



This document is being submitted by Licensing Legal Solicitors on behalf of the Manchester Pub & Club Watch Committee.

Consultation on delivering the Government's policies to cut alcohol fuelled crime & anti-social behaviour

Minimum Unit Price for Alcohol

Question 1

No. The Minimum unit price of 45p would probably not reduce the excessive alcohol consumption in respect of people who are supposedly alcohol dependent - these are the ones that the new provisions are attempting to help. People with alcohol-related illnesses will find the money to purchase even slightly higher-priced alcohol, and this may even lead to an increase in crime, in order to fund this.

In the Impact Table provided, the increase per year for a harmful drinker is £118. This equates to approximately £2.27 a week – which does not appear to be a meaningful deterrent. Again the increase per year for hazardous drinkers is only £49 - which is approximately 94p a week.

It has been suggested that the introduction of an MUP will help smaller businesses compete with large supermarket chains which can afford to charge far less for alcohol, due to their ability to bulk buy.

One benefit of an MUP would be to put some form of balance back between the on trade and the off trade in terms of pricing. This may encourage people back into local pubs and bars.

Question 2

Yes. It is impossible to properly estimate the impact on businesses, as any figures would be purely speculative at this stage. There is no real evidence to back up the figures provided in the Impact Table i.e. the *predicted* reduction in crime. It would be interesting to have more information as to how these figures have been reached, particularly when chronic drinkers are likely to satisfy their needs irrespective of costs, and may turn to crime in order to accomplish this.

Also, I believe there to be a contradiction in that it estimates an increase in revenue to businesses in the first year of £1,040m, but suggests that the MUP will lower the amount of alcohol purchased.

The likelihood is that the MUP will only lower the alcohol purchases of people who see alcohol as a luxury and not a necessity. One possibility would be to limit MUP to alcoholic beverages containing a higher ABV.

Question 3

To be effective in the terms suggested in the document the MUP has to be adjusted over time. As alcohol prices rise and inflation has a further impact, then the MUP would become pointless unless it also rose.

Question 4

I believe that the people most affected by MUP will be alcohol-related retail businesses and even responsible drinkers. If there is a total reduction in alcohol by 3.3% as stated in the Impact Table (although we feel this may be a much higher figure), then it only stands to reason that profit from the sale of alcohol will decrease. It is our opinion that the people who will cut down on the purchase of alcohol are those who see it as a luxury, i.e. people who purchase say a bottle of wine with their weekly shop. If the prices rose then this group may reconsider the need for such an expenditure, which would in turn cut the profits of relevant businesses.

A ban on multi-buy promotions in the off-trade

Question 5

Yes – although possibly a consideration could be given to perhaps banning multi-buy promotions for persons under the age of 25 or even 30. This would reduce the 'pre-loading' that occurs when people drink excessively before going to bars and clubs, in order to save money.

Question 6

No. Some of the offers set out in the table provided are already rendered somewhat redundant by the list of promotions that would NOT be banned.

For instance; a two for the price of one offer would be banned but half price offers would not? These two offers have the same net result, making it purely a matter of how a Premises Licence holder markets this particular deal.

Question 7

The age range of people who are most likely to take advantage of multi-buy offers needs to be considered; for instance, are the majority of offers utilised by young people who are pre-loading with alcohol before going out for the evening to bars and clubs? In our experience, this behaviour can lead to problems for Premises Licence holders of such bars and clubs.

There needs to be some kind of balance, for instance our suggestion regarding an age limit on those able to purchase multi-buy promotions. The research provided by the Institute of Alcohol Studies "suggests that supermarket promotions, and discounts on alcohol, increase sales by 20 – 25% and that 83% of customers who purchase alcohol on promotion will return for a second purchase". Any new legislation needs to consider any effect on both the 'On' and 'Off' trades.

Question 8

Yes. This will affect responsible drinkers, particularly those on a low income who purchase multi-buy offers as part of a weekly grocery shop. This would not mean that they would go home and consume all the alcohol purchased, but more likely that they would retain a proportion for use at a later date.

Reviewing the Mandatory Licensing Conditions

Question 9.

A	Yes	Yes	Yes	No
B	Yes	Yes	No	No
C	Yes	Yes	No	No
D	Yes	No	No	Yes
E	Yes	No	No	No

Question 10

"Irresponsible promotions" is in itself is a vague term, and open to interpretation. Different Councils will have different interpretations of the meaning of the word 'irresponsible' (and a number of the other elements required to fulfil the definition) and without a standard being applied, the playing field cannot be a level one.

The word 'irresponsible' means lacking a sense of responsibility – however an interpretation of whether a person has acted responsibly or not is not an easy one to make. What actually constitutes an 'irresponsible promotion'?

Although nobody needs another long list (and indeed it may be impossible to have an exhaustive list), more guidelines or clearer wording are required.

