

## Alcohol consultation response February 2013

### Community Action Hampshire

This response focuses on the issues affecting community buildings, as this is my main area of work. My responses to the consultation questions are in *italics*.

#### 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 meet certain qualification criteria for limited or incidental sales? (Please select Yes / No / Don't know in each row):

A The provision should be limited to a specific list of certain types of business and the kinds of sales they make (see paragraph 9.5). *NO*

B The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller (see paragraph 9.6). *YES*

C The provision should be available to both a specific list of premises and more widely to organisations meeting the prescribed definition of an ancillary seller, that is, both options A and B. *NO*

*It makes more sense to define ancillary alcohol sales in terms of the activity (e.g. amount of alcohol, how much money is changing hands), rather than in terms of the organisation. It seems illogical for the same activity to count as an ancillary alcohol sale if carried out by a certain type of organisation, but to require a premises licence if carried out by another.*

#### Consultation Question 17:

If special provision to reduce licensing burdens on ancillary sellers were to include a list of certain types of business, do you think it should apply to the following? (Please select Yes / No / Don't know in each row):

A Accommodation providers, providing alcohol alongside accommodation as part of the contract. *YES*

B Hair and beauty salons, providing alcohol alongside a hair or beauty treatment. *YES*

C Florists, providing alcohol alongside the purchase of flowers. *DON'T KNOW*

D Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the entry ticket. YES

E Regular charitable events, providing alcohol as part of the wider occasion. YES

**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 (see glossary)? (Please write your suggestions in the box below, keeping your views to a maximum of 200 words):

*I would like option E to be extended to occasional charitable events, such as fundraising activities. Any requirement for the activity to be of a certain regularity or frequency would be obstructive to the charity and irrelevant to the fulfilment of the licensing objectives.*

**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? (Yes / No / Don't Know):

If no, please describe the changes you would make in the box below (keeping your views to a maximum of 200 words).

*The suggested criteria are that (a) alcohol must be sold or supplied as a small part or proportion of a sales transaction or contract for a wider service; and (b) the amount of alcohol that could be supplied as part of that contract cannot exceed a prescribed amount.*

*NO – I consider limiting the amount of alcohol supplied under the 'ancillary seller' status to be very sensible. However, restricting it as a proportion of the cash value of the transaction may lead to unintended limitations on activities where the entry fee is low (or even zero) but the intention is that people then spend money in other ways at the event. Examples of such activities might include table-top sales or community fetes.*

**Consultation Question 20:**

Do you think that these proposals would significantly reduce the burdens on ancillary sellers? (Please select Yes / No / Don't know in each row):

A Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed. YES

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.  
*YES*

C Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN - with no requirement for a personal licence holder.  
*YES*

*All these options would certainly reduce the administrative burden on organisations wishing to provide alcohol.*

**Consultation Question 21:**

Do you think that the following proposals would impact adversely on one or more of the licensing objectives (see glossary)? (Please select Yes / No / Don't know in each row):

A Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.  
*NO*

B Introduce a new, light-touch form of authorisation for premises making ancillary sales an – 'ASN' but retain the need for a personal licence holder.  
*NO*

C Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN – with no requirement for a personal licence holder.  
*NO*

*Option B seems contradictory to the 2003 Licensing Act provision for community premises to apply for an exemption from the requirement to have a Personal Licence Holder. Option C is preferable as long as the qualification for Ancillary Sales status is fairly tightly defined.*

**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)?

*The 2003 Licensing Act provision for community premises to apply for an exemption from the requirement to have a Personal Licence Holder seems to be working well. Therefore, we support the extension of this arrangement to premises where alcohol is only being sold as part of a wider activity. We also support the establishment of Ancillary Sales Notices, while recognising that the criteria must be defined carefully so as not to permit the use of an activity as a cover for the sale of alcohol.*

**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?  
(Yes / No / Don't know): *DON'T KNOW*

*The principle of TENs seems reasonable and the proliferation of local processes would increase confusion for organisations that work across district / borough boundaries, whether that work is advisory (as in Community Action Hampshire's case) or providing services. We are therefore unconvinced as to the merit of allowing the introduction of local processes.*

**Consultation Question 24:**

What impact do you think a locally determined notification would have on organisers of community events? (Reduce burden / Increase burden / Don't know): *DON'T KNOW*

*See response to question 23.*

**Consultation Question 25:**

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

**Consultation Question 26:**

If yes, please select one option to indicate which you would prefer: *18*

*We would also prefer the limit of five TENs per year for each premises user (unless they are a Personal Licence Holder) to be increased so that the manager / trustees of a community building can apply for all the TENs available for their own events.*

**Consultation Question 27:**

Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways? (Yes / No / Don't know):

A Determining that premises in certain areas are exempt. *DON'T KNOW*

B Determining that certain premises types are exempt in their local area.  
*DON'T KNOW*

*While the exemption of community facilities like village halls from the late night refreshment licensing would be welcome, there are issues around noise nuisance for nearby residents.*