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**By Email: [Alcohol.Consultation@homeoffice.gsi.gov.uk](mailto:Alcohol.Consultation@homeoffice.gsi.gov.uk)**

Dear Sirs

**Re: A consultation on delivering the Government's policies to cut alcohol fuelled crime and antisocial behaviour**

This response has been made on behalf of the London Borough of Camden ("Camden").

**Introduction**

Camden has considered the above consultation on the Government's proposals to introduce a minimum unit price for alcohol, ban multi-buy promotions and include Health as a licensing objective, amongst other proposals.

Camden welcomes these proposals, and we agree that the cost to society of alcohol related harms is unacceptable. Local hospital admission data shows that there are approximately 16,500 alcohol related hospital admissions per year in Camden, 50% of which are through A&E or dental casualty departments. Of all the alcohol related admissions, 80% are for patients who attend more than once over an 18 month period, and each of these patients attends 4 times on average.

We do however have a successful night time economy in Camden, which provides highly valued entertainment and culture facilities to many residents and visitors to the borough. Alcohol is often an integral part of the night time economy, and where alcohol is sold and consumed responsibly it can add to the overall experience in a positive manner. We are therefore supportive of the approach being taken in respect of heavily discounted alcohol in the off-trade. This can have both a negative impact on people's long term health, but also the on-trade where "pre-loading" occurs due to availability of cheap alcohol.



## **Camden's response to the Consultation**

In response to the specific questions being asking, Camden has the following comments:

### **Minimum Pricing**

The Government wants to ensure that the chosen minimum unit price level is targeted and proportionate, whilst achieving a significant reduction of harm.

### **Consultation Question 1: [YES/NO/DON'T KNOW + Up to 200 words if NO]**

*"Do you agree that this MUP level would achieve these aims?"*

#### **Camden's Response**

Yes

However, we cannot see that there is a justification for using 45p as opposed to 50p that has been proposed in Scotland. We do not consider that a 50p minimum price would have an adverse effect on the on-trade, but the health benefits would be far greater according to the SchARR model that has been relied upon for the minimum price proposal.

The SchARR model predicts that there will be steep increases in effectiveness as the minimum price rises, with 45p resulting in a -3.5% change in consumption, while 50p results in a -5.7% change in consumption.

Therefore, while we agree 45p could potentially achieve the aims, 50p or higher would be a more appropriate price to ensure that the aims are met and the associated benefits are increased.

### **Consultation Question 2: [YES/NO/DON'T KNOW + Up to 200 words]**

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

#### **Camden's Response**

Yes

Camden has a significant problem with antisocial drinking by the street population, and considers that this problem is exacerbated by the availability of very cheap high strength beer and cider. This not only has a negative effect on the individual's health, but a wider effect on the local community as a result of antisocial behaviour. The problem is so wide spread that the entire borough has been designated as a Controlled Drinking Zone (Designated Public Places Order) in order to provide more powers to the Police to tackle the antisocial behaviour. However, this is not a preventative measure that addresses to root cause of the problem. Therefore we are supportive of the minimum price as being a preventative measure to this problem.

Camden is also concerned about the harm caused to young people through the availability of cheap alcohol, and the SchARR modelling that suggests alcohol

consumption will reduce amongst 11-18 year olds. We believe that this area should be given more weight when consideration is made to introducing a minimum price

### **Consultation Question 3: [One Option]**

*“How do you think the level of minimum unit price set by the Government should be adjusted over time?”*

Do nothing – the minimum unit price should not be adjusted.	
The minimum unit price should be automatically updated in line with inflation each year	
The minimum unit price should be reviewed after a set period.	<b>X</b>
Don't know.	

#### **Camden's Response**

We recommend that the Minimum Price be reviewed periodically and not necessarily in line with inflation each year. An inflation linked rise each year could potentially lead to difficulty for small retailers and enforcing bodies with identifying the correct price, especially at the start of the year. An increase of 5p every 3 years, as an example, would be easier to communicate and for all parties to understand.