The Mandatory Conditions regarding free tap water and smaller measures are relatively ineffectual in relation to irresponsible promotions in any event. For instance, smaller measures are on offer but only alongside the larger measures, so it is up to the customer what they order.

Question 11

Don't know. There are a number of other issues that *might* be tackled through Mandatory Conditions; however it is not beneficial for the licensed industry to keep imposing Conditions and extending the requirements and responsibilities of a Premises Licence holder.

It would be impossible to come up with an exhaustive list of Mandatory Conditions that would eliminate most perceived problems, without penalising responsible operators. If a premises is being operated in a way which undermines any of the Licensing Objectives, then there is the opportunity for a Review to redress this.

Question 12

No. Conditions must be imposed on a case by case basis.

Health as a licensing objective for cumulative impact policies

Question 13

Figures from local Accident & Emergency units showing the number of incidents *considered* to be alcohol-related. Also, statistics from other Departments in the Hospital showing health-related conditions as a result of excessive alcohol consumption. However, any statistics relied upon must be carefully analysed.

Question 14

Yes. I consider that the Local Authority would need to add another body to their consultation process - as was recently done in the consideration of licensing applications. However, it should be noted that local Primary Care Trusts were recently added to the list of Responsible Authorities for licensing applications, and yet as a Licensing Practice we have received very few Representations from this Authority.

Question 15

The impact in terms of public health is much harder to evidence than the other Licensing Objectives, i.e. crime & disorder, and this would have to be considered before statistics are taken into account.

Freeing up responsible businesses

Question 16

- A Yes
- B Yes
- C Don't know – possibly overly complicated.

Question 17

- A Yes
- B No
- C Yes
- D Yes
- E Yes

Question 18

Any premises where substantial refreshment (i.e. table meals) is a core offering.

Question 19

Don't know. The implementation of this special provision appears unfair to other businesses who could also claim that alcohol is ancillary to their main business i.e. restaurants. Some Premises Licences even have a Condition that states that alcohol will be ancillary to the provision of food, but I doubt that restaurants will actually be considered for this category.

Although the Government is attempting to free up certain businesses, it does seem like this could be a problematic provision leading to ill will; would there still be an option for Reviews etc if certain premises were not being run in a responsible manner?

The basis of this provision could be compared to the incident which occurred last year with regard to a furniture shop in Farnham. Unless clearly and concisely worded, this provision could enable other businesses to exploit this loophole to the detriment of licensed premises in their locality.

Question 20

- A No
- B Yes
- C Yes

Question 21

- A No
- B No
- C Yes

Question 22

As mentioned above, I think it needs to be considered how these premises will be managed and how they will be dealt with if they are deemed to be run irresponsibly. At the moment there are a number of Conditions placed on Premises Licences to ensure that operators fulfil all the necessary criteria to promote the Licensing Objectives – would the ancillary businesses be given anything similar on an ASN?

I think consideration does need to be given to other licensed premises which have witnessed an addition of Conditions and requirements over the last few years. Whilst they are having to endure more regulation, it appears that other businesses are to benefit from a 'lighter touch'.

Question 23

Don't know. This proposal *might* just open the process up to abuse by people who might wish to side-step the Temporary Event Notice process. However, it did work well in the form of Occasional Permissions under previous legislation.

Question 24

- A Yes
- B No

Question 25

Yes.

Question 26

18

Question 27

- A Yes
- B Yes

Question 28

- A Yes

Question 29

I think that work canteens should be exempt, as should any other provider of Late Night Refreshment where the premises are not open to the general public.

Question 30

- A Yes
- B No
- C Yes
- D Yes

Question 31

- A Yes
- B No
- C Yes
- D Yes

Question 32

- A Yes
- B Yes
- C No
- D No

Question 33

Consideration could be given to an extension for the period before the lapse of a Premises Licence due to unfortunate circumstances, such as Administration or Death.

Impact Assessments

Question 34

- A No
- B No
- C No
- D No
- E No
- F Yes
- G Yes
- H Yes
- I Yes

Question 35

The Impact Assessment in respect of the 'Minimum Unit Price For Alcohol' is relatively speculative in some of its assumptions. For example, in the table regarding the reduction in alcohol-related crimes per annum, there is no evidence to suggest this is correct and the MUP may in fact result in a rise in crime as people struggle to find the money to pay for their addiction. Without proper medical help and treatment, conditions such as alcoholism cannot be managed and raising the price of alcohol will not do this; rather, it will make dependent drinkers sacrifice other expenses to fund their habits.

If the above is considered to be realistic, then the table relating to the health impacts would also be void; people would continue to drink as much as they do now and so the admissions, costs and deaths would be the same - if not slightly lower.

A number of the other Impact Assessments state that they will be seeking further evidence during the consultation period; it would therefore appear that the evidence is currently incomplete and by definition cannot provide an accurate picture at this stage.