

GOVERNMENT ALCOHOL STRATEGY CONSULTATION JANUARY 2013
<http://www.homeoffice.gov.uk/publications/about-us/consultations/alcohol-consultation/>

RESPONSE FROM BRADFORD ALCOHOL STRATEGY

IMPLEMENTATION GROUP *(This is a multi-agency partnership group with statutory, voluntary and user sector representation; the response represents the views of the group, but time has not allowed this to be approved by the host organisations. The response has been cleared by the Bradford Substance Misuse Joint Commissioning Group.)*

Consultation Question 1:

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

We support the principle of a MUP. Your aim is to reduce excessive alcohol consumption, particularly by the most hazardous and harmful drinkers. A minimum unit price will end the availability of very cheap alcoholic drinks, and lead to a reduction in health harms and crime (Sheffield University research based on an MUP of 50p – equivalent to 54p today). We also feel that more expensive alcohol will reduce consumption by under-age drinkers and by some of those drinking at a hazardous or harmful level. The price of some drinks is very low, and MUP will likely result in the withdrawal of some of the most damaging products, e.g. 7.5% white cider, from sale.

However, the impact on most alcoholic drinks is zero or small, and if the Government has a firm commitment to reduce the health and social harms and costs caused by alcohol misuse, we would ask it to introduce a higher unit price, starting at not less than 50p, and to fully investigate the costs and benefits of increasing it annually so that within five years it is equal to at least the lowest unit prices in pubs(see below). A 50p price would also be uniform with that in Scotland, which will remove the impetus for cross-border trade

Consultation Question 2:

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

Yes. We believe the disparity between the prices charged in off- and on-licence premises needs addressing. It is generally agreed that the local pub is a community asset in the sense of being a meeting place, especially for single people, and as such may well be important to their mental health. The local pub is also important in that many have other community benefits such as meeting and function rooms, a small number of bedrooms, dining-out facilities, and increasingly diversified activities such as shop and/or post office facilities. Pubs are a controlled environment, in which the staff have a duty not to serve people who are intoxicated, so excessive drinking is less likely in them than at home. *(NB We have used the phrase "local pubs" to distinguish them from the city/town centre 'vertical drinking establishments' aimed at young people)*

Consultation Question 3:

How do you think the level of minimum unit price set by the Government should be adjusted over time?

We are very concerned not only by current levels of increasing risk to dependent drinking by lower income individuals, but also at the levels of drinking amongst many average/middle to high income individuals. We fear significant levels of health harms amongst these groups; as well as potential extra NHS costs, these people are vital to

the economy as well as to their loved ones. The upper level above which a woman is considered to be drinking at a hazardous level (as opposed to a dependent level) is 6 units a day. This could be purchased under the new regime for £2.70, or £15.75 for 35 units a week. 14 units would cost as low as £6.30 a week. We do not consider that such a price is low enough to deter many people drinking at a hazardous or higher level. We would therefore like to see a higher minimum price, to be set at a level in line with the cheapest prices currently paid in a pub for a drink. J D Wetherspoons offer pints of beer at £1.99 on special offer. Assuming an average 4% ABV, this is 87.6p/unit. A minimum unit price nearer this on-trade level would have a much greater impact in reducing off-trade alcohol consumption, and therefore on alcohol related health and other harms. We would therefore like the Government to fully consider increasing the minimum retail price of alcoholic drinks to at least the lowest level on-trade prices over a period of time – no more than 5 years. Starting at 50p/unit in 2014, this would rise to 90p/unit by 2018 – or more likely £1 after factoring in inflation. The big advantage of this is that it would also impact on those with income levels in the £25k + range who are drinking above recommended limits, but who are unlikely to mitigate their drinking levels because of a 45p/unit price. After all, under the 45p proposal, the prices of almost all wine, most spirits (except some vodkas), and good quality beers and cider will be unaffected. At £1 unit, a 12% bottle of wine would cost £9; 37.5% vodka would be £26.25 for 70cl; 5% lager would be £2.50 for 500ml, and 6.5 % cider would be £3.25 per 500ml. These prices would restore alcohol to a less frequent purchase for most people, and would therefore have a very significant impact on health harms and violent crime.

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?

We do not think that concern for affordability for responsible drinkers or low-income drinkers should determine public health policy; such policy should aim to reduce avoidable health harms, and those relating to alcohol are currently on an upward trend, due to the decrease in the real price of alcohol over many years.

