council	Sussex Police
13	London Heathrow	London Borough of Hillingdon	Metropolitan Police
14	London Stansted	Uttlesford District Council	Essex Police
15	London Luton	Luton Borough Council	Bedfordshire
16	Manchester	Manchester City Council	Greater Manchester Police
17	Manston (closed)	n/a	n/a
18	Newcastle	Newcastle City Council	Northumbria Police
19	Norwich	Norwich City Council	Norfolk Constabulary

20	East Midlands	North West Leicestershire District Council	Leicestershire Police
21	Sheffield City (closed)	n/a	n/a
22	Southampton	Eastleigh Borough Council	Hampshire Constabulary – Eastleigh Central
23	Southend	Rochford District Council	Essex Police – Rochford
24	Durham Tees Valley (formerly known as Teeside)	Darlington Borough Council	Durham Constabulary
Local authorities and police forces in England and Wales with airports in their areas that are currently <u>not</u> exempt from the Licensing Act 2003			
25	Sheffield Doncaster	Doncaster Council	South Yorkshire Police – Doncaster East

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Call for Evidence: airside alcohol licensing at international airports in England and Wales

Alcohol Team, 5th Floor Fry Building

Home Office

2 Marsham Street

London, SW1P 4DF

Email: callforevidence@homeoffice.gsi.gov.uk

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If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

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Publication of response

A paper summarising the responses to this call for evidence will be published. The response paper will be available online at www.gov.uk

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that

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<https://www.gov.uk/government/publications/consultation-principles-guidance>



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