

Safe Durham Partnership

**Minimum Unit Price Consultation
Response**

January 2013



Safe Durham Partnership

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	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
		Don't know	<input type="checkbox"/>
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)			
<p>Alcohol harm reduction is a key priority for our Partnership and we agree that a minimum unit price is a targeted and proportionate approach in helping to reduce those harms. MUP set at an adequate level will impact most on higher risk and younger drinkers without affecting lower risk drinkers. We believe that a MUP of 50p would be the optimum price per unit as, according to the University of Sheffield, it would save an extra 1,000 deaths; 31,000 alcohol-related hospital admissions; 18,000 crimes and would reduce consumption by a further 2.4% a year in comparison to 45p yet would still have very little impact on responsible drinkers.</p> <p>The Association of North East Council's Leaders' support MUP set at 50p. The Faculty of Public Health supported the MUP of 50p. County Durham and Darlington Police and Crime Commissioner and Director of Public Health for County Durham also are in favour of a 50p minimum unit price.</p> <p>Although concern has been expressed about how MUP would be effectively 'policed' we feel that the level of 50p would be easier to enforce than alternative levels of MUP.</p> <p style="text-align: right;">(words: 185)</p>			

Consultation Question 2: Should other factors or evidence be considered when setting a minimum unit price for alcohol? (Please select one option)			
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
		Don't know	<input type="checkbox"/>
If yes please specify in the box below (keeping your views to a maximum of 200 words)			
<p><u>Factors</u></p> <ul style="list-style-type: none"> • Additional revenue made through the MUP needs to be effectively channelled into local areas to help further reduce alcohol harms. • The North-East proximity to Scotland where MUP of 50p is to be introduced. • MUP should be set at no less than 50p per unit, and regularly reviewed to ensure alcohol does not become more affordable over time. <p><u>Evidence:</u></p> <ul style="list-style-type: none"> • We estimate between 38% and 65% of the population in County Durham is drinking at harmful levels. Targeted action at a population level needs to be taken to turn back this tide. 			

- County Durham has the 13th highest rate of under-18 alcohol specific hospital admissions in England. Evidence from Sheffield University indicates that a minimum unit price set at 50p would result in larger reductions in alcohol consumption amongst this group.
- 57% of people in County Durham support MUP and this increases if it reduces drunk and rowdy behaviour – which evidence suggests it would.
- 70% of publicans support MUP at 50p
- Alcohol is costing the economy in County Durham over £189 million a year
- Alcohol is cited as a factor in over a third of all initial child protection conferences in County Durham.

(words:192)

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 checked="" 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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Don't know <input type="checkbox"/>
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If Yes please specify in the box below (keeping your views to a maximum of 100 words)

A 50p MUP would:

- delay the age young people start to drink,
- reduce consumption for young people who drink,
- reduce alcohol-related risk taking behaviour amongst young people and its consequences,
- reduce alcohol consumption in the home reducing the number of young people exposed to parental alcohol use, misuse and child protection proceedings,
- help to turn the tide on domestic abuse – 40% linked to alcohol,
- result in fewer victims of crime and anti-social behaviour,
- save local services time and money in dealing with excessive alcohol use and misuse,
- Put community pubs on a level footing with off-licenses.

(words: 96)

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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<p>Consultation Question 6: Are there any further offers which should be included in a ban on multi-buy promotions? (Please select one option)</p>					
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
<p>If Yes please specify in the box below (keeping your views to a maximum of 100 words)</p> <p>We would support an end to multi-buy promotions in both the off and on trade. Alcohol is an addictive substance and should treat as such.</p> <p>Any incentive to purchase or consume more than intended whether on or off license – such as money off or reductions to other products or services or voucher points, or buy two glasses get the rest of the bottle free, two measures for £1.50 – should be prohibited. This should include packaging alcohol as part of a “meal deal” or offering free alcohol on flights or as part of first-class rail travel.</p> <p style="text-align: right;">(words: 95)</p>					

<p>Consultation Question 7: Should other factors or evidence be considered when considering a ban on multi-buy promotions? (Please select one option)</p>					
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
<p>If Yes please specify in the box below (keeping your views to a maximum of 200 words)</p> <ul style="list-style-type: none"> Alcohol has been used as a loss leader by supermarkets and in Balance's last price survey was being sold for as little as 12p per unit in County Durham. Cheap alcohol deals may result in young people drinking more, as highlighted in the Alcohol Concern and Balance Report 'Drinking to Get Drunk' A joined up policy approach which addresses the price and availability of alcohol as well as the quality and co-ordination of hospital and community services, is both coherent and evidence-based. It will deliver the health outcomes and reductions in alcohol related mortality. Reductions in consumption levels would improve health inequalities as health harms have a greater impact on lower income groups. For example, alcohol related deaths are 45% higher in areas of high deprivation. Clear guidance for what multi-buy promotions are and sanctions involved would need to be drawn up. <p style="text-align: right;">(Words: 142)</p>					

<p>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)</p>					
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
<p>If Yes please specify in the box below (keeping your views to a maximum of 100 words)</p>					

Young people – improved health, school attainment and reduced risk of becoming a victim or perpetrator of crime/ASB.