We realise that one objection to our proposals is that they would contravene EU competition law. We therefore urge the government to seek a modification of EU competition law to allow public health concerns to outweigh competition issues. Another objection may be that a high unit price will increase the profit margins of off-trade retailers. Increased profits from alcohol in a competitive environment are likely to give supermarkets more scope to reduce the prices of other items. Off-traders who are pure off-licences could cut the prices of soft drinks. However, we believe that the government should fully examine whether the impact achieved by unit pricing could also be achieved by raising tax or duty on alcohol in a sophisticated way (i.e one based on units of alcohol), which has the enormous advantage that any extra revenue would go the Treasury and could be used to fund alcohol treatment and other public services, and/or reduce the national debt.

Consultation Question 5:

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

Yes, we very much agree, even though we realise that if the MUP is introduced, alcohol could not be sold less than the MUP per unit. If a MUP is not introduced, then the need for the ban is even greater. Bulk-buys appeal, amongst others, to young people buying in bulk to share; and to heavy drinkers, whether for themselves or to share with others e.g. a "street drinker" was observed buying 2x 18x 440ml cans of Carling lager (63 units of alcohol) for £24 in a Coop store this month. We consider that the table in section 6.4 is illogical. Alcohol, except in moderation, is a dangerous substance, and all promotions should be banned.

Consultation Question 6:

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

We consider that any offer which directly or indirectly sells two or more containers (bottles, cans, cartons etc) of alcohol for less than the price of one should be outlawed. We also recommend that there be no volume discount for purchasing larger bottles/cans/cartons i.e. the price of a litre bottle should be not less than twice the price of a 500ml bottle, even if the unit price is above the MUP. We would include promotions where alcohol is included as part of a package including food. Examples are the "Two dine for £10" type offers in several supermarket chains (starter, side, main, dessert and wine) which effectively are giving the customer a free bottle of wine; and linked food and drink offers in the on-trade. Alcohol should always be priced separately from food.

Consultation Question 7:

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

The ban needs to apply to the on-trade as well as the off-trade.

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?

As well as "the most hazardous and harmful drinkers", other groups who would benefit positively from such a ban include:

- Under-age drinkers, who would be less able to afford to illegally buy alcohol, and whose parents may be less inclined to give them alcohol if the price were substantially higher – both for financial reasons and because a public policy of making alcohol increasingly less affordable would send the message that alcohol is a potentially dangerous drug not suitable for children and teens.
- Low income drinkers would be likely to reduce their consumption, with consequent health benefits. Those who decided to give up alcohol would have more money to spend on food, holidays and other items which benefit themselves and their children.

- Front-line services (Police, NHS, social workers etc) would have a reduced alcohol-related workload freeing up time to tackle other priorities.

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)?

Yes. However, free tap water must be easily accessible e.g. through water coolers as well as over the counter.

Consultation Question 10:

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

How do you propose to define the word "irresponsible"? To use such a word in law is to give lawyers a field day! We recommend that all promotions of or involving alcoholic drinks be banned.

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?

We would like to see greater control over portion size. Wine should only be available in 125ml and 175ml measures, as a 250ml measure (a third of the bottle) contains 2.75-3.5 units depending on strength, around the maximum recommended for a woman in any one day. We would also like all spirits to be sold in 25 ml measures (single or double) to avoid confusion.

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. As stated above, we would outlaw any form of promotion in both the on- and off-trades. Many (most?) of those coming out of pubs and clubs and requiring ambulance or Police presence (as perpetrator or victim) have "pre-loaded" on cheap supermarket alcohol.

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?

- A and E admission statistics, assuming they are recording where alcohol is a factor, and hospital trusts are sharing anonymised information on incidents and locations with public health and community safety agencies/partnerships.
- Ambulance Service data, linking alcohol related calls to time and locations.
- Hospital admissions data if interrogated for place of residence.
- Crime data for alcohol related crimes (out of home and domestic), analysed geographically

On a broader basis, we would expect a CIP to impact positively over time on a range of indicators in the Public Health Outcomes Framework. The indicators we are using locally are:

Domain 1 - Improving the wider determinants of health • Sickness absence rate • Killed or seriously injured casualties on England's roads • Domestic abuse • Violent crime (including sexual violence) Domain 2 – Health Improvement • Low birth weight of term babies • Under 18 conceptions • Alcohol-related admissions to hospital • Cancer diagnosed at stage 1 and 2 Domain 4 - Healthcare public health and preventing premature mortality • Mortality from causes considered preventable • Mortality from all cardiovascular diseases (including heart disease and stroke) • Mortality from cancer • Mortality from liver disease • Suicide • Emergency readmissions within 30 days of discharge from hospital

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?

