

Alcohol Strategy Consultation

Company Name or Organisation (if applicable)

Lancashire Constabulary

Which of the following best describes you or the professional interest you represent?

Police force

If you are from a licensing authority please specify which licensing authority in the box below

Police force

If you are from a Police force specify which police force in the box below:

Lancashire Constabulary

If you are responding on behalf of an organisation or interest group, how many members do you have?

n/a

Please select one box from the list below that best describes where you live or where your organisation is based:

North West England

Minimum Unit Price for Alcohol

Q1 Do you agree that this minimum unit price level would achieve these aims?

Please select one option

Yes

☒

No

☐

Don't know

☐

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):

Lancashire Constabulary supports the introduction of a minimum unit price (MUP) and agrees it is an effective way of reducing alcohol consumption, however a level of 50p would achieve far better outcomes than the proposed 45p.

University of Sheffield research (2009) assessed the impact of minimum pricing set at 40p, 45p and 50p. The research showed that beneficial outcomes (eg a reduction in crime and the number of hazardous and harmful drinkers) increased as minimum price increased. Therefore, of those prices modelled, the minimum price of 50p resulted in the greatest benefits being achieved. The research

was carried out in 2009 and, due to inflation, the equivalent price today, to produce the same beneficial results, would be 54p.

Minimum pricing will primarily target high strength alcohol sold very cheaply which are the products more often drunk by the heaviest drinkers as well as younger drinkers and also prevent irresponsible promotions without adversely affecting the majority of drinks.

It is estimated that 70% of alcohol is sold through the off-trade and there is increasing evidence that the availability of cheap alcohol in off licensed premises has led to the proliferation of 'pre-loading'.

Q2 Should other factors or evidence be considered when setting a minimum unit price for alcohol?

Please select one option

Yes

☒

No

☐

Don't know

☐

If yes, please specify these in the box below (keeping your views to a maximum of 200 words):

- In determining the most appropriate minimum price, consideration should be given to potential cross border issues ie if the price differs in England and Wales compared to Scotland, where there is already a proposed level of 50p.
- The initial introductory period for MUP should be the same as Scotland and an independent evaluation on the effectiveness should be carried out to ensure that the level is/continues to be appropriate. We have indicated at Q3 below that the MUP should be initially updated in line with inflation however, it is important that the effectiveness is reviewed to ensure that the desired impact is achieved and that any negative impacts are identified (see example below).
- The Office of Fair Trading (OFT) has expressed reservations about using minimum pricing as a way of addressing alcohol misuse due to possible unintended consequences. Retailers would charge more than they currently do for low cost alcohol, which would generate additional profits and in turn would be an incentive to sell more.
- Any additional levies raised should go to alcohol harm reduction initiatives as opposed to retailers.

The Government wishes to maintain the effectiveness of minimum unit pricing and is therefore proposing to adjust the minimum level of price over time

Q3 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

☐

The minimum unit price should automatically be updated in line with inflation each year

☒

The minimum unit price should be reviewed after a set period

☐

Don't know

☐

The aim of minimum unit pricing is to reduce the consumption of harmful and hazardous drinkers, while minimising the impact on responsible drinkers.

Q4 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

☒

No

☐

Don't know

☐

If yes, please specify in the box below (keeping your views to a maximum of 100 words):

- Improvements for children and young people through reduced availability/affordability.
- Overall social and economic improvements through reducing the cost burden of alcohol misuse on society. This would have a beneficial impact on, for example, Health bodies, Police, community safety.
- Benefits to community pubs and bars who have been finding it difficult to compete with cheap off licence sales
- Moderate and non-drinkers could benefit as it is likely that retailers, in order to maintain customer numbers, may alter their marketing strategy by reducing the price of non-alcoholic products and increasing other non-alcoholic offers

A Ban on Multi Buy Promotions in the Off Trade

The government is consulting on introducing a ban on multi-buy promotions in the off-trade (e.g. shops and off-licences) as part of its wider strategy to reduce excessive alcohol consumption, and alongside the introduction of a minimum unit price. A ban on multi-buy promotions would therefore not apply to pubs, clubs, bars or restaurants.

