

# **Home Office Consultation**

**A consultation on delivering the Government's  
policies to cut alcohol fuelled crime and anti-  
social behaviour**

**Response from the Wine and Spirit Trade Association**



February 2013

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## **Introduction**

The Wine and Spirit Trade Association (WSTA) is the UK organisation for the wine and spirit industry representing over 340 companies producing, importing, transporting and selling wines and spirits. We work with our members to promote the responsible production, marketing and sale of alcohol and these include retailers who between them are responsible for thousands of licences.

We work with our members and other partners to reduce anti-social behaviour related to alcohol through initiatives such as Challenge 25, which was developed by the Retail of Alcohol Standards Group; Community Alcohol Partnerships which have proven successful in reducing alcohol related crime and anti-social behaviour and with the Government through the Public Health Responsibility Deal.

In 2012 the industry also provided £5.2m of funding to Drinkaware to develop social marketing campaigns and education programmes to encourage responsibility among young adults and change attitudes about drunkenness. We believe that initiatives that seek to engage with business, rather than restrict, are those which result in the most positive outputs.

The WSTA fully supports the Government's overall aim of trying to reduce alcohol misuse, alcohol related harm and alcohol related crime and anti-social behaviour. However we believe that all initiatives should be targeted, evidence based and focused on constructive partnership working between the trade, government and other stakeholders.

The Government should focus on measures that attempt to deal with irresponsible drinkers and irresponsible licenced premises, rather than measures that negatively impact on the majority of the population that drink responsibly.

## **Challenging assumptions**

There are concerns that the alcohol strategy and consultation document makes a number of assumptions that do not accurately reflect the current landscape when it comes to alcohol and alcohol related harm. While no-one denies that harmful drinking and associated anti-social behaviour is a problem measures should be adopted, based on the most accurate evidence, in order to better target the problem. Key assumptions made in the alcohol strategy that need to be challenged include:

### **Assumption 1: Alcohol consumption is growing in the UK**

One of the key claims made by the strategy is that alcohol harm is a growing problem and this is directly linked to consumption levels. However, it is important to focus on the facts. Alcohol consumption has actually been falling in the UK since 2004. Since then, total alcohol consumption by head of the UK population has fallen by 13%<sup>1</sup> and average weekly consumption has reduced from 14.3 units to 11.5 units per adult between 2005 and 2010<sup>2</sup>.

This is true of both men and women with the number of men drinking more than 21 units a week falling from 31% in 2005 to 26% in 2010 and the number of women drinking more than 14 units a week down from 21% to 17% over the same period. Furthermore, the Office of Budget Responsibility has recently announced that by 2018 people in the UK will be drinking 2.4bn fewer units.

### **Assumption 2: Alcohol in the UK is cheap**

The UK has among the highest rates of alcohol duty, and therefore among the highest prices, in Europe. For example, the average bottle of wine in the UK is £4.96 compared to £3.15 in Italy, £2.81 in France and £2.43 in Spain<sup>3</sup>. This is because UK taxation on wine is already the second highest in

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<sup>1</sup> BBPA and HMRC data

<sup>2</sup> General Lifestyle Survey Overview, Office of National Statistics 2010

<sup>3</sup> European Commission, ECB, Nielsen and WSTA analysis January 2013

the EU and fourth highest on spirits<sup>4</sup>. Duty and VAT already accounts for 77% of the average price of a bottle of spirits and 55% of the price of a bottle of wine. Last year's Budget delivered a further 7.2% increase in alcohol duty, through the alcohol duty escalator. This represented a cumulative tax increase of 45 per cent on wine and 40 per cent on spirits since 2008 and is set to continue with the escalator in place for a further two years.

In 2012, the UK alcohol industry paid £10.1bn in duty, up from £8.4bn in 2008. Taking both duty and VAT into account, the industry contributes £16.3 billion a year to the public finances, which equates to £316 per UK adult<sup>5</sup> and is equivalent to double the UK aid budget.

While the strategy claims that alcohol is increasingly more affordable, this fails to take into account the impact stagnant wages and above inflation duty rises has had over the past 4 years.

