

## **ALCOHOL CONSULTATION – RESPONSE**

**(CLOSING DATE: 6<sup>TH</sup> FEBRUARY 2013)**

The Government is consulting on five issues arising from the National Alcohol Strategy published on 23<sup>rd</sup> March 2012. This is a considered response to the consultation questions. In addition to the responses of key Boards, individuals are invited to submit their responses via the website. <P:\Alcohol\Alcohol consultation responses\alcohol-consultation-document.pdf>

### **A MINIMUM UNIT PRICE FOR ALCOHOL**

*This Government is consulting on the introduction of a recommended minimum unit price of 45p. In June 2012, following consultation the Scottish Government passed legislation, which would allow it to introduce a minimum unit price for alcohol. It is intended that this will be set at 50p per unit.*

*The Government wants to ensure that the chosen minimum unit price (mup) level is targeted and proportionate.*

#### **Consultation Question 1:**

**Do you agree that this mup level (45p) would achieve these aims?**

**If you think another level would be preferable, please set out your views on why this might be.**

The intention to introduce a minimum unit price level for alcohol is welcomed. A 50p mup for alcohol should be introduced. If the intention is to achieve a significant reduction in harm then a higher level than 45p will be needed. The modelling of a 50p mup shows an overall reduction in harm of -5.7% compared with -3.5% for a 45p mup. There is an estimated health gain of 13.3% at 50p mup as measured by a reduction in alcohol related admissions to hospital. This would be very welcome in Dudley where we have experienced an average rise in the rate of admissions of 13% over the last ten years - much higher than the national average of 7% over the last decade. Crime is also expected to decrease by 2.9% at a 50p mup against 1.7% if a 45p mup were introduced. There is consistently strong evidence to suggest that increasing alcohol price is associated with a reduction in consumption with harmful drinkers affected the most. Meng et al (2012)<sup>1</sup> have shown that there are significantly greater gains for health improvement, crime reduction and absenteeism from work by introducing higher level minimum unit pricing.

(197 words)

<sup>1</sup> Meng, Y. et al. (2012) '[Model-based appraisal of alcohol minimum pricing and off-licensed trade discount bans in Scotland using the Sheffield Alcohol Policy Model \(v.2\): Second update based on newly available data](#)' ScHARR, University of Sheffield

### **Consultation Question 2:**

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

The introduction of a minimum unit price on its own will bring some noted benefits but other actions being taken in conjunction with it is likely to bring even greater benefits. Affordability and increased availability of alcohol are two of the main reasons why alcohol consumption has increased so dramatically over the last decade. Whilst alcohol prices have increased slowly, household disposable income has increased more steeply. The affordability of alcohol has increased sharply since 1996. The relaxation of the licensing laws has meant alcohol is readily available for longer periods of time both as a result of on-trade licensing hours and off-trade 24 hour supermarket trading. Tackling affordability through minimum unit pricing is welcome but there also needs to be measures in relation to the wide availability of alcohol.

(words 130)

### **Consultation Question 3:**

#### **How do you think the level of minimum unit price should be adjusted over time?**

The minimum unit price should be automatically updated in line with inflation each year. An additional mechanism should exist to consider additional increases to the MUP if it is shown to be insufficient or if its impact declines over time, for example, as disposable income rises.

### **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 a minimum unit price for alcohol?**

There is some concern that low-income moderate drinkers may be affected by the introduction of a mup and whilst it may be the case that they tend to buy cheaper alcohol, if they are drinking at low levels the financial impact is likely to be small.

Conversely, high earners who are drinking at harmful levels are less likely to be impacted on by a mup since they are more likely to consume more expensive wines or spirits which are already above the 45p or 50p mup levels. Alternative interventions need to be considered to tackle this group of harmful drinkers.

Consideration should be given to retail staff in small stores who will implement this policy and be in the front line of any customer dissatisfaction.

