

Policing and Crime Commissioner

Alcohol Consultation Response

January 2013

The Government wants to ensure that the chosen minimum unit price level is targeted and proportionate, whilst achieving a significant reduction of harm.

Consultation Question 1: Do you agree that this MUP level would achieve these aims? (Please select one option)		
Yes <input checked="checked" type="checkbox"/>	No <input type="checkbox"/>	Don't know <input type="checkbox"/>
If you think another level would be preferable please set out your views on why this might be in the box below (keeping your views to a maximum of 200 words)		
<p>Alcohol underpins many of my key priorities as PCC within County Durham and Darlington. Minimum unit price is a targeted and proportionate approach in helping to reduce the impact alcohol has on crime and disorder. MUP set at an adequate level will impact most on higher risk and younger drinkers without affecting lower risk drinkers and will therefore prevent crime and disorder amongst this group of people – reducing the chances of a young person being involved in crime in the first instance. I feel that a level of 50p would be more effective in reducing consumption and reducing alcohol related crime and disorder, saving the police service an estimated £49.6 m in the first year.</p> <p>Implementing a minimum unit price of 50p will affect the quantity of alcohol bought cheaply at supermarkets for the purpose of pre-loading or out of sight (home) drinking. More alcohol than ever is consumed at home. As a result the controls we have available to us are different and we have had to change how we police. It is difficult to imagine how Durham Constabulary will maintain or further reduce alcohol related crime, disorder and anti-social behaviour without minimum unit pricing.</p> <p style="text-align: right;">(words: 196)</p>		

Consultation Question 2: Should other factors or evidence be considered when setting a minimum unit price for alcohol? (Please select one option)		
Yes <input checked="checked" type="checkbox"/>	No <input type="checkbox"/>	Don't know <input type="checkbox"/>
If yes please specify in the box below (keeping your views to a maximum of 200 words)		
<p><u>Factors</u></p> <ul style="list-style-type: none">• The North-East proximity to Scotland where MUP of 50p is to be introduced.• Additional revenue made through the MUP needs to be effectively channelled into local areas to help further reduce alcohol related crime and disorder.• The correlation between affordability and consumption - MUP should be set at no less than 50p per unit, and regularly reviewed to ensure alcohol does not become more affordable over time and is achieving its desired outcome. <p><u>Evidence:</u></p>		

- Research carried out by the University of Sheffield estimates that a MUP of 50p would reduce crimes by 4,700 a year.
- 57% of people in County Durham support MUP. This support goes up if it reduces drunk and rowdy behaviour – which evidence suggests it would.
- Alcohol is costing the economy in County Durham over £189 million a year of which £59.63m makes up the costs for crime and licensing.
- 40% of all crime is cited to be alcohol related, although we believe, through our own research, this to be much more in incidents of violence and domestic abuse.

(words: 173)

Consultation Question 3:

How do you think the level of minimum unit price set by the Government should be adjusted over time? (Please select one option)

Do nothing – the minimum unit price should not be adjusted	<input type="checkbox"/>
The minimum unit price should be automatically be updated in line with inflation each year	<input checked="" type="checkbox"/>
The minimum unit price should be reviewed after a set period	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

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? (Please select one option)

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Don't know <input type="checkbox"/>
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If Yes please specify in the box below (keeping your views to a maximum of 100 words)

A 50p MUP would:

- reduce alcohol-related risk taking behaviour amongst young people and its consequences,
- reduce alcohol consumption in the home reducing the number of young people exposed to parental alcohol use, misuse and child protection proceedings,
- help to turn the tide on domestic abuse – over 40% of cases currently are linked to alcohol,
- result in fewer victims of crime and anti-social behaviour,
- save local services time and money in dealing with excessive alcohol use and misuse.

