

West Sussex Public Health Consultation Response

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	X	No	Don't know
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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)

West Sussex Public Health supports the proposal to introduce a minimum unit price for alcohol.

MUP is a proportionate, targeted measure that would increase the price of the cheapest alcohol - most commonly consumed by younger and heavier drinkers - whilst having little financial impact on moderate drinkers.

Alcohol is a drug, to be consumed responsibly and in moderation, and the price should reflect this. However, in many locations it can be found to retail for less than the price of bottled water. Setting a minimum unit price will redress this balance.

West Sussex Public Health feel that it is imperative that the minimum unit price is set at a level that will significantly reduce harm and that is consistent with the MUP set to be introduced in Scotland. Modelling done by University of Sheffield shows that a MUP of 50p would prevent a further 1000 deaths, 31,000 alcohol-related hospital admissions, and 18,000 crimes per year than 45p and would prevent the plethora of cross-border purchases that would occur if the level varied between nations.

Consultation Question 2:

*Should other factors or evidence be considered when setting a minimum unit price for alcohol?
(Please select one option)*

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

Alcohol has become increasingly affordable over time. In 2011, for example, alcohol was 45% more affordable than in 1980.

The minimum unit price for alcohol must be regularly reviewed and adjusted to account for inflation, in order to ensure that alcohol does not become more affordable over time, which would reduce the impact of the MUP policy.

West Sussex Public Health would welcome the introduction of a mechanism to direct additional money made by retailers from the MUP into reducing alcohol-related harm at the local level.

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 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	X	No	Don't know
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If Yes please specify in the box below (keeping your views to a maximum of 100 words)

- Hospitals: A minimum unit price of 50p will result in 97,700 fewer hospital admissions per year
- Communities: By reducing alcohol-related crime and disorder and anti-social-behaviour.
- Employers: An MUP of 50p will result in a reduction of over 440,000 days lost to alcohol-related absenteeism per year
- Children: by reducing alcohol consumption by children, as well as fewer

children exposed to parental alcohol misuse.

- On licences – especially pubs. The pub trade has suffered from the retail of alcohol at very low prices in off-licensed premises – especially supermarkets. An MUP would help to redress the balance and support the pub trade.

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 X	No	Don't know
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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 X	No	Don't know
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If Yes please specify in the box below (keeping your views to a maximum of 100 words)

Alcohol is a psychoactive drug that causes a significant number of health and social harms. The Government has set lower risk drinking guidelines and therefore promotions that encourage or incentivise the purchasing of more alcohol than originally intended should be prohibited.

Including:

- multi-buy or volume-based discounts in the on-trade as well as the off-trade
- money off or reductions to other products or services in conjunction with an alcohol sale
- voucher or loyalty points or other associated reward systems for alcohol purchases

Consultation Question 7:

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

(Please select one option)

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

- A ban on multi-buy promotions would enhance the effectiveness of a minimum unit price for alcohol, resulting in additional reductions in alcohol consumption and corresponding alcohol-related harms.
- A survey of 16-24 year-olds carried out by Alcohol Concern and Balance found that alcohol drinks promotions encouraged them to drink more than they would otherwise.

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?

(Please select one option)

Yes	X	No	Don't know
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If Yes please specify in the box below (keeping your views to a maximum of 100 words)

- Young people - as there would be less of an incentive for them to drink more than they intend to, as evidenced by the Alcohol Concern survey of 16-24 year-olds discussed above.
- Frontline services - multi-buy promotions encourage pre-loading and therefore additional problems associated with drunkenness in the night-time economy. Therefore a ban on these promotions would benefit ambulance services, hospitals and the police as there would be fewer cases of alcohol-related harm for them to deal with, freeing up time and resources.
- Pubs would benefit as they are struggling to compete with supermarket multi-buy promotions.

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)?

Please state Yes/No/Don't know in each box

		Prevention of crime and disorder	Public Safety	Prevention of public nuisance	Protection of children from harm
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

Consultation Question 10:

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

(Please select one option)

Yes	No X	Don't know
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If no please state what more could be done in the box below (keeping your views to a maximum of 100 words)

- Extend the mandatory conditions to prohibit any promotion that encourages or rewards greater consumption than intended, including:
 - Price-based promotions
 - Happy hours (selling discounted alcohol).
 - Selling alcoholic drinks more cheaply than non-alcoholic drinks
 - Volume discounting
 - 'Buy 2 large glasses and get the rest of the bottle free'-type promotions
 - Loyalty points for alcohol purchases
- Withdraw the 35ml spirit measure, as the 25ml single measure is easier for calculating units and monitoring alcohol consumption.
- Remove the 'demonstrate a link with crime and disorder' clause from the existing irresponsible promotions condition as it makes it difficult to enforce.

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?

(Please select one option)

Yes	X	No	Don't know
<p><i>If Yes please specify in the box below (keeping your views to a maximum of 200 words)</i></p> <ul style="list-style-type: none"> • Mandatory training to sell alcohol, including training on verification of age • High volume licensed premises should adopt automated age verification systems to deter underage drinkers. • Provision and promotion of lower strengths beers and wines • Promotion - not simply provision - of small measures; active promotion of soft drinks • Prohibition of upselling • Point of sale information should be made compulsory stipulating units of alcohol and the recommended limits together with health harms. • Soft drinks should always be priced cheaper than the cheapest alcoholic drink to remove the incentive for people to drink alcoholic drinks. 			

