

## Alcohol Strategy Consultation: LGA response

### 4 February 2013

We welcome the cross-government approach to this strategy and the addition of new tools that councils can use to tackle local problems. The introduction of a health objective is particularly welcome and will provide a valuable mechanism for health authorities to comment on licensing applications, enabling them to use their expertise to make decisions which protect the health of the local population. We would be happy to be involved in any technical groups to help with its introduction.

It will be important that support is provided to those delivering the new health involvement in licensing and the Home Office and Department for Health should take a strong leadership role in raising awareness of this opportunity to manage public health so that this policy development realises its potential.

The consultation seeks views on a number of new, innovative ideas to devolve responsibility to a local level and we welcome the statement that action to tackle problem drinking should be “taken locally, by those who know the area.” Councillors value their ability to protect residents and support economic growth through judicious and innovative use of their licensing responsibilities and many proposals in the consultation will enhance this ability.

However, we do have an over-arching concern that the measures included in this consultation only tackle the symptoms of excessive drinking and not the root cause. A more ambitious programme of education and responsibility, which can sit alongside measures such as a minimum unit price, is required to genuinely address the underlying problem of excessive drinking.

The introduction of a minimum unit price is unlikely to impact on some groups of heavy drinkers, most particularly the wealthy, and there is a risk that it will drive younger drinkers to higher strength drinks. Studies by the Institute of Fiscal Studies and the charity 4Children demonstrate that, unfortunately, the evidence base on setting a price continues to be unclear and contradictory.

Our own analysis of the marketplace shows that current proposals would impact on only a very few products and that impact could therefore be limited, with drinkers switching to other products. We therefore think Government needs to do more work to reconcile the currently contradictory positions before a price is established, and to clarify the legal position on a minimum price with the European Union.

The LGA instead supports work to reduce the overall strength of alcohol products available in a licensing authority area. This has proven successful in areas such as Ipswich, where the licensing authority has worked closely

with all retailers to voluntarily introduce this measure.

The consultation and impact assessments lack any meaningful detail on the important question of enforcement. It is unclear how any of these measures will or can be enforced, what costs can be expected to be incurred as a result, and who will be responsible for enforcement. Before implementation we therefore urge the Government to make a true assessment of the enforcement costs.

We have doubts that a minimum price can be effectively enforced without central provision of a minimum price for each and every type of product available. This in turn requires that enforcement officers be available to check each of the hundreds or thousands of products available in every licensed premise in the licensing authority area. The cost and resource implications are enormous and will need to be considered as a new burden.

These significant concerns aside, there are also a few practical areas where the consultation loses sight of the importance of using local knowledge to regulate businesses in the way that supports them to protect their customers, rather than hinders them. The proposals on mandatory conditions particularly work against this objective and we ask Government to rethink what it hopes to achieve by this proposal as we do not believe these are necessary

We have provided specific comments in our annex on elements of the consultation where we have a particular concern or interest.

If you require further information or detail on any of this response, then please contact:

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## **Local Government Association**

The LGA is the national voice of local government. We work with councils to support, promote and improve local government.

We are a politically-led, cross-party organisation that works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

We are a membership organisation. In total, 423 local authorities are members of the LGA for 2012/13. These include English local councils, Welsh councils via the Welsh LGA, and fire, national park, passenger transport and police authorities, plus one town council.

## **Banning of multi-buy promotions**

Retailers are highly astute in marketing products while consumers will seek to maximise their purchasing power.

We therefore do not expect the Government's stated intention of raising the awareness of the dangers of excessive consumption to be realised through this measure and feel this needs to be accompanied by greater investment in Community Alcohol Partnerships and improved labelling.

## **Mandatory Licensing Conditions**

The power to impose licensing conditions that are proportionate and appropriate for local areas is at the heart of establishing effective control of alcohol consumption in an area, while also ensuring that business are not disadvantaged.

We are pleased that Government acknowledges the importance of local knowledge in the opening sections of the consultation, but we are unconvinced of the need to review or maintain mandatory conditions. They were fit for purpose when licensing authorities were adapting to new legislation, but are no longer necessary.

We do not envisage any instances where the intent of the mandatory conditions could not be delivered by a locally determined condition; and one that could be more appropriate and proportionate because of being refined by use of local knowledge.

## **Health as a licensing objective**

This is a very welcome proposal and we are pleased that Government is acting on its promise to introduce this objective for cumulative impact policies.

We agree with Government's position that it will be difficult to consider health issues in connection with individual licence applications, so it is appropriate that the objective be limited to the consideration of cumulative impact. However, it remains a cause for concern that councils continue to be challenged in court on the use of cumulative impact policies. In order to make this provision effective we would ask the Home Office and Department for Health to consult local government on the detail of the new objective and consider how they can support councils to effectively deploy them as part of this new objective.

Some councils are already making use of accident and emergency data to inform decisions, as well as the local authority alcohol profiles provided by the North West Public Health Observatory. However, the Home Office should avoid listing specific types of data that should be used as local requirements may vary. Nor should any particular model be recommended as methods such as the Cardiff model have been found to have limitations when used outside their area of origin.

It should be noted that councils can struggle to obtain health data and that it is not always fit for purpose. This has been an ongoing problem for some time and we therefore urge the Home Office and Department of Health to

work together to ensure that local health bodies are aware of their role in providing data under current legislation and give them the flexibility to deliver this.

We hope that Government will help us to work with them to develop the technical wording of the objective which will be absolutely critical if it is to effectively deliver public health outcomes.

### **Reducing the burdens on business**

The proposal on ancillary sales fits well with councils' desire to make it as easy as possible for local businesses to thrive, while maintaining appropriate levels of consumer assurance and confidence.

We believe that, to achieve the best and most appropriate effect, this classification should be able to be locally determined by the licensing authority. It is impossible to nationally classify groups of businesses that will only make or not make ancillary sales, while licensing authorities will be able to make an on the ground assessment and check that this is indeed the case. This allows the licensing authority to effectively assess the situation and determine the need based on the size of the business and level of custom.

We would suggest that the Home Office looks to the recent Live Music Act for an example of how this process could work; a suspension of conditions on introduction, but the possibility of reintroducing full licence requirements at a review if the alcohol is found to be served irresponsibly. This rewards well-run businesses while continuing to protect residents and customers from nuisance and public disorder.

The same principles should apply to the proposals around late night refreshment. We do not see a need for national exemptions which are inflexible and risk either exempting nuisance businesses or still imposing an unnecessary burden on well-run businesses that are a welcome addition to the night time economy.