People living in deprived areas - men are five times, and women three times, more likely to die from an alcohol related cause than those in the least deprived areas.

Families - multi-buy deals encourage home drinking where excessive consumption is hidden and harder to control.

Emergency Services - cheap deals encourage pre-loading which leads to problems in the night time economy.

(words: 79)

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 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?
(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)

Some conditions need re-wording:

- Irresponsible promotions - remove 'demonstrate a link with crime and disorder' to make easier to use.
- Age verification policies - specify a written policy.

Withdraw 35ml spirit measure leaving the 25ml single measure. We feel that the smaller measures should be the default provision particularly for wines and spirits and bar staff should refrain from asking people if they want larger measures.

Anything which encourages greater consumption should not be allowed:

- Price-based promotions
- 'drink the bar dry'
- pub crawls
- mobile sales, e.g. shots sold from a tray and dispensed at your table
- Sales of treble measures

(words:100)

<p>Consultation Question 11:</p> <p>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)</p>		
Yes X	No	Don't know
<p>If Yes please specify in the box below (keeping your views to a maximum of 200 words)</p> <ul style="list-style-type: none"> • The need to keep a refusals book • Anyone who sells alcohol to have mandatory training i.e. BII Level 1: Social and Responsible retailing • Provision and promotion of lower strengths beers and wines • Promotion – not simply provision – of small measures; active promotion of soft drinks • The display of information, either at point of sale or otherwise, should be made compulsory stipulating units of alcohol and the recommended limits together with health harms • Off-sales individual marking of alcohol products to make it easier to determine where the supply is stemming from <p style="text-align: right;">(words: 89)</p>		

<p>Consultation Question 12:</p> <p>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)</p>		
Yes	No X	Don't know
<p>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)</p> <p>The current approach is not appropriate.</p> <p>Alcohol related harm is increasingly associated with cheap alcohol sold from off licence premises. Surveys and research consistently point to more alcohol being purchased from supermarkets and more consumed at home.</p> <p>Almost one in two publicans in Balance's recent survey indicated that they were seeing customers arriving drunk because of cheap supermarket offers. We also know that people who have pre-loaded before they go out are more likely to be a victim or perpetrator of crime.</p> <p>Mandatory training for anyone selling alcohol and the need to keep refusals registers are also relevant for off-sales.</p> <p style="text-align: right;">(words: 100)</p>		

<p>Consultation Question 13:</p> <p>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)</p>		
<p>We believe that public health should be a licensing objective in its own right and not tied to CIPs. People have transient drinking habits and therefore drink away from where they live. We do not accept that it would be disproportionate because the alcohol industry is already taking action as part of the Responsibility Deal as previous agreements, such as alcohol labelling have come to little effect.</p> <p>Available data includes:</p>		

- Accident and Emergency data
- Ambulance data
- Alcohol specific hospital admissions
- Alcohol attributable hospital admissions
- Under 18 admissions
- Liver and other alcohol related deaths
- Alcohol Treatment Service data
- Domestic abuse, sexual violence and child protection data
- Health Inequalities data
- Local data sources, e.g. residents' surveys.

We acknowledge that it is difficult to tie public health data to a specific licensed premise, particularly an off licence which is why we feel that public health data should be utilised to establish Licensing Policy per se and not be restricted to CIPs.

Furthermore, public health should be a consideration at the highest level in local authorities, playing a central role in planning and economic development.

(Words: 181)

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)

The evidential basis for a CIP would need to be expanded to enable consideration of public health issues as a basis for a CIP. Without a specific licensing objective in relation to public health we would encourage the Government to see public health as a public safety issue and enable health data to be used alongside other data (not specifically linked to crime and disorder) to determine where/whether a CIP would be appropriate for a certain area.

We would also encourage in any future guidance on CIPs explicit allowance of inclusion of the off-license trade within a CIP and not just sale for consumption on the premises.

(Words: 107)

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.

We believe that alcohol-related health harm data should be used in all licensing decisions not just that of a CIP. Introducing a public health data to support a CIP would enable licensing decisions to be made taking into account the full impact of alcohol related harm and health inequalities in an area. It would ensure that Licensing Committees are able to consider not only the perceived benefits for culture and leisure that alcohol brings but also the health inequalities and disadvantages alcohol brings to communities and enable them to make a full evidence based assessment on the necessity of any new licence.

We believe that it would help to limit the availability of alcohol where it is most needed, particularly to young people. We know from Alcohol Concern's report 'One On Every Corner' availability of alcohol to young people is an indicator of harm.