### **Consultation Question 4: [YES/NO/DON'T KNOW + Up to 100 words]**

*“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?”*

#### **Camden's Response**

Yes

Along with considering harmful and hazardous drinkers as a whole, more weight should be given to the possible reduction in consumption amongst young people, in particular teenage binge drinkers. The SchARR model predicted higher reductions in consumption amongst 11-18 year olds than for moderate and hazardous drinkers, and a steeper decrease in consumption amongst this age group as the minimum price rises.

We also believe that the minimum unit price could also have a positive effect on reducing alcohol consumption and antisocial behaviour of the street population, and in turn improve the quality of life for local communities.

**Consultation Question 6: [YES/NO/DON'T KNOW + Up to 100 words]**

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

Camden's Response

No

**Consultation Question 7: [YES/NO/DON'T KNOW + Up to 200 words]**

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

Camden's Response

No

**Consultation Question 8: [YES/NO/DON'T KNOW + Up to 100 words]**

*“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?”*

Camden's Response

No

**Consultation Question 9: [YES/NO/DON'T KNOW in each box]**

*“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	NO	NO	NO	NO
B	Dispensing alcohol directly into the mouth	YES	YES	NO	NO
C	Mandatory provision of free tap water	YES	YES	YES	NO
D	Age verification policy	YES	NO	NO	YES
E	Mandatory provision of small measures	NO	NO	NO	NO

**Consultation Question 10: [YES/NO/DON'T KNOW + Up to 100 words]**

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

**Camden's Response**

The mandatory condition has too many factors to be met before it applies, making it impractical and unenforceable even if a promotion is considered to be irresponsible. If any of the factors can't be proved then there is no breach of the condition, and all of which could be debated at length with differing views in virtually all cases.

Promotions that are commonly provided in pubs and clubs are “happy hours” and offers involving shots of spirits, liqueurs or similar. Both of these types of promotions encourage customers to buy and consume more alcohol than they normally would, but are not the same or substantially similar to the activities defined in the condition. Therefore, these promotions are currently permitted by the mandatory condition, even if they are considered to be irresponsible and lead to crime and disorder.

In terms of shots, these are sometimes provided on a “multi-buy” basis (e.g. 5 for the price of 4), or they are sold cheaply (e.g. £1 a shot). Larger night clubs and bars sometimes have waitresses walking around the venues with bottles of the spirit/liqueur, who encourage customers to purchase shots. Again this can encourage excessive consumption, but is not prevented by the mandatory condition.

**Consultation Question 11: [YES/NO/DON'T KNOW + Up to 200 words]**

*“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?”*

## Camden's Response

Yes

It should be a Mandatory Condition for the Licence Holder to carry out an assessment of the safe capacity of the premises, and for that capacity to form part of the licence conditions.

Overcrowding of premises can have significant and serious negative consequences on all the licensing objectives. Although this is covered to some extent by the fire risk assessment requirements, the issues involved are not just fire safety related. The Police and Councils have the most frequent contact with licensed premises, and aren't responsible for dealing with fire safety requirements. This often results in capacities not being checked or assessed at all, or creates duplication of work between different enforcing bodies, which adds to the cost to both licence holders and tax payers.

Other areas that could potentially be included are requirements to have food available while alcohol is sold. This doesn't necessarily have to be at all times, it could just apply to late night premises as a means of helping to reduce excessive alcohol consumption by individuals over long periods of a day/night.

### **Consultation Question 12: [YES/NO/DON'T KNOW + Up to 100 words]**

*"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?"*

## Camden's Response

Yes

The on-trade is higher risk in terms of the licensing objectives as customers both purchase and consume alcohol on the premises. Crime & Disorder, Public Nuisance and Public Safety problems are for more likely to occur at an on-licensed premises than an off-licensed premises. Therefore it is proportionate to have a wider range of mandatory conditions.