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
<p><i>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)</i></p> <p>The condition relating to irresponsible drinks promotions should be applicable to both the on- and off-trade.</p> <p>Sales from off-licensed premises now far outweigh those from on-licenses. Evidence shows that people who pre-load (consume alcohol purchased from off-licensed premises before they go out into the night-time economy) are more likely to be a victim or perpetrator of crime. Therefore, ensuring that alcohol at off-licensed premises is sold and promoted responsibly is crucial to the effective management of a safe night-time economy.</p>			

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)

- All alcohol-attributable deaths
- Demand/unmet demand for alcohol treatment services
- Domestic abuse and child protection data
- Alcohol related crime figures
- Local data sources, e.g. residents' surveys.

West Sussex Public Health fully support making the prevention of health harm a fifth objective of the Licensing Act, rather than limiting the scope of the consideration of health harms to CIPs.

We do not accept the rationale on Page 7 of the relevant impact assessment stating that it would be disproportionate because the alcohol industry is already taking action as part of the Responsibility Deal. Relying on voluntary industry action is not a substitute for empowering local authorities to assess the impact of the on and off-trades on local residents' health. Unlike regulation, the Responsibility Deal cannot ensure a consistent, universal approach to local alcohol policy.

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)

There is a need for clear guidance detailing how health data may be used when considering the introduction of a CIP.

There is a concern that public health data at the very local (e.g. street) level may be small and too easily dismissed. It may be more practical for a public health objective to be linked to district/borough-wide saturation policies as this is the level at which the data becomes meaningful.

Providing effective guidance on how to incorporate and interpret public health data would be essential to support changes in process.

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.

There is strong evidence that the availability of alcohol affects the level of harm; A number of studies have shown a link between high outlet density and physical violence.

Fully incorporating health data into licensing decision-making would provide licensing authorities with an additional, and much-needed, tool for proactively refusing new applications/variations to extend alcohol sales, on the basis of local health considerations.

Introducing a health licensing objective would enable local authorities to more effectively control the availability of alcohol, and the density of outlets selling alcohol in their area. Fewer premises selling alcohol within a particular area would have the additional benefit of reducing the need for competitive pricing.

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			

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? (Please select one option in each row)

		Yes	No	Don't know
A	Accommodation providers, providing alcohol		X	

	alongside accommodation as part of the contract			
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	

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? Please write your suggestion in the box below, keeping your views to a maximum of 200 words)

West Sussex Public Health disagrees with the proposal to reduce some of the requirements of 'ancillary sellers' of alcohol. Alcohol is not a benign substance – it is a drug and it is therefore necessary and appropriate for robust processes to be in place to regulate its sale.

Controlling the availability of alcohol is a key mechanism for reducing alcohol-related harm and West Sussex Public Health therefore recommends that no changes are made to the aspect of licensing procedure.

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? (Please select one option)

Yes

No X

Don't know

West Sussex public Health recommends that no changes are made to this aspect of licensing procedure, for the reasons set out in our response to **Question 18** above.

The definitions of a 'small part of' and 'occurs alongside' would be problematic and would therefore make enforcement very difficult. The opportunities to exploit loopholes in these provisions would be considerable.

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)

West Sussex public Health does not support proposals for any deregulation or unregulated sales of alcohol, including:

- Removing the need for a personal licence holder: Under these proposals, who would be responsible for ensuring alcohol is not sold to children or people who are already intoxicated; that training is provided to staff; that staff are protected from abusive/intoxicated customers; that the business is run in support of the licensing objectives? Furthermore, it is essential that Police Officers, Fire Officers, and licensing officials can immediately identify the

Designated Premises Supervisor as a person in a position of authority at any premises selling or supplying alcohol. This is to ensure that any licensing problems arising at a particular premise can be addressed swiftly by engaging with this key individual.

- Removing the need for a premises licence: West Sussex Public Health does not support this proposal, for the reasons set out in our response to **Question 18** above. We are also concerned that removing the need to advertise will disadvantage local residents who may wish to object to additional premises being permitted to sell alcohol in their area. West Sussex Public Health does not support removing one of the key mechanisms by which local residents are notified of, and can subsequently object to, premises wishing to sell alcohol in their community.

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	

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?
(Please select one option)*

		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	

Consultation Question 29:

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)

None

Consultation Question 30:

Do you agree with each of the following proposals? (Please select one option in each row)

		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 31:

Do you think that each of the following would reduce the overall burdens on business? (Please select one option in each row)

		Yes	No	Don't know
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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 32:

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)

		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)

There are no processes that could be removed or simplified without having an adverse effect on the licensing objectives or increasing the burden on responsible authorities or the local community.

West Sussex Public Health believe that it should be as easy as possible for members of the public to make their views known on licensing applications and decision making and suggest this process is determined locally. Any system should seek to engage the public as much as possible through whatever means is most successful.

We do not support removing the prohibition of alcohol sales at motorway service areas. Indeed, it would be in the best interests of all road users to dissociate alcohol completely from driving, given that there were nearly 10,000 drink-drive casualties in Great Britain in 2011

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			X
C	Health as an objective for cumulative impact			X
D	Ancillary sales of alcohol			X
E	Temporary Event Notices			X
F	Late night refreshment			X
G	Removing the duty to advertise licensing applications in local newspapers			X
H	Sales of alcohol at motorway service stations			X
I	Personal licences			X

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	No X	Don't know
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