

Consultation response to 'Delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour'

Response to be made to consultation paper by Chelmsford City Council

Consultation Question 1:

Do you agree that this MUP (Minimum Unit Pricing) level would achieve these aims? *(The Government wants to ensure that the chosen minimum unit price level is targeted and proportionate, whilst achieving a significant reduction of harm)*

Response: NO

Consultation Question 2:

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

Response: YES

Chelmsford City Council considers that the introduction of a minimum unit price for alcohol would not achieve the aims of cutting alcohol fuelled crime and anti-social behaviour.

Consultation Question 3:

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

Response: The minimum unit price should be reviewed after a set period.

Chelmsford City Council does not consider that a MUP for alcohol would achieve the aims of cutting alcohol fuelled crime and anti-social behaviour, however, if it is introduced, the price should be reviewed after a set period of time thereby allowing the effects of the proposal to be fully considered and ensure there have been no unforeseen adverse consequences.

Consultation Question 4:

The aim of minimum unit pricing is to reduce the consumption of harmful and hazardous drinkers, while minimising the impact on responsible drinkers. Do you think that there are any other people, organisations or groups that could be particularly affected by a minimum unit price for alcohol?

Response: YES

Chelmsford City Council believes that there would be an adverse impact on responsible drinkers and also an impact on organisations or groups that are not the object of the controls. Groups such as schools or churches who

choose to sell items such as mulled wine, or 'Pimms' in conjunction with community events could be caught out by legislation when due to diluting the product it may be difficult to determine the quantity of alcohol being sold therefore an exemption to the legislation for such organisations maybe prudent.

Consultation Question 5:

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

Response: YES

Consultation Question 6:

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

Response: DON'T KNOW

The Council is not aware of any other offers or multi-buys that need to be included in a ban.

Consultation Question 7:

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

Response: DON'T KNOW

Chelmsford City Council is not aware of any other offers or multi-buys that need to be included in a ban.

Consultation 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?

Response: NO

Consultation 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)?

Response: YES

Chelmsford City Council's view is that all of the mandatory conditions are effective with the exception of the requirement to make available small measures

Consultation Question 10:

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

Response: NO

Chelmsford City Council's view is that the mandatory conditions do not do enough to target irresponsible promotions.

An irresponsible drinks promotion may result in someone being very unwell, unconscious or unable to safely look after themselves, lead to longer term health damage or dependency. None of these 'health' matters can be considered in terms of whether a drinks promotion is irresponsible, as they would not affect any of the current licensing objectives

Consultation 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?

Response: YES

Chelmsford City Council believes the requirement for the provision of CCTV to record transactions along the bar at the premises where the premises is licensed for more than a specified number of people and minimum staff training requirements regarding the sale of alcohol to individuals who appear to be already drunk or buying to supply someone who is already drunk would be beneficial as it would help tackle the significant issue of premises serving customers who are already intoxicated

Consultation Question 12:

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

Response: NO

In common with other licensing authorities, Chelmsford City Council has issues relating to public disorder including matters such as urinating in the street by street drinkers. There has been focus on drunkenness linked to on-sales which is reflected in the introduction of mandatory conditions to control, in a lot of instances, matters which were not really an issue, whereas a lot of public concern is also related to street drinking. None of the mandatory conditions apart from age restricted sales are appropriate for off-sales. Before additional conditions are introduced the reasons behind the lack of convictions

relating to the offence of selling alcohol to someone who is drunk should be closely examined with guidance on this to support a review being called for this offence without necessarily having to link to a compromise of the licensing objectives.

Consultation 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?

there are a number of sources of statistical and anecdotal information relating to health that might support an introduction of a CIP various including

- Hospital admission for chronic health conditions (e.g. liver, heart or stroke)
- A&E admissions for acute conditions for which intelligence is gathered if the condition is alcohol related
- Information collated according to county and district boundaries from GP and public health professionals
- Information from voluntary groups and charities supporting individuals and families living with drink problems
- Information from colleges, and universities on health-related issues raised by students with them

Consultation 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?

it is Chelmsford City's Council's opinion that no amendment to the process would be necessary to allow consideration of relevant data

Consultation 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.