## Health as a licensing objective for cumulative impact policies

### **Consultation Question 13: [Up to 200 words]**

*“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?”*

#### Camden's Response

We consider that the following types of information could be relevant:

- Premises density, and any trends in premises density over time
- Types of premises in the area
- Alcohol related deaths and diseases
- Alcohol related hospital admissions and ambulance calls
- Drinking patterns in the area
- Consumption data at different types of premises (if available)

### **Consultation Question 14: : [YES/NO/DON'T KNOW + Up to 200 words]**

*“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?”*

#### Camden's Response

Yes

In terms of the steps to create a cumulative impact policy (CIP), no substantial change is required, other than to add references to health and what factors could be relevant. We also suggest that a health based CIP should be separate from other CIPs, and that more than one CIP could apply to an area. E.g. A health CIP could cover a wide area, while other CIPs could be used in smaller areas within the wider area that have specific crime/nuisance problems.

In terms of applying the policy and determining applications, a change in approach is required. The current licensing objectives are assessed on the basis of immediate problems that can be directly associated with individual premises. It would not be easy (or it would be impossible) to relate an individual premises to health problems in an individual which may only occur several years in the future, and which results from alcohol being sold in dozens of separate premises.

Therefore, the process for determining applications under health considerations needs to be based on the general availability of alcohol in an area, rather than the physical premises and immediate problems that could be directly related to an individual premises. In particular, paragraph 13.35 of the guidance, which requires the Licensing Authority to show that the grant would undermine the licensing objectives.

**Consultation Question 15: [Up to 200 words]**

*“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.”*

**Camden's Response**

Because any new CIP could not be applied retrospectively, any impact in terms of reducing alcohol related health problems is likely to be minimal in the short to medium term, especially if it is purely focused on reducing the availability of alcohol and numbers of premises

Camden already has a high number of licensed premises (approximately 1750, and around 1600 permitted to sell alcohol) and has had a year on year increase of approximately 3% per year. During the previous 12 months there have been 101 new licences granted with 21 new licenses refused. During the same period there were 39 licences that have been lapsed/surrendered/revoked, resulting in a net increase of 62 premises.

There would need to be 4x the number of licence refusals just to keep the status quo, while refusing every new application would result in a decrease of just 2% per year at the most. If such a Policy was applied, the number of licenses being surrendered would most probably decrease substantially, as a licence will become more valuable property. The number of appeals, and with it the cost to the Licensing Authority would also substantially increase.

A health CIP that is also intended to influence the types of premises and how alcohol is sold may be more successful in meeting the health objective.



## Freeing up responsible businesses

### **Consultation Question 16: [One option in each row]**

*“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	<b>X</b>		
B	The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller		<b>X</b>	
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.		<b>X</b>	

### **Consultation Question 17: [One option in each row]**

*“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.	<b>X</b>		
B	Hair and beauty salons, providing alcohol alongside a hair or beauty treatment.	<b>X</b>		
C	Florists, providing alcohol alongside the purchase of flowers.	<b>X</b>		
D	Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the entry ticket.		<b>X</b>	
E	Regular charitable events, providing alcohol as part of the wider occasion.	<b>X</b>		

### **Consultation Question 18: [Up to 200 words]**

*“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?”*

#### **Camden's Response**

No

The alcohol strategy acknowledges that alcohol is potentially harmful if not supplied and consumed responsibly. Therefore the sale and supply of alcohol should remain regulated in all cases, and if and relaxation of the requirements is applied, this should be kept to a minimum.

With regards to Theatres (and possibly Cinemas at a later date), the DCMS is on course to deregulate entertainment licensing requirements at most premises, partly on the basis that these premises will still be subject to alcohol licensing controls. Reducing licensing requirements for alcohol will lead to further potential for the licensing objectives to be undermined.

**Consultation Question 19: [YES/NO/DON'T KNOW + Up to 200 words]**

*“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?”*

**Camden’s Response**

No

Including vague criteria that involves a proportion of sales is often difficult to define and can be interpreted in different ways. If both the criteria listed are applied together, then this may be sufficient (a small proportion of the sales transaction AND that the amount of alcohol cannot exceed a prescribed amount)

**Consultation Question 20: [One option in each row]**

*“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.	<b>X</b>		
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.	<b>X</b>		
C	Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN - with no requirement for a personal licence holder.	<b>X</b>		

**Consultation Question 21: [One option in each row]**

*“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.		<b>X</b>	
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.		<b>X</b>	
C	Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN - with no requirement for a personal licence holder.	<b>X</b>		

**Consultation Question 22: [Up to 200 words]**

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

**Camden’s Response**

None, other than those issues already mentioned involving deregulation of entertainment and the need for the sale/supply of alcohol to remain regulated in all cases.