(words 101)

## **A BAN ON MULTI-BUY PROMOTIONS IN THE OFF-TRADE**

*The Government wishes to consult on introducing a ban on multi-buy promotions in the off-trade as part of its wider strategy to reduce excessive alcohol consumption alongside the minimum unit price proposal.*

*The following promotions would not be allowed:*

- *2 for the price of 1 (or 3 for 2, buy one get one free, or buy 6 get 20% off etc.)*
- *3 for £10 where each bottle costs more than £3.33*
- *24 cans of beer being sold for less than 24 times the price of one can in the same retailer, or a case of wine priced more cheaply than 12 times the individual price of the same bottles.*
- *Different multi-pack prices or multi-buy multi-pack offers e.g. 10 bottles of alcopops being sold for less per bottle than a package of four bottles, or 3 packages being sold for less than three times the price of one 10 bottle pack.*

*It would not affect:*

- *Half price offers*
- *A third off offers*
- *£x off any individual item.*

*(as long as the mup was still observed)*

### **Consultation Question 5:**

**Would you support a ban on multi-buy promotions involving alcohol in the off trade?**

We support a ban on multi-buy promotions involving alcohol in the off trade.

### **Consultation Question 6:**

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

The proposals on multi-buys seem appropriate. There is a risk that the price of individual items would be reduced to match the price of items in a multi-pack as a loss leader as is currently the case with below cost sales and steps should be taken to reduce the risk of this.

There are also risks that there will be recurrent sales of smaller multi-buy packs and we recommend the extent to which measures could be introduced to reduce this risk i.e. limiting the number of packs or volume of alcohol that can be purchased in on sale – this is analogous to the measures put in place to limit short term recurrent purchases of paracetamol. There is certainly a risk that multiple purchases of a half price product would negate the ban on multi buy offers.

#### **Consultation Question 7:**

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

Scotland are trailing this at the moment, it would be helpful to know the outcome of this evaluation in order to make a reasoned response. It is anticipated that the outcome of the Scottish trials will be released shortly.

#### **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?**

*There is likely to be a group of shoppers who buy goods in bulk, on a planned basis, to minimise the number of shopping trips, and to save money over time by taking advantage of multi-buy promotions. This strategy would apply to all goods but would include alcohol and this group is likely to be disadvantaged by a ban on multi-buy promotions.*

### **REVIEWING THE MANDATORY LICENSING CONDITIONS**

*The Government is committed to reviewing the impact of the current mandatory licensing conditions to ensure they are sufficiently targeting problems such as irresponsible promotions in pubs and clubs. The Government has also committed to consult on whether these mandatory licensing conditions should, where relevant, apply to both the on- and off-trade.*

*There is an expert group considering the implications of this objective.*

#### **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)**

We would not wish to see licensing objectives relaxed in any way. The five current mandatory conditions are an effective minimum tool in promoting all four licensing

objectives, however they require licensing enforcement officers to monitor compliance in both a planned and reactive manner.

**Consultation Question 10:**

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

No, they are not enough.

The mandatory licensing objectives do have some impact on irresponsible promotions, but they require continuous monitoring and enforcement to make them effective. This is a resource drain on the police, licensing authorities and trading standards, who have to remain vigilant both by planned monitoring and in response to specific complaints or concerns.

**Consultation Question 11:**

**Are there any other issues relating to the licensing objectives which could be tackled through a mandatory licensing condition?**

Public health measures could be considered, either as an additional mandatory target, or as a consideration on the existing targets e.g. awareness of the different impacts of alcohol consumption on children and adolescents, plastic drinking containers etc

**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?**

Mandatory conditions should be applicable to both on and off-trade premises, albeit that the current mandatory conditions that apply to the on-trade are not all applicable to the off trade.

**HEALTH AS A LICENSING OBJECTIVE FOR CUMULATIVE IMPACT POLICIES**

*The Government is committed to enable local authorities to take wider alcohol-related health harm into account in licensing decisions; a current gap, which would need to be amended through legislation.*

*Recent evidence shows that levels of health harm can be linked to the density of licensed premises. It is proposed that health harms can be taken into account when deciding on cumulative impact policies. Currently these are decided on based on crime and disorder data. The consultation is to establish how population health data can be used in areas with high levels of alcohol mortality and morbidity to reduce the density of licensed premises in an area. The Government had considered a separate mandatory licensing objective for health but has decided that this would be*

*disproportionate. The new power would be discretionary and would allow areas with high levels of alcohol related harm to maintain or reduce the density of licensed premises in an area.*

### **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?**

We consider that health should be a separate mandatory licensing objective and ask the Government to reconsider their decision on this.