(words: 77)

Consultation Question 5:

Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade? (Please select one option)

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Consultation Question 6:

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

(Please select one option)			
Yes	<input checked="" type="checkbox"/>	No	Don't know

If Yes please specify in the box below (keeping your views to a maximum of 100 words)

Alcohol can be a harmful and addictive substance and multi-buy promotions encourage people to buy and drink more than they would should the offer not be on. I encourage the ban of multi-buy promotions not to be limited to the off trade as despite the mandatory licensing condition about irresponsible promotions in pubs and clubs some on-licence premises still promote what I would term irresponsible drinks promotions.

Any incentive to purchase or consume more than intended whether on or off licence should be prohibited as pre-loading and excessive drinking whether at home or in pubs/clubs contributes to crime and disorder.

(words: 100)

<p>Consultation Question 7:</p> <p>Should other factors or evidence be considered when considering a ban on multi-buy promotions?</p> <p>(Please select one option)</p>		
Yes X	No	Don't know

If Yes please specify in the box below (keeping your views to a maximum of 200 words)

Research by Sheffield University on behalf of the Scottish Government indicated that a ban on multi-buy promotions would increase the effectiveness of MUP.

Although initial findings from the ban on multi-buy promotions in Scotland show a small reduction in consumption this should not be used as a reason not to ban multi-buy promotions. A ban on multi-buy promotions together with the introduction of a 50p MUP will be much more effective.

(words: 71)

<p>Consultation Question 8:</p> <p>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?</p> <p>(Please select one option)</p>			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
		Don't know	<input type="checkbox"/>

If Yes please specify in the box below (keeping your views to a maximum of 100 words)

The Police - cheap deals encourage pre-loading which leads to problems in the night time economy as does excessive drinking at both home and in pubs/clubs.

Young people – improved health, school attainment and reduced risk of becoming a victim or perpetrator of crime/ASB.

Families - multi-buy deals encourage home drinking where excessive consumption is hidden and harder to control and the links to domestic and child abuse.

(words: 67)

<p>Consultation Question 9:</p> <p>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)?</p> <p>Please state Yes/No/Don't know in each box</p>					
		Prevention of crime and disorder	Public Safety	Prevention of public nuisance	Protection of harm to children
A	Irresponsible promotions	Yes	Yes	Yes	Yes
B	Dispensing alcohol directly into the mouth	Yes	Yes	Yes	Yes
C	Mandatory provision of free tap water	Yes	Yes	Yes	Yes
D	Age verification policy	Yes	Yes	Yes	Yes
E	Mandatory provision of small measures	Yes	Yes	Yes	Yes

<p>Consultation Question 10:</p> <p>Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs?</p> <p>(Please select one option)</p>		
Yes	No x	Don't know
<p>If no please state what more could be done in the box below (keeping your views to a maximum of 100 words)</p> <p>The definition of irresponsible promotions needs to be clarified. Treble measures of spirits or goldfish bowls of cocktails are irresponsible.</p> <p>The 35ml spirit measure should be withdrawn, leaving the 25ml single measure.</p> <p>Anything which encourages greater consumption should not be allowed, including:</p> <ul style="list-style-type: none"> • Price-based promotions • Meal deals or voucher schemes • 'drink the bar dry' promotions • organised pub crawls • shots sold from a tray or dispensed from a tank at your table • selling alcoholic drinks cheaper than an one without alcohol, i.e. vodka and coke vs coke alone <p>The condition relating to the age verification policies should specify a written policy.</p> <p style="text-align: right;">(words:99)</p>		

<p>Consultation Question 11:</p> <p>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?</p> <p>(Please select one option)</p>		
Yes X	No	Don't know
<p>If Yes please specify in the box below (keeping your views to a maximum of 200 words)</p> <ul style="list-style-type: none"> • Age verification training • The need to keep a refusals book • Till prompts re: age verification (i.e. Challenge 25) 		

- Mandatory training to sell alcohol
- Provision and promotion of lower strengths beers and wines
- Promotion – not simply provision – of small measures; active promotion of soft drinks
- Point of sale information should be made compulsory stipulating units of alcohol and the recommended limits together with health harms.