The term 'multi-buy promotions' refers to alcohol promotions that offer a discount for buying multiple items.

The aim of a ban would be to stop promotions that encourage people to buy more than they otherwise would, making it cheaper (per item) to purchase more than one of a product than to purchase a single item.

As well as being part of a wider strategy to reduce consumption and tackle irresponsible alcohol sales, a ban on multi-buy promotions would also contribute to the government's aim of encouraging people to be aware of how much they drink and the risks of excessive drinking, so that they can make informed choices. The aim of this consultation is to assess support for such a ban and contribute to our understanding of the impact a ban on multi-buy promotions may have.

The types of promotion it is proposed that a ban would include are:

- *two for the price of one*
- *three for the price of two*
- *buy one get one free*
- *buy six and get 20 per cent off*
- *24 cans of lager costing less than 24 times the cost of a single can of lager in the shop*
- *a case of wine sold cheaper than the individual price at which the same bottles are sold in the shop*
- *3 for £10 where each bottle costs more than £3.33*

Q5 Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?

Please select one option

Yes

☒

No

☐

Don't know

☐

Q6 Are there any further offers which should be included in a ban on multi-buy promotions?

Please select one option

Yes

☒

No

☐

Don't know

☐

If yes, please specify in the box below (keeping your views to a maximum of 100 words):

- The individual unit price per volume of a product should remain the same regardless of the size or quantity of packaging eg a box of wine versus the equivalent quantity in bottles.
- Money off coupons should not include alcoholic products.
- Any incentive to purchase or consume more alcohol than intended such as money off or reductions to other non-alcoholic products or services eg free multi pack of crisps with the purchase of 4 cans of beer.

- Discounts on non-similar alcoholic products eg buy a case of 24 cans of beer and get a bottle of gin half price.
- The inclusion of alcohol as part of a meal deal.
- Loyalty points scheme linked to alcoholic products

Q7 Should other factors or evidence be taken into account when considering a ban on multi-buy promotions?

Please select one option

Yes

☒

No

☐

Don't know

☐

If yes, please specify in the box below (keeping your views to a maximum of 200 words):

- The potential for increased demand on enforcement agencies to conduct compliance checks and take enforcement action.
- Research by Sheffield University on behalf of the Scottish Government indicated that a ban on multi buy promotions would increase the effectiveness of MUP eg a MUP of 50p plus an off trade discount ban would lead to further falls in consumption.
- Alcohol Concern, Making Alcohol a Health Priority (2011) states that reductions in consumption would improve the health of lower income groups amongst which alcohol related deaths are 45% higher in areas of deprivation.
- Cheap alcohol deals may result in young people drinking more as highlighted in The Alcohol Concern and Balance Report 'Drinking to Get Drunk'. 16 and 17 year olds were quoted as saying that price promotions 'attracted young people to drink more than they would have'.
- Multi-buy promotions encourage the purchase of more alcohol than intended resulting in increased availability within the home. Evidence shows that young people access alcohol from the home more than any other place so a ban should reduce this availability.
- Marketing of alcohol – Marketing campaigns increase sales and normalise its use. Consideration should be given to banning the marketing of alcoholic products.

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.

Q8 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

Yes

☒

No

☐

Don't know

If yes, please specify in the box below (keeping your views to a maximum of 100 words):

- Young people in particular would benefit from a ban on multi-buy promotions as detailed at Q7 ie price promotions 'attracted young people to drink more than they would have'. There will also be a reduction of access and availability within the home environment.
- The public in general would benefit as consumers would be discouraged from buying more alcohol than they normally would and drinking more than they otherwise would have.
- A reduction in binge drinking and pre-loading would reduce the burden on public services.
- These deals encourage excessive drinking within the home which is hidden and harder to control.
- On licensed premises could benefit as a reduction in preloading could shift consumption of alcohol to the on trade.