It would be very difficult to link health data to individual premises or area There would have to be significant evidence of alcohol-related harm that could be pinned to a particular area so it may not be possible to create a CIP on the basis of health alone

Consultation Question 16:

Should special provision to reduce the burdens on ancillary sellers be limited to specific types of business,

Response: NO

and/or be available to all types of business providing they met key criteria for limited or incidental sales?

Response: YES

Chelmsford City Council is of the opinion that the criteria should be incidental sales

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Consultation Question 17:

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

As stated in response to question 16, Chelmsford City Council is of the opinion that the ancillary sales should be defined by incidental sales and not by premises type.

Consultation Question 18:

Do you have any suggestions for other types of businesses to which such special provision could apply without impacting adversely on one or more of the licensing objectives?

NO

Consultation Question 19:

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

Response: YES

The qualification criteria being: 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.

Consultation Question 20:

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

Response: YES (to each examples given)

Consultation Question 21:

Do you think that the following proposals would impact adversely on one or more of the licensing objectives?

Response: NO (to each of the examples given)

Consultation Question 22:

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

No other issues need to be considered.

Consultation 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?

Response: NO

Chelmsford City Council is not supportive of this due to the current TEN process being simple and not burdensome and there being potential difficulties in identifying if a community event was in fact a commercial enterprise.

Consultation Question 24:

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

Response: this will increase the burden on organisers

Consultation Question 25:

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

Response: YES

Chelmsford City Council's view is that TEN process works well, we have very few, if any notifications that result in problems. There may be adverse resource implications for the responsible authorities who can object to the TENS (the police and environmental services) as objections have to be received within 48 hours. However, on the whole, there is likely to be no adverse impact resulting from increasing the number of TENs available to an applicant.

Consultation Question 26:

If yes, please indicate which option you would prefer:

Response: 18 (eighteen)

Consultation Question 27:

Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways?

A Determining that premises in certain areas are exempt

Response: NO

B Determining that certain premises types are exempt in their local area

Response: NO

The option for residents affected by late night activity - to call for a review of a premises licence is still effective for these premises. It is the Council's view therefore that there is little benefit to allow for premises to be exempt from the late night refreshment licensing.

Consultation Question 28:

Do you agree that motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment?

Response: YES

Consultation Question 29:

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

Response: Refreshment stops along major A roads are important in allowing / encouraging long distance drivers to take rests. Eateries similar to motorway service stations that are not in proximity to residential housing might also benefit from a similar exemption.

Consultation Question 30:

Do you agree with each of the following proposals?

A Remove requirements to advertise licensing applications in local newspapers

Response: NO

removal of this requirement may be a bit premature as there is still a significant proportion of (possibly older) residents who do not have access to the internet and rely on local papers for information of this nature and this authority does get contact from local residents who have been made aware of an application as a result of an paper advertisement.

B Remove the centrally imposed prohibition on the sale of alcohol at MSAs (Motorway Service Stations) for the on and off-trade.

Response: NO

C Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – "lodges

Response: NO

Remove or simplify requirements to renew personal licences under the 2003 Act

Response: YES

Consultation Question 31:

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

- A Remove requirements to advertise licensing applications in local newspapers

Response: YES

- B Remove the centrally imposed prohibition on the sale of alcohol at MSAs (Motorway Service Stations) for the on and off-trade.

Response: NO

- C Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges

Response: NO

Remove or simplify requirements to renew personal licences under the 2003 Act

Response: YES

Consultation Question 32:

Do you think that the following measures would impact adversely on one or more of the licensing objectives?

- A Remove requirements to advertise licensing applications in local newspapers

Response: YES

- B Remove the centrally imposed prohibition on the sale of alcohol at MSAs (Motorway Service Stations) for the on and off-trade.

Response: YES

- C Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges

Response: YES

Remove or simplify requirements to renew personal licences under the 2003 Act

Response: NO

Consultation 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?

Response: NONE

Consultation 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?

Response: YES

Consultation Question 35:

Do you have any comments on the methodologies or assumptions used in the impact assessments?

Response: NO