



6/2/2013

Please see the following comments which form the Metropolitan Police Service response to the Home Office 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?**

Yes

**If you think another level would be preferable, please set out your views on why this might be in the box below (200 words).**

A 45p MUP will only affect many low value and own brand alcohols, and whilst the research may show that hazardous and harmful drinkers favour these types of alcohol, these groups may begin to favour higher ABV alcohols as the MUP proposed is unlikely to impact significantly on these.

We would strongly advocate a minimum MUP level of 50p this would reduce further the number of hazardous and harmful drinkers based on the assumptions that previous research has identified; this would seem to be supported by BMA research.

In addition this should also impact upon those who pre load and often become the focus for further binge drinking and alcohol related crime. (112)

**Consultation Question 2: Should other factors or evidence be considered when setting a minimum unit price for alcohol? (200 words)**

Yes. - The focus of the MUP will have health benefits but the wider impact on Alcohol Harms in the Night Time Economy (NTE) is less clear. The assumption from research as presented shows a 6% reduction in consumption from off sales outlets but a 3% increase in on-licensed premises; it is inevitable that this will place the burden firmly in the NTE. Any MUP should also seek to impact on all aspects of immoderate drinking.

The MUP should be supported by schemes such as the sobriety scheme; these should become a focus for decreasing the harms caused by alcohol. This should be allied with a nationally prescribed alcohol intervention process that should apply to anyone coming into the criminal justice regime for any alcohol related offence.

Published research shows that some brief interventions do not provide significant reductions in harmful or hazardous drinking but require more intensive and therefore expensive interventions, such as sobriety, the burden for paying for these intervention schemes should rest with these individuals and the alcohol industry.

**Consultation Question 3: How do you think the level of minimum unit price set by the Government should be adjusted over time?**

The minimum unit price should be automatically updated in line with inflation each year, however a review of the effectiveness of this should also be taken after no longer than two years.

**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? (100 words)**

Yes- Likely to have a positive impact on under age drinking, as although not young people all will be in the hazardous or harmful categories this group will have limited finances and as such is likely to reduce consumption in this at risk group.

Whilst the focus of the MUP is to reduce Health Harms for Hazardous and Harmful drinkers the availability and price of alcohol is unlikely to lead to any significant reduction in crime and disorder linked to binge drinking, which often contributes to the disorder seen in town centre's up and down the country. (96)

**Consultation Question 5: Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?**

Yes

**Consultation Question 6: Are there any further offers which should be included in a ban on multi-buy promotions? (100 words)**

Yes - Any offer that allows a multi buy discount to be hidden in another offer, i.e. buy 3 cases of alcohol get a £10 discount on your food, petrol, etc.

Any offer that leads to discount on other items e.g. buy 2 cases of beer get vodka half price.

Also it is not uncommon for alcohol to be produced in slightly differing sizes e.g. 440ml and 500ml cans clearly if one were stocked as a 4 pack or an individual can then the other size can be sold in case size but still equate to a significant discount pro rata. (101)

**Consultation Question 7: Should other factors or evidence be considered when considering a ban on multi-buy promotions? (200 words)**

Yes - Premises that have mixed use should also be considered, as there is a possibility of linking an on sale to an off sale, e.g. buy a product in the 'on' sale part receive a discount for off sales.

Multi buy promotions are only part of the problem around the control of alcohol, the prevalence of high sugar and attractively packaged 'Ready To Drink' alcoholic beverages supported by marketing campaigns clearly targeted at young drinkers encourage immoderate drinking and lead to risky behaviours.

The industry continues to produce very high ABV products (excluding wine and spirits) 7%-9%, which are supplied as a 'four pack' this equates to between 14 and 18 units of alcohol, the very availability of these products demonstrate that the industry find it viable to produce them and the proposed MUP would only increase the price of 'branded' products by a few pence. It is arguable that the very availability of these products supports harmful and hazardous drinking. (162)

**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? (100 words)**

Yes - A positive impact should be felt by police and health services as current research suggests that a reduction in alcohol consumption will have a corresponding reduction in crime and the demand for health services.

A ban on any promotion or marketing activity that actively encourages the purchase of alcohol is a positive step towards the aim of reducing all alcohol harms and crime and disorder linked to alcohol. The recent legislative change to require a ban on tobacco advertising and the placing of cigarettes out of site is aimed at tackling the health harms of tobacco; it would seem similarly appropriate to prevent alcohol being openly advertised and prevent alcohol being placed around a shop particularly at the entrance or placing alcohol in amongst other promotional items. (129)

**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)?**

		Prevention of crime and disorder	Public safety	Prevention of public nuisance	Protection of harm from 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? (100 words)**

No

Remove the words after premises in para 2 of Article 3 Schedule Mandatory Licensing Conditions.