Reviewing the Mandatory Licensing Conditions

In its response to the 'Rebalancing the Licensing Act' consultation in 2010, the government committed to review the impact of the current mandatory licensing conditions. More recently, the alcohol strategy made a commitment to review these 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. This consultation forms part of that review, and will contribute to the government's understanding of how these mandatory conditions are perceived.

The five mandatory licensing conditions currently set out in regulations in relation to the supply of alcohol are:

- *a ban on irresponsible promotions*
- *a ban on dispensing alcohol by one person directly into the mouth of another*
- *a requirement to provide free tap water on request to customers*
- *a requirement to have an age verification policy to prevent the sale of alcohol to persons under 18 years of age, and*
- *a requirement to make available to customers small measures such as half pints or beer or cider or 125ml glasses of wine*

Q9 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 insert Yes, No or Don't know in each box

	Prevention Of C&D	Public Safety	Prevention of Public Nuisance	Protection of Children from Harm
A Irresponsible promotions	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>
B Dispensing alcohol directly into the mouth	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>

C Mandatory provision of free tap water	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>
D Age verification policy	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>
E Mandatory provision of small measures	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>	<input type="text" value="Yes"/>

Q10 Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs?

Please select from one option

Yes ☐

No ☒

Don't know ☐

If no, please state what more could be done in the box below (keeping your views to a maximum of 100 words):

- The condition relating to irresponsible promotions should have the clause referring to the need to 'demonstrate a link with crime and disorder' removed as it makes the condition very difficult to use/enforce. This also applies to the 'glamorisation' test for promotions.
- What constitutes an 'Irresponsible drinks promotion' should be more clearly defined to prevent misinterpretation or clever marketing circumventing the condition.
- An outline of the age verification policy and the requirement to produce an acceptable form of ID should be clearly displayed at the entrance and point of sale. This should include a minimum 'Check 25' requirement.
- The smaller measure of dispense should be the default for sale, for example spirits: 25ml; glass of wine: 125ml. Offering a larger measure or up-selling should be prohibited.

Q11 Are there other issues related to the licensing objectives which could be tackled through a mandatory licensing condition?

Please select one option

Yes ☒

No ☐

Don't know ☐

If yes, please specify in the box below (keeping your views to a maximum of 200 words)

- The current mandatory licensing condition regarding irresponsible drinks promotions should be extended to include the off trade.
- Mandatory use of polycarbonate/toughened glassware which could be time limited to commence for sales after a set time.
- The unit content of all drinks should be clearly displayed at the point of sale.
- Anything which encourages greater consumption than intended should not be allowed.
- Apply a minimum to the ratio of seating to standing capacity in on licensed premises.
- Till prompts re age verification
- Availability and promotion of low strength alcoholic products
- A ban on organized commercial pub crawls associated with students/young people
- Non-alcoholic drinks to be available at a price that is cheaper than the cheapest alcoholic drinks
- A ban on offering an alcoholic drink cheaper than one without alcohol eg vodka and coke vs coke alone.
- A ban on the sale of full bottles of spirits in on licensed premises as seen in some 'VIP' areas in nightclubs.
- A ban on mobile sales eg shots sold from a tray away from the bar or dispensed from a container at the table.
- A ban on drinks sold in a large container for consumption from that container eg 'goldfish bowl', jugs of cocktails.
- A ban on any promotional material that advertises alcoholic products at a discounted price.

Q12 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?

Yes

☐

No

☒

Don't know

☐

If no, please explain why you think the current approach is not the best approach (keeping your views to a maximum of 100 words)

The issues associated with alcohol harm are increasingly associated with the sale of cheap alcohol sold by off licensed premises however there is only one mandatory condition that applies to the off trade, which is disproportional considering the level of risk. Approximately 70% of alcohol sales are from off licensed premises leading to increased drinking within the home. This has led to the proliferation of preloading and problems of domestic abuse and child protection which can be hidden. As detailed previously, any irresponsible drinks promotions or marketing should apply to all licensed premises.