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 alongside accommodation as part of the contract –		X	
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)

We **profoundly** disagree with the need for 'freeing up the burdens on businesses' to make it easier to sell alcohol. TENs are sufficiently light touch.

The WHO states that, 'An increased density of alcohol outlets is associated with increased levels of alcohol consumption among young people, increased levels of assault, and other harm such as homicide, child abuse and neglect, self-inflicted injury and, with less consistent evidence, road traffic accidents.'

This proposal will increase the availability of, and further cement pro-normal attitudes to, alcohol. It will increase personal and social harm and worsen health inequalities. It will say to our children that alcohol has to be a central part of adult life.

The 'ancillary license' provisions contradict the measures in the Police Reform and Social Responsibility Act giving local people greater power to restrict the availability of alcohol in their neighbourhoods. How would they have their say on ancillary licenses?

While these proposals may reduce the burden on business, it will increase the costs and stresses on already stretched and shrinking public services. There are **significant** dangers of loopholes should such changes be introduced. Would a taxi-firm running a dial-a-drink service qualify for an ancillary license?

(word: 196)

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

Alcohol can be a dangerous, harmful and addictive substance. Simply because it is legal does not mean that it should not have adequate safeguards and controls over its sale. A sale of alcohol is a sale of alcohol no matter how big or small.

We would be interested to know the legal definition of 'small part of, or incidental to'?

This provision represents a real risk that alcohol becomes even more socially acceptable and fails to take into account the negative impact it has on society in terms of health harms, crime and disorder and wider societal and economic issues.

There is serious concern amongst police and local authority partners with regard to whom and how premises would be investigated to ensure that they are still eligible to be classed as an ancillary seller. At times of austerity and job cuts, why should a reduction in bureaucracy for businesses have to result in an increased workload and therefore increased cost for local authorities and the local tax payer?

(words: 171)

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)

There needs to be accountability for selling a potentially harmful substance. 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 the business is run in support of the licensing objectives?

Community premises are generally non-profit making whilst the proposed ancillary sellers are businesses. At a time when businesses are under pressure, there would be a temptation to make alcohol a more important part of their offer to customers.

We have significant concerns that the legislation would provide loopholes for irresponsible businesses to abuse.

Removing the need to advertise contradicts the Government's consultation: Rebalancing the Licensing Act – a consultation on empowering individuals, families and local communities to shape and determine local licensing which resulted in the vicinity test being removed to encourage communities to participate in licensing at a local level.

The proposal to withdraw the annual fee for ancillary sellers is also a concern to local authorities as licensing even with the licensing fees is not cost neutral. Again, the previous consultation introduced the ability to set fees to cover costs, yet with this proposal, a significant number of premises would be exempt.

(words: 199)

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			
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

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	Motorway services should receive a nationally prescribed exemption from regulations for the provision of late night refreshment		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)	
<p>None – the World Health Organisation states that one of the key ways to reduce alcohol harm is to control the availability of alcohol. Alcohol is more available than ever before. It is available 24 hours a day, seven days a week and dial a drink services mean it can even be delivered to your door. The suggestions laid out here risk compounding the errors made in trying to create a so called 'café/24 hour drinking culture'.</p>	
(words: 76)	

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	

<p>Consultation Question 31:</p> <p>Do you think that each of the following would reduce the overall burdens on business? (Please select one option in each row)</p>				
		Yes	No	Don't know
A	Remove the requirements to advertise licensing applications in local newspapers			
B	Remove the centrally imposed prohibition on the sale of alcohol at MSA's for the on and off trade			
C	Remove the centrally imposed prohibition on the sale of alcohol at MSA's but only in respect of overnight accommodation – "lodges"			
D	Remove or simplify requirements to renew personal licences under the 2003 Act			

<p>Consultation Question 32:</p> <p>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)</p>				
		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		

<p>Consultation Question 33:</p> <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? (Please specify in the box below keeping your views to a maximum of 200 words)</p>	
<p>We do not believe that any processes under the 2003 Act could be removed. We feel that the TENs process is sufficiently light touch for businesses.</p> <p>We do feel that once local authorities are able to set their own fees the Licensing Authority could take some of the burden away from the applicant in relation to advertising on their behalf.</p> <p>We also feel that the development of a national database for personal license holders would considerably help both local authorities and license holders. We also believe that personal license holders should have to undertake refresher training of legislation, policy etc and CRB checks at least every 5 years.</p> <p style="text-align: right;">(Words: 108)</p>	

<p>Consultation Question 34:</p> <p>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)</p>				
		Yes	No	Don't know
A	Minimum unit pricing			
B	Multi-buy promotions			

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

<p>Consultation Question 35:</p> <p>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>		
Yes X	No	Don't know
<p>If yes please specify in the box below, referencing clearly the impact assessment and page to which you refer (keeping your views to a maximum of 400 words).</p>		