Move the words 'for free' to after the word fee in para 2 (b)

In para 2 (d) remove the words after alcohol up to and including the word event.

Require that age verification policy be written and require it to be displayed at the entrance and at the point of sale that details/outlines the policy.

Require that the measures of dispense (para 5) become the default measure for sale unless specifically requested by the customer, a prohibition on staff offering the larger measure or up selling. (102)

**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? (200 words)**

Yes - We have evidence that sales by the bottle in on licensed premises have led to sexual assault and violent crime. There is a current trend for customers in VIP areas and seated at tables to have bottles of spirits on tables, this can lead to excessive consumption as the customer has often purchased at the time of supply the drunkenness may not occur for a period of time thereafter. This can also lead to confrontation when a customer is asked to surrender alcohol should a problem be identified or even at the end of the night customers may wish to take any unconsumed alcohol with them.

The evidence shows customers swigging directly from bottles, and walking around the premises with the bottle in hand, also then using the bottles as weapons.

We consider that controls to regulate this growing problem are needed this could be by way of a condition prohibiting the supply of alcohol in bottles to table above a given alcohol by volume, invariably the trade would resist this but the risk is akin to direct dispense into the mouth but with the additional risk posed by the bottle becoming a weapon.

The ability for a Licensing Authority to be able to tailor a local Mandatory condition would prevent opportunity for specific local problems to be dealt with.

An example could be a requirement to have polycarbonate drink ware in an area that has a number of glass related incidents.

(241)

**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? (100 words)**

No - Broadly the balance is correct, there however does remain a significant amount of alcohol sold through off-sales premises that fuels pre-loading by its price, heavy promotion and placement. Restrictions on the areas from where alcohol may be sold e.g. only in one area and not placed at the entrance or in multiple sites would assist along with a prohibition on advertising material. (79)

**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? (200 words)**

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

(41)

**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? (200 words)**

Yes

If Health as a ground for the introduction of a CIP is to have any meaningful impact then it is important to require licensing authorities to consider health data rather than to allow it to be discretionary. (37)

**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. (200)**

Allowing the introduction of data pertaining to alcohol related health harms would allow proper consideration to be made of all of the factors relating to the provision of alcohol in an area and would provide support for an holistic approach to managing the range of issues that arise from alcohol and its over provision in an area. It would also bring additional data in respect of unreported assaults that are related to alcohol that present at A and E, this would assist in giving a fuller crime picture.

We continue to see evidence of the wider harms caused by the availability and consumption of high sugar, attractively packaged, alcoholic ready to drink beverages, which because of their marketing and placement are attractive to young people who are then at risk of health harms and or of becoming perpetrators or victims of crime. This combined with alcoholic

drinks mixed with stimulants such as caffeine which can mask to a degree the effects of alcohol leading to higher incidences of consumption and drunkenness.

We consider that this proposal and the MUP and multi-buy proposals, should be the first steps in support of the introduction of health as a Licensing Objective. (197)

**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?**

		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 (paragraph 9.5)		No	
B	The provision should be available to all businesses provided they meet certain Qualification criteria to be an Ancillary seller (paragraph 9.6)	Yes		
C	The provision should be available to both a specific list of premises and more widely to organisations meeting the prescribed definition of an ancillary seller, that is both options A and B		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?**

		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	Florists, providing alcohol alongside the purchase of flowers			X
D	Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the entry ticket		X	
E	Regular charitable events, providing alcohol as part of the wider occasion	X		

As the consultation stands the proposed list A-C whilst seemingly innocuous could contain some significant anomalies and as such we could not commit to agreeing to the proposals without detail.

**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? (200 words)**

Any relaxation in the control mechanisms for alcohol regardless of business benefit need to be weighed against the risk to the licensing objectives, ultimately the proposals are about increasing the availability of alcohol whilst reducing the control, which could prove to be a flawed approach as increased availability can lead to increased consumption. (53)

**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? (200 words)**

No - We consider that the definition does not go far enough and will leave too wide an interpretation, the amount of alcohol supplied would have to be defined carefully, as the variation between a bottle of wine or champagne with a gift of followers etc, is significantly more than a small glass of alcohol as part of a tour, and also at book launches or receptions how much alcohol could be supplied.

