



**Broxtowe
Borough
COUNCIL**



Response to the consultation on delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour.

Consultation Question 1: Do you agree that this MUP level would achieve these aims?
No
Consultation Question 2: Should other factors or evidence be considered when setting a minimum unit price for alcohol?
Minimum unit pricing will affect all responsible drinkers, not necessarily hazardous or harmful drinkers. Local measures to reduce the availability and supply of high alcoholic cheap alcohol would be a more effective and targeted response. Enforcement costs may be significantly higher than the Impact assessment infers so consideration will need to be given to resourcing a proper enforcement protocol. Consideration should also be given to addressing the root cause of the issue. Merely placing potential barriers in the way of hazardous and harmful drinkers will not resolve the problem. A process of education and support will again be a more effective and targeted measure.
Consultation Question 3: How do you think the level of minimum unit price set by the Government should be adjusted over time?
If a MUP is set it should be reviewed after a set period. The effectiveness of the MUP should also be reviewed.
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?
As previously stated, this policy will affect responsible drinkers as well as those identified as harmful and hazardous.
Consultation Question 5: Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?

The proposals outlined in this measure will not reduce or tackle irresponsible drinking. There are many grey areas which will lead to confusion both for retailers and the general public. Clear and specific guidance would be required to introduce this as an effective measure.

It is also worth noting that many purchase by harmful drinkers tend to be in single units.

Consultation Question 6:

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

Clarity of the current proposals could address most issues.

Consultation Question 7:

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

Who is the ban targeted at. Many harmful drinkers purchase single units due to cost issues. Again these measures only tackle the symptoms not the root causes.

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?

This measure will affect those who judiciously purchase special offers. It is the irresponsible consumption which needs to be tackled not the shopper who purchases a bargain. Educational posters at the point of sale outlining the dangers of excessive consumption could be considered.

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)?

There is no evidence to suggest that the current mandatory conditions effectively promote the licensing objectives.

Free tap water is a useful measure as is the availability of smaller measures. However there has been no time to effectively measure the benefits or otherwise of the conditions.

The requirement for an age policy needs to be clarified to ensure that premises not only have a policy but also operate it. The policy should also be clearly documented with records retained for a relevant period of time.

Consultation Question 10:

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

The condition relating to irresponsible promotions is difficult to enforce. Whilst it is very detailed such promotions can only be deemed irresponsible if they cause crime and disorder. The same promotion run in two different establishments may have different effects on the licensing objectives.

Local response to irresponsible promotions however the offer is sold would be

a far more targeted and effective measure.
The current condition only serves as a guideline.

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?

Licensing Authorities already have sufficient powers to deal with transgressions relating to the licensing objectives.
Further education and training of enforcement officers and licensees should be considered.

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?

The current approach is confusing and generally ineffective.

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?

The first step would be to ensure that hospitals adopted a consistent and clear record keeping process with relevant data being collected. This would include ambulance records.

Other records would perhaps include, ie street pastors, local resident complaints, community safety partner information and police records

Targeting harmful drinkers by such methods may be ineffective as purchases may be far removed from the location of any incident recorded. Similarly incidents of disorder not linked to licensed premises will require careful consideration.

Statistics will also relate to general health issues and it will be necessary to clarify the issues and needs of a CIP however the evidence is gathered.

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?

Clarity of the legal status of CIPs would be useful and would support the guidance.

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.

We have no evidence to support any response to this question.

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?	
A The provision should be limited to a specific list of certain types of business and the kinds of sales they make.	Yes
B The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller.	Yes
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 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?	
A Accommodation providers, providing alcohol alongside accommodation as part of the contract.	No
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	No
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 Do you think that the qualification criteria proposed in paragraph 9.6 meet this aim?	
No	

Consultation Question 20: Do you think that these proposals would significantly reduce the burdens on ancillary sellers?	
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
Consultation Question 21: Do you think that the following proposals would impact adversely on one or more of the licensing objectives?	
A Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed	Potentially, 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	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	Potentially, Yes.
Consultation Question 22: What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation?	
Adequate safeguards will need to be put in place to ensure that unscrupulous operators are not able to operate in an unregulated manner. Reference the case of the alleged furniture shop "Insatiable".	
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. This will lead to inconsistency across the country and cause confusion amongst organisers. There will be a need to establish exactly what a qualifying community event will be. Many large events currently being held could be labelled "community	

events".	
Consultation Question 24: What impact do you think a locally determined notification would have on organisers of community events?	
Whilst it may reduce the burden on operators, establishing what a community event is will need to be clarified to ensure that there are no inadvertent unlicensed events taking place.	
Consultation Question 25: Should the number of TENs which can be given in respect of individual premises be increased?	
Yes.	
Consultation Question 26: If yes, please indicate which option you would prefer:	
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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.	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 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?	
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 –	Yes

“lodges”.	
D Remove or simplify requirements to renew personal licences under the 2003 Act.	No. Licensing authorities should also be given the powers to review personal licences.
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.	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.	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.	No
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”.	No
D Remove or simplify requirements to renew personal licences under the 2003 Act.	Yes
Consultation Question 33:	

<p>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?</p>	
<p>No</p>	
<p>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?</p>	
A. Minimum unit pricing.	No
B. Multi-buy promotions.	Don't know
C. Health as a licensing objective for cumulative impact.	Don't know
D. Ancillary sales of alcohol.	Don't know
E. Temporary Event Notices.	Don't know
F. Late night refreshment.	Don't know
G. Removing the duty to advertise licence applications in a local newspaper.	Don't know
H. Sales of alcohol at motorway service stations.	Don't know
I. Personal licences.	Don't know
<p>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.</p>	
<p>No.</p>	

It is important that the Government not only responds to the symptoms but addresses the root cause of the issues. The Licensing Act contains enough powers for licensing authorities to deal with irresponsible operators.

There is a need to address the culture behind the anti social behaviour and excessive drink ethos. Education and support is needed to influence the behaviours of offenders. It should not be a badge of honour to have consumed so much alcohol that one cannot remember what happened or was arrested. Such a change will take time. The change to public reaction to drink

driving is a prime example of the way forward. It will be a long road but there is over a thousand years of drink culture to reform.

Some of the proposals may assist in the process but please give the licensing authorities and other responsible authorities the time and resources to properly evaluate the effects of current legislation and draw up the next alcohol strategy in conjunction with them to properly target the areas of concern.

We may never achieve the café culture that was envisaged at the start of the Licensing Act reform but together we will improve the current situation.