(words: 76)

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? (Please select one option)

Yes	No X	Don't know
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If no please explain why you think the current approach is not the best approach in the box below (keeping your views to a maximum of 100 words)

No. The current approach is not appropriate.

Alcohol related harm is increasingly associated with cheap alcohol sold from off licence premises. Surveys and research consistently point to more alcohol being purchased from supermarkets and more consumed at home.

Almost one in two publicans in Balance's recent survey indicated that they were seeing customers arriving drunk because of cheap supermarket offers. We also know that people who have pre-loaded before they go out are more likely to be a victim or perpetrator of crime.

Irresponsible promotions and the provision and promotion of smaller measures could be applied to the off trade.

(words: 100)

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?

Please specify in the box below (keeping your views to a maximum of 200 words)

I believe that public health should be a licensing objective in its own right and not tied to CIPs. I do not accept that it would be disproportionate because the alcohol industry is already taking action as part of the Responsibility Deal as previous agreements, such as alcohol labelling have come to little effect.

Available data includes:

- Accident and Emergency data
- Ambulance data
- Alcohol specific hospital admissions
- Alcohol attributable hospital admissions
- Under 18 admissions
- Liver and other alcohol related deaths
- Alcohol Treatment Service data
- Domestic abuse, sexual violence and child protection data
- Health Inequalities data
- Local data sources, e.g. residents' surveys.

I do, however, acknowledge that it is difficult to tie public health data to a specific licensed premise, particularly an off licence. This is why I feel that public health data should be utilised to establish

Licensing Policy per se and not be restricted to CIPs. The evidence of the density of alcohol harm within a community should be considered not solely the density of licensed premises.

(Words: 168)

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? (Please select one option)

Yes X	No	Don't know
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If yes please specify which aspects in the box below (keeping your views to a maximum of 200 words)

The evidential basis for a CIP would need to be expanded to enable consideration of public health issues as a basis for a CIP. Without a specific licensing objective in relation to public health we would encourage the Government to see public health as a public safety issue and enable health data to be used alongside other data (not specifically linked to crime and disorder) to determine where/whether a CIP would be appropriate for a certain area.

(Words: 107)

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 specify in the box below, keeping your views to a maximum of 200 words. Please provide evidence to support your response.

I believe that alcohol-related health harm data should be used in all licensing decisions not just that of a CIP. Introducing a public health data to support a CIP would enable licensing decisions to be made taking into account the full impact of alcohol related harm and health inequalities in an area. It would ensure that Licensing Committees are able to consider not only the perceived benefits for culture and leisure that alcohol brings but also the health inequalities and disadvantages alcohol brings to communities and enable them to make a full evidence based assessment on the necessity of any new licence. Health data may provide information about crime, particularly assaults, not reported to the police.

I believe that it would help to limit the availability of alcohol where it is most needed, particularly to young people. I know from Alcohol Concern's report 'One On Every Corner' availability of alcohol to young people is an indicator of harm.

(Words: 144)

Consultation Question 16:

Should special provision to reduce the burdens on ancillary sellers be limited to specific types of business, and/or be available to all types of business providing they met key criteria for limited or incidental sales? (Please select one option in each row)

		Yes	No	Don't know
A	The provision should be limited to a specific list of certain types of business and the kinds of sales they make			
B	The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller			
C	The provision should be available to both a specific list of premises and more widely to organisations meeting the prescribed definition of			

	an ancillary seller, that is both options A and B			
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<p>Consultation Question 17:</p> <p>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? (Please select one option in each row)</p>				
		Yes	No	Don't know
A	Accommodation providers, providing alcohol alongside accommodation as part of the contract –		X	
B	Hair and beauty salons providing alcohol alongside a hair or beauty treatment		X	
C	The provision should be available to both a specific list of premises and more widely to organisations meeting the prescribed definition of an ancillary seller, that is both options A and B		X	
D	Florists providing alcohol alongside the purchase of flowers		X	
E	Regular charitable events providing alcohol as part of the wider occasion		X	