For CIP the following evidence could be used:

- Mapping of licensed premises to show density in an area
- Mapping of alcohol mortality (HES)
- Alcohol related admissions to hospital (HES)
- Crime and alcohol data from A&E attendances (would need to be more robust – possibly make it a reporting requirement for the new drugs and alcohol reporting system to PHE)
- Findings from local lifestyle surveys on alcohol consumption
- Data from local service providers showing numbers in treatment and mapped by postcode

It is however acknowledged that police data relating to crime and disorder can be more easily linked to a specific time and location and related to licensed on-premises whereas evidence collected and collated around alcohol related health harm is more difficult to link to specific licensed premises or areas with high numbers of licensed premises (on or off trade).

### **Consultation Question 14:**

**Do you think any of the current cumulative impact policy process would need to be amended to allow consideration of data on alcohol related health harms?**

Yes.

CIP at the moment is only recommended by the police where crime and disorder is an issue. It relates to a comparatively small area and is usually related to the activity of the on-trade. In order to take account of wider health impacts it will be necessary to be able to look at the density of the off-trade premises as well. These premises are not usually associated with crime and disorder but do provide opportunities for large volumes of alcohol to be bought and consumed elsewhere in the neighbourhood e.g. parks, wasteland, woodland, on the streets.

When CIP is being considered by a Licensing Committee, there is an onus to prove that the crime and disorder is associated with particular premises. This is not going

to be possible when considering the impact of alcohol related harm which may take many years to manifest itself. Using A&E data is very limiting in this situation and so to be effective, more general links would have to be sufficient such as data compared to national averages for comparable areas.

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### **Consultation Question 15:**

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

Dudley has some areas where alcohol mortality and alcohol admissions to hospital are well in excess of regional and national averages, which are, themselves, too high for the country's population health. Reducing affordability and availability of alcohol is known to impact on the amount and type of alcohol consumed, so making it more difficult to access and more expensive to buy will impact the most on hazardous and harmful drinkers and ultimately improve health and well-being. It will also contribute to reducing health inequalities since alcohol harm disproportionately affects those from the poorest backgrounds; so although they may drink less than other socio-economic groups, they bear the greatest burden of alcohol related ill health. This is particularly true for males aged 35-54 in Dudley who are contributing most to the high numbers of alcohol related hospital admissions in the Borough.

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### **FREED UP RESPONSIBLE BUSINESSES**

*Following the Government's Red Tape challenge in 2011, three areas of reform were specified:*

- *Alcohol licensing for certain types of premises providing minimal alcohol sales (ancillary sellers)*
- *Temporary events notices (TENs)*
- *The licensing of late night refreshment*

*The Government believes there is scope for deregulation where the sale of alcohol can be considered to be ancillary to the main purpose of a business. The examples quoted are a guesthouse offering new arrivals a welcome drink, or a hairdresser offering a glass of wine as a choice along with tea, coffee or a soft drink. At the moment this would require a full licence and adherence to all of the mandatory licensing requirements.*

*The details of this will be explored through a technical group, which will report back in due course.*

### **Consultation Question 16:**

**Should special provision to reduce 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? (Please select an option in each row):**

The consultation questions for this objective are mainly in a tick-box format to be completed on-line, with limited scope for comment. However the following observations could be included in the submission.

- **Alcohol licensing for certain types of premises providing minimal alcohol sales (ancillary sellers)**

Whilst we understand the need to not be overly bureaucratic with small businesses, this relaxation of licensing law compliance could be seen to promote alcohol as an accompaniment to everyday activities such as buying flowers or going to the hairdressers, and whilst the intention is not to promote heavy drinking it provides additional opportunities and venues for the easy availability of alcohol with its known risks of additional health harm.

We agree that a special provision could be limited to a specific list of certain types of business and sales but do not agree to a special provision to all businesses on a wider basis.