There will be a need to provide clear guidance for licensing officials concerning the practicalities of how health information may be used when considering the introduction of a CIP e.g. how this would translate to the micro level in relating health data to specific streets and small geographical areas within a borough.

We recommend that the protection of public health/ reduction in health harms be a fifth licensing objective. This would then mean that the health body on the Licensing Committee could object to any licensing application (whether as part of a CIP or not) whenever the evidence warranted it.

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.

Reduction in alcohol related hospital admissions (injuries and illnesses)

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 – No
- B – No
- C – No

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?

It should be prohibited to include alcoholic drinks in the price of an event etc, and to give alcohol to someone purchasing a service from a business (e.g hairdressers and florists)

- A – No
- B – No
- C – No
- D – No
- E – 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?

We support the existence of robust procedures to ensure that sale of alcohol is effectively regulated, even where such sales may not be regarded as part of the core business. Such procedures should not be regarded as 'burdens' but as a necessary tool to ensuring that sales of alcohol are undertaken responsibly and in accordance with the licensing objectives, and as a means of effectively controlling the availability of alcohol, a key mechanism in reducing alcohol-related harm. We recommend that no changes are made to this 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?

We repeat that we do not feel that liberalisation of "burdens" is appropriate. Alcohol is a poisonous substance whose distribution should be tightly regulated. We suspect that the phrase "a small part of" in paragraph 9.6 would be very difficult to define; if it can be defined, then policing adherence would be difficult and would increase costs on the public purse.

Consultation Question 20:

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

- A – Yes
- B – No
- C – No

Consultation Question 21:

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

- A – No
- B – No
- C – No

Consultation Question 22:

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

Should an exemption for ancillary sales be introduced, it is vital that a clear definition is provided and guidance given to assist local authorities when determining whether a business does or does not provide alcohol ancillary to their main business.

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?

- A – No
- B – 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 indicate which option you would prefer:

N/A

Consultation Question 27:

Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways?

We have no objection to introducing local discretion on the licensing of those premises serving food to seated customers between 11pm and 5am that neither sell alcohol, nor allow customers to consume their own alcoholic drinks on the premises. We exclude all take-aways from such discretion.

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, provided they do not sell alcohol for consumption on the premises, or allow alcohol to be consumed on the premises (premises includes the whole footprint, including within vehicles parked on it). Should not similar regulations apply to service areas on non-motorway trunk roads?

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) We are happy to support the removal of the requirements to advertise licensing applications in local newspapers for the reasons given in para 9.21, provided that there is a requirement for them to be easily accessible on Council websites, and to be advertised by official notices on and near the premises.
- (b) (c) (d) We do not agree with these proposals.

Consultation Question 31:

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

Yes, but for (b) (c) and (d), the risk is unacceptable.

Consultation Question 32:

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

- A- No
- B- Yes
- C- Yes
- D- 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 increasing burdens on licensing authorities?

We consider 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 are most successful.

We do not support removing the prohibition of alcohol sales at motorway service areas, because of the obvious risk of an increase in drink-driving, or distraction from intoxicated passengers.

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?

We have not the resources to scrutinise most of these sufficiently to be able to comment fairly. We comment on the MUP Impact Assessment in Q35 below.

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.

Nowhere is there any justification for choosing 45p/unit as the preferred minimum price, rather than a higher figure. We appreciate that the Government will be concerned about the electoral impact of introducing an MUP, and suggest that it seeks a consensus of the major parties regarding our proposals in paragraph 3.

We have difficulty in marrying up the financial impact data in impact Assessment 1A with that in para 5.5 of the consultation document.

We are confused by the savings. In the IA, it states that the monetised benefits pa on average from health savings to society are £220m per year. In para 5.5 of the consultation document, direct health care cost savings are shown as £82m per year.

It states in section E of the IA, page 20, that the net effect of a 45p MUP is £352m over 10 years, discounted.

In the table in para 5.5, the impact on the public purse as a result of the loss in alcohol duty is shown as a loss of £200m, presumably per annum as are the other figures in the table. In the IA, p20, the annual costs are shown as £200m "which includes costs to the Exchequer and the costs of enforcement". Clarification is required.

We also consider that the rate of duty should be increased to compensate for the loss resulting from decreased consumption, so that there is no loss to HM Treasury.