Health as a Licensing Objective for Cumulative Impact Policies

We want to ensure that licensing authorities are able to take alcohol-related health harms into consideration when making decisions about cumulative impact policies (CIPs) which can be used to manage problems linked to the density of premises in specific areas.

A CIP introduces a rebuttable presumption that all new licence applications and variations in that area will normally be refused if the licensing authority receives a relevant representation stating that the application

will add to the cumulative impact. However each application must still be considered on its own merits and the licensing authority may still grant the application if it is satisfied that the application will not contribute to the cumulative impact.

We are proposing that licensing authorities will be able to take evidence of alcohol-related health harm into account in deciding whether to introduce a CIP and the extent of that CIP. This would be a discretionary power and not an obligation. We expect that those areas with the highest levels of alcohol-related health harm, or fast rising levels of harm from alcohol, will be most likely to use this power. It will allow local health bodies to fully contribute to local decision making and mean licensing authorities can restrict the number of licensed premises in the local area on the basis of robust local evidence.

Q13 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):

Alcohol related data from/for:

- Accident and Emergency attendances
- Hospital admissions
- Under 18's hospital admissions/attendances
- Ambulance and Paramedic attended incidents
- General Practitioners
- Domestic abuse rates
- Liver and other associated conditions
- Mortality rates
- Assaults
- Anti-social behaviour and crime
- Local sources eg residents surveys

Health data from the local authority area should be taken into consideration rather than limiting it to the CIP area to reflect the whole context of alcohol related issues and the demand on public services. To only take health information from a limited CIP area ignores the fact that many people will travel into an area and fails to represent the scale of the problem.

Health related harms should be taken into consideration by licensing authorities and we believe that this should be obligatory rather than discretionary in that all Cumulative Impact Statements should include an assessment by Health on the implications of granting additional licences.

Q14 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

☒

No

☐

Don't know

☐

If yes, please specify which aspects in the box below (keeping your views to a maximum of 200 words):

The evidential level for a CIP should be lowered to allow licensing authorities to have more control over the density of licensed premises.

The evidential information listed at 13.23 of the Home Office Guidance, issued under Section 182 of the Licensing Act, would need to be amended to include wider sources of evidence on alcohol-related health harms which can be used to support the introduction of a CIP.

Currently, one of the steps to implementing a CIP (listed at 13.28 of Sec 182 Guidance) is to identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise). As detailed at Q13 above, health data should be considered across the authority area as the data becomes more meaningful as consideration at ward level could be insufficient and not take into account evidence from neighbouring wards.

CIPs currently relate to premises licensed for the sale of alcohol but this should also include takeaway premises to make it more concerned with the overall night-time economy issues rather than limited to licensed premises.

Q15 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 your answer in the box below, providing evidence to support your response (keeping your views to a maximum of 200 words):

Introducing a health objective, particularly to support over-provision or saturation policies at a local level, would enable more informed licensing decisions to be made, taking into account the full impact of alcohol harm with an improved all round data picture, within the local authority area. It would enable the licensing authority to control the availability of alcohol and density of licensed premises in their area and therefore impose some measure of control on the level of harm.

Where there is a saturation of licensed premises, for example within a night time economy area, competition drives down the price of alcohol which in turn encourages additional consumption. Having fewer premises within a particular area would reduce the need for competitive pricing and also limit the availability of alcohol at a local level to young people.

Availability and use of health data would also evidence the hidden harm of alcohol consumption in terms of home drinking and also help to identify the level of alcohol related assaults presenting at A&E, many of which are not reported to the police.

Freeing up Responsible Businesses

The government has committed to consult on giving licensing authorities greater freedom to take decisions that reflect the needs of their local community. 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, temporary event notices (TENs) and the licensing of late night refreshment.

This section asks for views on these proposals and suggests further ways to reduce burdens on business. The proposals set out here can be seen alongside work undertaken by the Department for Culture, Media and Sport to remove unnecessary red tape from regulated entertainment.