**Consultation Question 17:**

**If 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? (Please select one option in each row):**

*Special provision should apply to A. Accommodation providers, D Cultural organisations such as theatres etc and E. Regular charitable events.*

**Consultation Question 18:**

**Do you have any suggestions for other types of business to which such special provision could apply without impacting adversely on one or more of the licensing objectives?**

*None suggested.*

**Consultation Question 19:**

**The aim of the new ancillary seller status is to reduce burdens on businesses where 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 proposed in paragraph 9.6 meet this aim?**

*No. The range of business able to attain ancillary seller status should be limited by the type of business rather than by then limiting the quantity of alcohol supplied. This regime would be considerable more difficult to police and enforce and is more open to abuse.*

The government is consulting on two basic approaches which could be used to reduce the burden on premises where they have been given the status of ancillary seller

Option A – Removing the need for a personal licence holder.

Option B – Removing the need for a premises license.

**Consultation Question 20:**

**Do you think that these proposals would significantly reduce the burdens on ancillary sellers? (Please select one option in each row).**

*The Authority would favour a new light touch form of authorisation for the premises making ancillary sales – an ASN – with no requirement for a personal licence holder. This would appropriately and significantly reduce the burdens on defined ancillary sellers whilst not unduly increasing the administrative burden upon the licensing authority.*

**Consultation Question 21:**

**Do you think that the following proposals would impact adversely on one or more of the licensing objectives? (please select one from each row).**

*In the light of the limited proposals for ancillary sales, the authority would not envisage its preferred option (light touch option C) having an adverse impact on any of the four licensing objectives.*

**Consultation Question 22:**

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

*The ability to hold an ASN to account would be a vital part of a lighter touch authorisation regime, and this should be available whether the ASN holder holds a personal license or not. The offence would be an unlicensed sale of alcohol and would be committed by a person who does not supply alcohol in accordance with an ASN.*

Occasional provision of licensable activities at community events.

**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? (select one option).**

*The Authority would support this.*

**Consultation Question 24:**

**What impact do you think a locally determined notification would have on organisers of community events? (select one option in each row).**

*This would reduce the administrative burden.*

An Extension of the TEN limit at individual premises

**Consultation Question 25:**

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

We do not agree that the current number of TENs should be increased in respect of individual premises as this could be construed as a way of circumventing the need to apply for licence variations and could increase late night drinking and public nuisance.

**Consultation Question 26:**

**If yes, please select one option to indicate which you would prefer.**

*The Authority's answer is No.*

Late Night Refreshment

**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).**

*We agree that the local licensing authorities should have local discretion around late night refreshment by determining that premises in certain areas could be considered to be exempt from a local licence. However, there would need to be a mechanism for reclassifying local areas if future problems arose in that area. The authority would not however support the power to determine that certain types of premises in their area are to be exempt. Locality rather than type of premise is of greater significance to the Authority and local community. We consider that the licensing of late night refreshment is a useful mechanism for the control of anti-social behaviour late at night.*

**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).**

*We support the proposal that motorway services should be exempt from the licence condition for the provision of late night refreshment but would not support the sale of alcohol as part of this exemption.*

**Consultation Question 29:**

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

*None.*

Further Proposals to reduce the burden on business.

**Consultation Question 30:**

**Do you agree with the following proposals?**

**A. Remove the requirement to advertise applications in newspapers – Yes**

**B. Remove the centrally imposed prohibition on sale of alcohol at MSA's - Yes**

**C. As B but only for overnight accommodation "lodges" – Yes**

**D. Remove or simplify requirements to renew personal licenses – No. No personal licences will be renewed until 2015.**

**Consultation Question 31:**

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

**A. Remove the requirement to advertise applications in newspapers – Yes**

**B. Remove the centrally imposed prohibition on sale of alcohol at MSA's - Yes**

**C. As B but only for overnight accommodation "lodges" – Yes**

**D. Remove or simplify requirements to renew personal licenses – No.**

**Consultation Question 32:**

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

**A. Remove the requirement to advertise applications in newspapers – Don't know**

**B. Remove the centrally imposed prohibition on sale of alcohol at MSA's - No**

**C. As B but only for overnight accommodation "lodges" – No**

**D. Remove or simplify requirements to renew personal licenses – No**

**Consultation Question 33:**

**Any other amendments to the 2003 Act to impact favourably upon business?**

*None*

Impact Assessments

**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?**

*No comments.*

**Consultation Question 35:**

**Any comments on the assumptions used in the impact assessments?**

*None.*