

Response from Dyfed Powys Police

Consultation on Alcohol strategy

Consultation Question 1:

Do you agree that this MUP level would achieve these aims?

Yes

This is supported by research into the affects of minimum pricing in Scotland

Consultation Question 2:

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

Yes

The findings of research carried out by the University of Sheffield (updated January 2012) would predict significant reductions in the harm associated with alcohol namely crime, health effects 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?

It would seem sensible that a minimum unit price be updated in line with inflation at appropriate periods.

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 there are any other people, organisations or groups that could be particularly affected by the minimum unit price of alcohol?

Yes

If this coupled with education to underage drinkers on the effects of alcohol a minimum price per unit will raise awareness of the health, social and economic implications of alcohol consumption.

In Wales the Schools Core Programme could be adapted to have a police input on these issues in a structured manner.

Consultation Question 5:

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

Yes

It would seem a natural progression to include this area of business to avoid the problem being displaced.

Consultation Question 6:

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

Yes

Those which are used in conjunction with another offer – e.g. free taxi ride, discounted food that effectively bring down the price of the alcohol to below the MUP

Consultation Question 7:

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

Yes

Yes as above when they are linked to other offers that effectively bring down the price of the alcohol below the agreed limit

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 there are other groups that could be particularly affected by a ban on multi-buy promotions?

Yes

A reduction in alcohol consumption will bring down the demand on the resources of the Health Service, Local Authorities and the Police Service.

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 – see glossary)?

		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

Consultation Question 10:

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

No.

An outline of the age verification policy and the requirement to produce an acceptable form of ID should be clearly displayed at the entrance and point of sale.

Measures of dispense (see paragraph 5 below) should be the default for sale. Offering a larger measure or up-selling should be prohibited.

Paragraph 2 of Article 3 Schedule Mandatory Licensing Conditions should be amended as shown below:

1.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion (by any means) includes, but is not restricted to, ~~means any one or more of~~ the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol in any form\* for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises, or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol or for a fixed or discounted fee or free to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol, in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

i) the outcome of a race, competition or other event or process, or

ii) The likelihood of anything occurring or not occurring

(e) selling or supplying alcohol in association with promotional materials, including but not restricted to, posters or flyers on, or in the vicinity of, the premises which can reasonably be

considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

(5) The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcohol):

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

#### Consultation Question 11:

Are there other issues related to the licensing objectives (prevention of crime and disorder/public safety/public nuisance/prevention of harm to children) which could be tackled through a mandatory licensing condition?

Yes

Mandatory licensing conditions should include consideration of customer safety. This might include a requirement of door staff in town centre locations and criteria for the training and accreditation of those staff.

There is a risk associated with alcohol fuelled football related violence. Local licensing allows conditions to be imposed on the sale of alcohol to mitigate these risks (eg no alcohol sales between 12:00 -22:00 on match day Saturdays).

Point of sale information on units of alcohol and recommended limits should be compulsory. Lower strength beers and wines should be promoted.

#### 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?

No.

Although the broad balance is correct, particularly with the Government's intention to tackle MUP and Multiple unit selling, greater community involvement (and associated responsibility) in local licensing decisions is to be encouraged.

The proposal that Cumulative Impact Policies should apply to both on-trade and off-trade is strongly supported, as is the decision to extend powers to make Early Morning Restrictions on the sale of alcohol and the removal of the vicinity test.

The problems of alcohol harm are increasingly associated with cheap alcohol sold from off-licence premises, yet only one condition applies to the off trade.

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?

- Alcohol related conditions seen in hospital admissions and A&E departments
- Under 18 admissions to hospital
- Alcohol related conditions seen by local general practitioners
- Statistics related to recorded assault with injury
- Alcohol-related anti-social behaviour, crime and disorder statistics
- Liver disease and alcohol related deaths
- Domestic abuse

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?