There are five subjects covered in this section. They are:

- ancillary sales of alcohol
- occasional provision of licensable activities at community events
- an extension of the temporary event notice limit at individual premises
- late night refreshment, and
- further proposals to reduce burdens on business

Ancillary sales of alcohol

For many businesses, the sale of alcohol is only a small part of, or incidental to, their wider activities, and occurs alongside the provision of another product or service (which this consultation refers to as an 'ancillary sale'). For example, a guesthouse might wish to provide wine to its guests with an evening meal or a complimentary bottle of wine in a guest's room, while a hairdresser might wish to offer clients a glass of wine.

Q16 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 meet certain qualification 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox" value="See Q 33"/>
B The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Q17 If special provisions 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

	Yes	No	Don't know
A Accommodation providers, providing alcohol alongside accommodation as part of the contract	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B Hair and beauty salons, providing alcohol alongside a hair or beauty treatment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C Florists, providing alcohol alongside the purchase of flowers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

D Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the entry ticket

	X	
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E Regular charitable events, providing alcohol as part of a wider occasion

	X	
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Q18 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):

Lancashire Constabulary disagrees with the need for ‘freeing up businesses’ to make it easier to sell alcohol. Procedures should not be regarded as ‘burdens’ but as a necessary tool to ensuring that sales of alcohol are undertaken responsibly and in accordance with the licensing objectives. They are a means of effectively controlling the availability of alcohol, a key mechanism in reducing alcohol-related harm and ensuring retailers are adequately trained.

Any reduction in regulations will make it easier to sell or provide alcohol. This will inevitably increase the availability of alcohol and research shows that this directly impacts on increased levels of alcohol consumption in young people, crime and disorder and other health harms. It is therefore right that rigorous procedures are in place to ensure that the sale of alcohol is effectively regulated, even where such sales may not be regarded as part of the core business.

This proposal would create an additional tier of licensed premises which could contribute to the harms associated with excessive alcohol consumption. It would also create a category that would fall outside the provisions of a Late Night Levy and Early Morning Restriction Order and could potentially lead to further enforcement difficulties.

The effect of the proposals will further normalise the consumption of alcohol in environments where it isn’t already present ie drinking alcohol whilst at the hairdressers and alcohol being routinely delivered with flowers. This creates a pro-alcohol culture where young people see it as a natural part of everyday activities.

As with other areas of the Licensing Act, difficulties may arise in defining exactly what is meant as ‘ancillary sales’ and ensuring a lessening of the licensing process is not exploited as a loophole eg would a taxi company running a dial-a-drink service qualify for an ancillary license?

We therefore recommend that no changes are made to this aspect of licensing procedure.

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 in the consultation document).

Alternatively, a second option is to broaden the definition of ‘ancillary sales’ to include all businesses (and/or not for profit activities) through the use of a general set of qualifications criteria, for example, to the effect that

- *alcohol must be sold or supplied as a small part or proportion of a sales transaction or contract for a wider service, and*
- *the amount of alcohol that could be supplied as part of that contract cannot exceed a prescribed amount*

Q19 Do you think that the qualification criteria proposed meet this aim (paragraph 9.6)?

Please select one option

Yes

☐

No

☒

Don't know

☐

Please use the space below to provide further comments (keeping your views to a maximum of 200 words):

Lancashire Constabulary recommends that no changes are made to this aspect of licensing procedure, for the reasons set out in our response to **Question 18** above. We are also concerned how “a small part of” in paragraph 9.6 will be defined, and what mechanisms would be implemented to ensure that ancillary sellers do not exceed the amount of alcohol they are permitted to sell. A reduction of burden for businesses may create extra bureaucracy and difficulties for enforcement agencies in monitoring the amount of alcohol sold in these circumstances.

The qualification criteria definition is open to wide interpretation in respect of ‘amount of alcohol’, ‘proportion of a sales transaction’ and ‘supplied as part of a contract’ eg small proportion does not necessarily mean a small amount.