<p>Consultation Question 18:</p> <p>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? Please write your suggestion in the box below, keeping your views to a maximum of 200 words)</p>	
<p>I do not feel it is necessary to reduce the burden on businesses to make it easier for them to sell alcohol. .</p> <p>As the World Health Organisation has identified 'An increased density of alcohol outlets is associated with increased levels of alcohol consumption among young people, increased levels of assault, and other harm such as homicide, child abuse and neglect, self-inflicted injury and, with less consistent evidence, road traffic accidents.'</p> <p>Special provisions without doubt will increase the availability of alcohol without necessary controls and checks to see whether a person is appropriate to be selling alcohol. I have no doubt that it would lead to increases in crime and disorder and be difficult to police and sanction.</p> <p>I believe that the 'ancillary license' provisions contradict the measures in the Police Reform and Social Responsibility Act. Local people should have greater power to restrict the availability of alcohol in their neighbourhoods and the introduction of an ancillary licence would circumvent the additional powers local people have recently been given.</p> <p style="text-align: right;">(word: 169)</p>	

<p>Consultation Question 19:</p> <p>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? (Please select one option)</p>		
Yes	No X	Don't know
<p>If no please describe the changes you would make in the box below (keeping your views to a maximum of 200 words)</p> <p>The definition of ancillary seller is open to interpretation and it is not difficult to see that this</p>		

provision could be used by some people not in the manner that the Government intended, despite the minimising of any legal loopholes. Alcohol is a controlled substance and needs to have adequate safeguards and controls over its sale at all times.

This provision represents a real risk that alcohol becomes even more socially acceptable and fails to take into account the negative impact it has on society in terms of health harms, crime and disorder and wider societal and economic issues.

There is serious concern amongst the police and our local authority partners with regard to whom and how premises would be investigated to ensure that they are still eligible to be classed as an ancillary seller. At times of austerity and job cuts, why should a reduction in bureaucracy for businesses have to result in an increased workload and therefore increased cost for local authorities and the local tax payer?

(words: 171)

Consultation Question 20:

Do you think that these proposals would significantly reduce the burdens on ancillary sellers?(Please select one option in each row)

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed			
B	Introduce a new light touch form of authorisation for premises making ancillary sales – an 'ASN' but retain the need for a personal licence holder			
C	Introduce a new light touch form of authorisation for premises making ancillary sales – an 'ASN' but with no requirement for a personal licence holder			

Consultation Question 21:

Do you think that the following proposals would impact adversely on one or more of the licensing objectives? (Please select one option in each row)

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed	X		
B	Introduce a new light touch form of authorisation for premises making ancillary sales – an 'ASN' but retain the need for a personal licence holder	X		
C	Introduce a new light touch form of authorisation for premises making ancillary sales – an 'ASN' but with no requirement for a personal licence holder	X		

Consultation Question 22:

What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation? (please specify in the box below keeping your views to a maximum of 200 words)

How would ancillary sellers be taken into account in any Cumulative Impact Policy?

I am not sure how, with the removal of either premises or personal licence, we ensure that the 4 licensing objectives – particularly the protection of children from harm are being upheld? Who would be accountable for the sales of alcohol? Could we restrict their hours of sale of alcohol?

Community premises are generally non-profit making whilst the proposed ancillary sellers are businesses. At a time when businesses are under pressure, there would be a temptation to make alcohol a more important part of their offer to customers.

I have significant concerns that the legislation would provide loopholes for irresponsible businesses to abuse.

Removing the need to advertise contradicts the Government's consultation: Rebalancing the Licensing Act – a consultation on empowering individuals, families and local communities to shape and determine local licensing which resulted in the vicinity test being removed to encourage communities to participate in licensing at a local level.

Local areas should have the authority to request a full premises or personal license if any problems arise as a result of any ancillary sales.