Health related harm should be taken into consideration by licensing authorities. The proposal to make this discretionary rather than obligatory is questioned. Rather it is proposed that all Cumulative Impact Statements should include an assessment by Health of the implications of granting or continuing to allow a license. The proposal to introduce a health related objective for licensing related specifically to the cumulative impact is welcomed. As a responsible authority, it is very appropriate that Health should be able to both instigate and contribute to the review of a licence.

Consultation Question 15:

What impact do you think allowing consideration of data on alcohol-related health harms when introducing a CIP would have if it were used in your local area?

Introducing a public health objective, particularly to support over-provision or saturation policies at a local level, would enable licensing decisions to be made taking into account the full impact of alcohol harm within the local council's boundaries. It would enable local authorities to control the availability of alcohol in their area – and thus impose some measure of control on the level of harm.

Fewer premises within a particular area would reduce the need for competitive pricing. It would limit the availability of alcohol at a local level to young people.

A&E data would highlight the level of alcohol-related assaults reporting, many of which are not reported to the police.

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?

		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		No	

	make (paragraph 9.5)			
B	The provision should be available to all businesses provided they meet certain Qualification criteria to be an Ancillary seller (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	Yes		

Consultation Question 17:

If a 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:

		Yes	No	Don't know
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	Yes		
D	Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the entry ticket		No	
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?

The Government's work to reduce the burden of bureaucracy for responsible businesses should not allow the availability of alcohol to be increased. A baseline measure should therefore be established before any changes are made in order to monitor levels of bureaucracy and availability

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. Do you think that the qualification criteria proposed in paragraph 9.6 meet this aim?

No

The definition leaves scope for wide an interpretation. The amount of alcohol supplied should be defined carefully, as the variation between a bottle of wine or champagne with a gift of flowers etc is significantly more than a small glass of alcohol as part of a tour.

There should be a restriction on how 'supplied as a part of a contract' is defined. For example, is the sale of a single rose one contract and could a dozen roses be treated as 12 contracts by those seeking a loophole?

Sales involving alcohol should be restricted to a specified time frame.

Consultation Question 20:

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

		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	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 license holder	Yes		

Consultation Question 21:

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

		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.	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 license holder	Yes		

Consultation Question 22:

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

The objective of introducing lighter touch authorisation should be questioned. There will be a need to examine the link between crime and disorder and locally organised events

Any de-regulation should be balanced against the risk of an increase in alcohol consumption and the likely impact on crime and disorder, particularly within the Night Time Economy.

Licensing authorities should have the power to require a full license should problems arise as a result of a business's ancillary seller status.

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?

No



Consultation Question 24:

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

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

Consultation Question 25:

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

No

Consultation Question 26:

If yes, please select the option you prefer:

Not applicable (see above)

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.		No	
B	Determining that certain premises types are exempt in their local area		No	

Consultation Question 28:

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

		Yes	No	Don't know
A	Motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment	Yes		

Consultation Question 29:

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

None



Consultation Question 30:

Do you agree with each of the following proposals:

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers	Yes		
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.		No	
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – 'lodges'.		No	
D	Remove or simplify requirements to renew personal licences under the 2003 Act.		No	

Consultation Question 31:

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

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers	Yes		
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.			Don't know
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – 'lodges'.			Don't know
D	Remove or simplify requirements to renew personal licences under the 2003 Act.			Don't know

Consultation Question 32:

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

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers	Yes		
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.	Yes		
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – 'lodges'.	Yes		
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	Yes		

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 increase burdens on licensing authorities?

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:

		Yes	No	Don't know
A	MUP		No	
B	Multi-buy promotions		No	
C	Health as a licensing objective for cumulative impact		No	
D	Ancillary sales of alcohol		No	
E	Temporary event notices		No	
F	Late night refreshment		No	

G	Removing the duty to advertise licence applications in a local newspaper		No	
H	Sales of alcohol at MSA		No	
I	Personal licences		No	

Consultation Question 35:

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

Yes		
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The impact assessments lack the detail required to inform key decisions