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 premise licence*

Q20 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 retaining the need for a personal licence holder

☐
☒
☐

C Introduce a new, light touch form of authorisation for premises making ancillary sales - an ASN - with no requirement for a personal licence holder

x		
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Q21 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		
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B Introduce a new, light-touch form of authorisation for premises making ancillary sales - an ASN but retaining the need for a personal licence holder

x		
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C Introduce a new, light touch form of authorisation for premises making ancillary sales - an ASN - with no requirement for a personal licence holder

x		
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Q22 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 response to a maximum of 200 words):

We do not support the proposals for a lighter touch for the reasons detailed in **Questions 18 and 19** above. All sales of alcohol should be regulated in a consistent manner and ensure rigorous and stringent standards.

With regards to the two basic approaches being proposed:

Option A Removing the need for a personal licence holder - It is essential that Police Officers, Fire Officers, and licensing officials can immediately identify the Designated Premises Supervisor as a person in a position of authority at any premises selling or supplying alcohol. This is to ensure that any licensing problems arising at a particular premise can be addressed swiftly by engaging with this key individual. Under this proposal, who would be responsible for ensuring alcohol is not sold to young people; those who are already intoxicated; that training is provided to staff and that the business is run to support the licensing objective. Therefore a personal licence holder should continue to be required regardless of whether or not the sale of alcohol forms a central part of the premise's business.

Option B Removing the need for a premises licence - In addition to the reasons set out in the response to **Question 18** above, we are also concerned that 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. This would clearly disadvantage local residents who may wish to object to

additional premises being permitted to sell alcohol in their area. We do not support removing one of the key mechanisms by which local residents are notified of, and can subsequently object to, premises wishing to sell alcohol in their community.

Occasional Provision of Licensable Activities at Community Events

Those who wish to provide licensable activities (for example selling alcohol or providing late night refreshment) on an occasional basis must obtain an authorisation, normally a temporary event notice (TEN).

The consultation proposes that individual licensing authorities should be able to enable holders of community events to notify them of their intention to provide licensable activities through a mechanism set out locally by the licensing authority (such as an email or a letter) instead of applying for a TEN through the usual process.

This could mean, for example, that community groups could notify their licensing authority of all of their upcoming events involving licensable activities for a certain period (such as a year).

To ensure a consistent process remains available, the current TEN process would continue to be available, alongside any local approach.

Q23 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

See Q33

Don't know

☐

Q24 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

☐☐☒

An Extension of the TEN limit at Individual Premises

Those who wish to provide licensable activities (for example selling alcohol or providing late night refreshment) on an occasional basis must obtain an authorisation, normally a temporary event notice (TEN).

There is currently a limit of 12 TENs per year at individual premises. As the full consultation document sets out,, a number of safeguards were added to the TENs process through the Police Reform and Social Responsibility Act 2011.

It is proposed that the number of TENs which can be given in respect of individual premises should be increased from 12 to either 15 (an increase of 25 per cent) or 18 (an increase of 50 per cent).

Q25 Should the number of TENs which can be given in respect of individual premises be increased?

Please select one option

Yes

☐

No

☒

Don't know

☐

Q26 If you answered yes, please select one option to indicate which you would prefer.

Please select one option

Not Applicable

15

☐

18

☐

Don't know

☐

Late night refreshment

Late night refreshment is the provision of hot food and drink to the public after 11pm and before 5am. It requires a licence because of the problems that can occur, for instance outside late night takeaways.

While we believe that the ability to regulate late night refreshment should continue, there is scope to reduce the burdens of licensing requirements for businesses that provide late night refreshment but do not sell alcohol, and are not associated with the alcohol-related late night economy.

The government is consulting on two proposals which are set out in more detail in the full consultation document.

Q27 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	
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B Determining that certain premises types are exempt in their local area

	x	
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Q28 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 service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment

x		
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Q29 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)

Accommodation providers that are not licensed for the sale of alcohol, for use by residents only eg room service.

Further Proposals to Reduce Burdens on Business

At present, those applying for new licences and club premises certificates or making full licence variations must advertise their applications in a local newspaper or circular. We propose to remove this requirement. The way people consume news locally is changing, both in its frequency and form. Local residents have opportunities to learn about applications online or by notices on the premises themselves.