(words: 187)

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? (Please select one option)

Yes	No X	Don't know
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Consultation Question 24:

What impact do you think a locally determined notification would have on organisers of community events? (Please select one option in each row)

		Yes	No	Don't know
A	Reduce the burden			X
B	Increase the burden			X

Consultation Question 25:

Should the number of TENs which can be given in respect of individual premises be increased? (Please select one option)

Yes	No X	Don't know
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Consultation Question 26:

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

15	
18	
Don't know	

Consultation Question 27:

Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways? (Please select one option in each row)

		Yes	No	Don't know
A	Determining that premises in certain areas are exempt		X	
B	Determining that certain areas are exempt in their local area		X	

<p>Consultation Question 28:</p> <p>Do you agree that motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment?</p> <p>(Please select one option)</p>				
		Yes	No	Don't know
A	Motorway services should receive a nationally prescribed exemption from regulations for the provision of late night refreshment	X		

<p>Consultation Question 29:</p> <p>Please describe any other types of premises to which you think a nationally prescribed exemption should apply (keeping your views to a maximum of 100 words)</p>				
<p>None – the World Health Organisation states that one of the key ways to reduce alcohol harm is to control the availability of alcohol. Alcohol is more available than ever before. It is available 24 hours a day, seven days a week and dial a drink services mean it can even be delivered to your door. The suggestions laid out here risk compounding the errors made in trying to create a so called 'café/24 hour drinking culture'.</p> <p style="text-align: right;">(words: 76)</p>				

<p>Consultation Question 30:</p> <p>Do you agree with each of the following proposals? (Please select one option in each row)</p>				
		Yes	No	Don't know
A	Remove the requirements to advertise licensing applications in local newspapers		X	
B	Remove the centrally imposed prohibition on the sale of alcohol at MSA's for the on and off trade		X	
C	Remove the centrally imposed prohibition on the sale of alcohol at MSA's but only in respect of overnight accommodation – "lodges"		X	
D	Remove or simplify requirements to renew personal licences under the 2003 Act		X	

<p>Consultation Question 31:</p> <p>Do you think that each of the following would reduce the overall burdens on business? (Please select one option in each row)</p>				
		Yes	No	Don't know
A	Remove the requirements to advertise licensing applications in local newspapers			
B	Remove the centrally imposed prohibition on the sale of alcohol at MSA's for the on and off trade			
C	Remove the centrally imposed prohibition on the sale of alcohol at MSA's but only in respect of overnight accommodation – "lodges"			
D	Remove or simplify requirements to renew personal licences under the 2003 Act			

<p>Consultation Question 32:</p> <p>Do you think that the following measures would impact adversely on one or more of the licensing objectives? (Please select one option in each row)</p>				
		Yes	No	Don't

				know
A	Remove the requirements to advertise licensing applications in local newspapers	X		
B	Remove the centrally imposed prohibition on the sale of alcohol at MSA's for the on and off trade	X		
C	Remove the centrally imposed prohibition on the sale of alcohol at MSA's but only in respect of overnight accommodation – "lodges"	X		
D	Remove or simplify requirements to renew personal licences under the 2003 Act	X		

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? (Please specify in the box below keeping your views to a maximum of 200 words)

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? (Please select one option in each row)				
		Yes	No	Don't know
A	Minimum unit pricing		X	
B	Multi-buy promotions			
C	Health as an objective for cumulative impact			
D	Ancillary sales of alcohol			
E	Temporary Event Notices			
F	Late night refreshment			
G	Removing the duty to advertise licensing applications in local newspapers			
H	Sales of alcohol at motorway service stations			
I	Personal licences			

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

Yes X	No	Don't know
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If yes please specify in the box below, referencing clearly the impact assessment and page to which you refer (keeping your views to a maximum of 400 words).

I believe that the estimates of savings to the police service are likely to under represent the costs associated with policing alcohol related crime and disorder. Through the work we have undertaken in Durham in terms of an audit of the accuracy of alcohol, we know the figure used is not a true representation. I am very aware of the work that ACPO is undertaking to establish accurate figures in relation to this so that nationally we can see the impact that alcohol has both in terms of policing and the safety and health of our local communities.