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

In summary we agree in principle that there are business benefits with ancillary sales but would want to see a tighter and more robust definition, we would also consider that sales be restricted to a specified time frame this would prevent premises operating late at night supplying alcohol, to customers and adding to the potential policing burden. (171)

**Consultation Question 20: Do you think that these proposals would significantly reduce the burdens on ancillary sellers?**

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed	Yes		
B	Introduce a new light-touch form of authorisation for premises making ancillary sales – an ASN, but retain the need for a personal licence holder.	Yes		
C	Introduce a new light-touch form of authorisation for premises making ancillary sales – an ASN – with no requirement for a personal license holder	Yes		

**Consultation Question 21: Do you think that the following proposals would impact adversely on one or more of the licensing objectives?**

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	Yes		



B	Introduce a new light-touch form of authorisation for premises making ancillary sales – an ASN, but retain the need for a personal licence holder.	Yes		
C	Introduce a new light-touch form of authorisation for premises making ancillary sales – an ASN – with no requirement for a personal license holder	Yes		

**Consultation Question 22: What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation? (200 words)**

There will need to be an ability to revoke or remove an ASN, also hours of operation need to be able to be restricted.

A procedure similar to a minor variation would appear to be an appropriate mechanism.

Any deregulation would need to be balanced against the risk of increase in alcohol consumption and any impact on crime and disorder particularly within the Night Time Economy.

A Licensing Authority should be able to require premises with and ASN to obtain a full licence should problems arise from the business ancillary seller status.

Developing an area to provide a greater offer to the public by the management of the number of alcohol led premises and increased retail and cultural activities. This can be achieved by positive place shaping and supported by schemes such as Purple Flag, this would allow for a greater range of premises that could potentially benefit from an ASN whilst retaining overall control of alcohol availability, but increasing business and reducing alcohol fueled crime. (166)

**Consultation Question 23: Do you agree that licensing authorities should have the power to allow organisers of community events involving licensable activities to notify them through a locally determined notification process?**

No

**Consultation Question 24: What impact do you think a locally determined notification would have on organisers of community events?**

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

**Consultation Question 25: Should the number of TENs which can be given in respect**

**of individual premises be increased?**

No. Tens remain a problem for police supervision and the ability to increase the number of Tens will significantly add to the burden. This is particularly the case where used by premises to seek amendment of its licence. It would seem appropriate that if a premises or group need to seek more than 12 Ten's then a licence would be more appropriate.

**Consultation Question 26: If yes, please indicate which option you would prefer:**

No preference

**Consultation Question 27: Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways?**

		Yes	No	Don't know
A	Determining that premises in certain areas are exempt.		No	
B	Determining that certain premises types are exempt in their local area		No	

**Consultation Question 28: Do you agree that motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment?**

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

**Consultation Question 29: Please describe any other types of premises to which you think a nationally prescribed exemption should apply.**

None

**Consultation Question 30: Do you agree with each of the following proposals?**

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

**Consultation Question 31: Do you think that each of the following would reduce the overall burdens on business?**

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local	Yes		

	newspapers			
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.			Don't know
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – 'lodges'.			Don't know
D	Remove or simplify requirements to renew personal licences under the 2003 Act.			Don't know

**Consultation Question 32: Do you think that the following measures would impact adversely on one or more of the licensing objectives?**

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers		No	
B	Remove the centrally imposed prohibition on	Yes		

	the sale of alcohol at MSAs for the on and off-trade.			
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – ‘lodges’.	Yes		
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	Yes		

**Consultation Question 33:** In addition to the suggestions outlined above, what other sections of or processes under the 2003 Act could in your view be removed or simplified in order to impact favourably on businesses without undermining the statutory licensing objectives or significantly increasing burdens on licensing authorities?

No comment

**Consultation Question 34:** Do you think that the Impact Assessments related to the consultation provide an accurate representation of the costs and benefits of the proposals?

		Yes	No	Don't know
A	MUP	Yes		
B	Multi-buy promotions	Yes		
C	Health as a licensing objective for cumulative impact	Yes		

D	Ancillary sales of alcohol	Yes		
E	Temporary event notices	Yes		
F	Late night refreshment	Yes		
G	Removing the duty to advertise licence applications in a local newspaper	Yes		
H	Sales of alcohol at MSA	Yes		
I	Personal licences	Yes		

**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.**

No.

#### Additional Comments

The overall focus of the proposals are appropriate but the Metropolitan Police would wish to see a greater focus not only on Harmful or Hazardous drinkers but measures to tackle those who binge drink and contribute to crime and disorder in the night time economy. The polluter should pay is a reasonable position.

There also needs to be significant penalties in place for alcohol related offences and a positive commitment from the Government to ensure that alcohol is seen as an aggravating factor when sentencing offenders.

It is clear that schemes such as sobriety need to be made mandatory nationally with heavy punishments for recidivist offenders.

The current legislative process for dealing with problem premises remains fundamentally flawed and police and local authority action to control these premises is thwarted by an appeals process that allows a premises to continue trading pending appeal, without any of the control measures imposed at review hearings.