The government is also considering deregulating more widely elements of the ban on alcohol sales that applies to motorway service areas (MSAs). Licensing legislation and current government guidance results in a general prohibition of the sale of alcohol at MSAs.

One option is to lift this centrally imposed restriction and make on-sales and off-trade sales of alcohol at MSAs a matter for licensing authorities to determine locally, in the same manner as any other application for a licence. There is a separate question as to whether lodges and other overnight accommodation at MSAs should be able to serve alcohol to residents. These proposals must be balanced against strong messages against drink-driving.

Finally, under the 2003 Act, each sale of alcohol under a premises licence must be made under the authority of a personal licence holder. All personal licences must be renewed after a ten-year period to be valid. This consultation invites views on whether this requirement should be removed or simplified to reduce the burden on responsible businesses.

Under the 2003 Act, licensing authorities have a duty to carry out their functions under the Act with a view to promoting the licensing objectives. These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

Q30 Do you agree with each of the following proposals?

Please select one option in each row.

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

Q31 Do you think that each of the following would reduce the overall burdens on business?

Please select one option in each row.

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

Q32 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.

	Yes	No	Don't know
A Remove requirements to advertise licensing applications in local newspapers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|----------|--|-------------------------------------|--------------------------|--------------------------|
| B | Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| C | Remove the centrally imposed prohibition on the sale of alcohol at MSAs, but only in respect of overnight accommodation - lodges | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| D | Remove or simplify requirements to renew personal licences under the 2003 Act | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Q33 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 keep your views to a maximum of 200 words.)

There are no processes that could be removed or simplified without having an adverse effect on the licensing objectives.

Lancashire Constabulary would like to give additional information to support their response where this opportunity has not been allowed within the reply to the consultation question as follows:

Q16 - This question is worded in such a way that there is not the facility to comment on whether we agree or disagree on the introduction of special provisions at all. We do not believe there should be any reduction in the regulation of alcohol as detailed in our response at **Question 18**.

Q20 - Although there may be some reduction in burden on ancillary sellers, we believe that all sales of alcohol should be regulated in a consistent manner and ensure rigorous and stringent standards as detailed in our response at **Question 22**.

Q23 – The TEN process has already been amended to be more flexible and is in no way onerous. The introduction of a locally determined notification processes will create an inconsistent approach between each licensing authority. There is no indication in the consultation document regarding the ability of any responsible authority to object. Community events, like any other, have the potential for excess alcohol consumption and therefore the same alcohol harms referred to our previous responses.

Q34 - We are not in a position to comment on how the cost estimates have been achieved.

Impact Assessments

Impact assessments for the proposals in this consultation have been published alongside the full consultation document.

Q34 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.

Yes No Don't know

Minimum unit pricing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Multi-buy promotions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Health as a licensing objective for cumulative impact	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ancillary sales of alcohol	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Temporary event notices	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Late night refreshment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Removing the duty to advertise licence applications in a local newspaper	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sales of alcohol at motorway service stations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Personal licences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q35 Do you have any comments on the methodologies or assumptions used in the impact assessments? If yes, please specify in the box below, clearly referencing the impact assessment and page to which you refer (keeping your views to a maximum of 400 words).

Minimum unit price for alcohol

We would question the assumption of 45p as the most appropriate minimum price. Although the Impact Assessment reports the benefits of a MUP of 45p there is no comparison with alternative levels of MUP such as 50p. The SchARR model shows that even greater benefits are achieved with a higher MUP of 50p.

There is also no rationale contained within the Impact Assessment as to why the figure of 45p has been chosen. In its report on the Government's Alcohol Strategy, the House of Commons Health Committee states "If the minimum unit price in England were to be fixed at a different level to that in Scotland, we would expect the evidence supporting that decision to be set out clearly".

Health as a Licensing Objective

We disagree that Health as a licensing objective should be limited to a CIP. This would allow health related licensing conditions to be applied to premises within areas that are known to have high levels of alcohol harm issues but not necessarily a high density of licensed premises.