**Occasional provision of licensable activities at community events**

**Consultation Question 23: [YES/NO/DON'T KNOW]**

*“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?”*

**Camden’s Response**

Yes

**Consultation Question 24: [One option in each row]**

*“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	<b>X</b>		
B	Increase the burden		<b>X</b>	

**An Extension of the TEN limit at individual premises**

**Consultation Question 25: [YES/NO/DON'T KNOW]**

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

**Camden’s Response**

No

**Consultation Question 26: [15/18/DON'T KNOW]**

*"If yes, please indicate which option you would prefer:"*

Camden's Response

Neither, there should not be an increase

## **Late Night Refreshment**

**Consultation Question 27: [One option in each row]**

*"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.	<b>X</b>		
B	Determining that certain premises types are exempt in their local area.	<b>X</b>		

**Consultation Question 28: [YES/NO/DON'T KNOW]**

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

Camden's Response

Don't know – there are no motorway service areas within Camden

**Consultation Question 29: [Up to 100 words]**

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

Camden's Response

It could be possible to exempt premises selling hot drinks for consumption on the premises only, where they are also licensed for alcohol sales on the premises and during the same times.

Currently if a pub wishes to sell tea and coffee after 11pm then they also need late night refreshment on their licence. This is largely unnecessary and does not impact on how the premises is run or the licensing objectives.

## Further proposals to reduce burdens on business

### **Consultation Question 30: [One option in each row]**

*“Do you agree with each of the following proposals?”*

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

### **Consultation Question 31: [One option in each row]**

*“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 newspapers.		<b>X</b>	
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.			<b>X</b>
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges”.			<b>X</b>
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	<b>X</b>		

### **Consultation Question 32: [One option in each row]**

*“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.	<b>X</b>		
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.			<b>X</b>
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges”.			<b>X</b>
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	<b>X</b>		

### **Consultation Question 33: [Up to 100 words]**

*“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?”*

None

**Impact assessments****Consultation Question 34:**

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

		Yes	No	Don't Know
A	Minimum unit pricing	<b>X</b>		
B	Multi-buy promotions.	<b>X</b>		
C	Health as a licensing objective for cumulative impact.		<b>X</b>	
D	Ancillary sales of alcohol	<b>X</b>		
E	Temporary Event Notices.		<b>X</b>	
F	Late night refreshment.	<b>X</b>		
G	Removing the duty to advertise licence applications in a local newspaper.	<b>X</b>		
H	Sales of alcohol at motorway service stations.			<b>X</b>
I	Personal licences.	<b>X</b>		

**Consultation Question 35: [YES/NO/DON'T KNOW + Up to 400 words]**

*"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."*

**Camden's Response****Temporary Event Notices IA:**

Camden frequently has TENs given for premises that have been refused extended hours on premises licences due to the cumulative impact of licensed premises in the area. The Police and Environmental Health teams are not always able to assess and respond to every TEN due to the volume already received and the short response times. We consider that the current system is being abused by some premises, particularly by off-licences and late night takeaways. Increasing the permitted number of TENs will add to this problem and has potential to undermine the licensing objectives.

**Health Licensing Objective IA: Page 12:**

We consider that the assumed costs for introducing a health based CIP to be too low. The cost will largely depend on the evidence being used, and if observational studies or surveys are carried out to be used as evidence, the cost would substantially increase.

An additional cost that will be incurred by Licensing Authorities is the cost of appeals against an increased number of refusals. We estimate the average cost of an appeal to be £3,000. Some appeals cost substantially more, while in some appeals we are both awarded costs in full and are able to recover those costs awarded. This would be a recurring annual cost associated with the CIP, and would depend on the number of refusals and appeals made.

Yours faithfully