### **Assumption 3: Alcohol is being sold at irresponsibly low prices at the cost of the community**

The Alcohol Strategy highlights the cost of alcohol as a key concern and highlights examples of what it claims is alcohol being so heavily discounted "it is now possible to buy a can of lager for as little as 20p or a two litre bottle of cider for £1.69." In each case the unit cost of the alcohol is around 10p. In reality, beer selling at 10p per unit represents just 0.1% of the beer market, and cider selling at 10p a unit accounts for just 0.2% of the entire cider market. To suggest that it is this range of products that is contributing significantly to alcohol related crime and Anti-social behaviour is simply not supported by any evidence. Only 0.1% of all alcohol is sold at 10p per unit or less, just 5% of all alcohol is sold below 25p per unit and just 7% at 30p or below<sup>6</sup>.

Responsible retailers take social responsibility and their commitment to the community very seriously. This is evidenced in the work and significant investment in to schemes such as Community Alcohol Partnerships which operate on a community level to develop local partnerships to tackle alcohol related crime and anti-social behaviour.

### **Assumption 4: Alcohol related crime is on the increase**

The main focus of the strategy is alcohol related crime and anti-social behaviour. The reality is that alcohol related crime has been falling. The table below shows that alcohol attributable crimes in England and Wales reduced by over 71,000 (or 15%) from 2007 – 2011<sup>7</sup>. This reduction has in part been brought about by the work the industry has been doing in partnership with local authorities and the police such as Community Alcohol Partnerships, Best Bar None and Business Improvement Districts. These initiatives, that raise standards and promote partnership working, show that it is entirely possible to tackle alcohol related crime without the need for further regulation.

#### **Alcohol-attributable crimes in England, 2007-2011**

<b>Total alcohol-attributable crimes</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>
Per 1000 population	9.14	8.54	8.01	7.58
Across total population	467,111	439,508	414,996	395,934

### **Assumption 5: Home drinking is the cause of alcohol related crime**

The alcohol strategy focuses quite heavily on the issue of what it calls "pre-loading" and the purchase of alcohol from the off-trade, particularly supermarkets. However it is important highlight

<sup>4</sup> European Commission and European Central Bank – December 2012

<sup>5</sup> ONS, HMRC, Nielsen, CGA Strategy and WSTA analysis January 2013

<sup>6</sup> Nielsen Sales Data for England and Wales, Monitoring and Evaluating Scotland's Alcohol Strategy Report (MESAS) 2011

<sup>7</sup> North West Public Health Observatory (NWPHO) Local Alcohol Profiles for England 2012 and CEBR analysis



that “pre-loading” is only relevant in an on-trade context as it deals with those who consume at home before entering the on-trade. Distinctions should therefore be made between this and people who buy from the off-trade to enjoy having a drink at home. The Home Office claims that pre-loading itself significantly contributes to alcohol related crime and is contributing to wider alcohol related harms. Yet there is little evidence provided to support these assumptions.

The general assumption that the increase in drinking at home has led to an increase in average consumption is also not based in fact. As outlined above, over the past 7 years the increase in off-licence purchases has come at the same time as a decrease in overall alcohol consumption of 13% and a reduction in the average consumption per person from 14.3 units to 11.5 units per adult<sup>8</sup>.

Similar challenges to the claim that home drinking is the prominent cause of alcohol related crime can also be made. The study outlined in the strategy actually shows that only one in five of all drinkers drink at home before they go out, and provides no data on the volume of alcohol consumed in the home. A more in depth Home Office funded study by Addenbrookes hospital in Cambridge found that while one fifth of those attending A+E had drunk before they went out, over 79% of these said that the majority of their alcohol consumption still took place in pubs and clubs<sup>9</sup>. This would suggest that any claims that significant numbers of drinkers are binge drinking at home before going out to pubs and clubs should be treated with caution. This research found that those drinking the majority of their alcohol in the home before going out only equated to around 4.2% of drinkers.

It is important to recognise that retailers already have the ability to deal with these customers using the current law, as it is already illegal to sell alcohol to someone who is drunk and illegal to sell to someone who is buying for a person that is drunk<sup>10</sup>. Ensuring this law is properly enforced, by retailers, the police and enforcement agencies would help to tackle the few that do drink excessively before they go out. Yet this is simply not happening. In 2010 there were just 3 convictions for the offence of knowingly selling alcohol to a person who is drunk and 5 in 2011<sup>11</sup>.

#### **Assumption 6: Young people’s drinking is the worst in Europe**

The alcohol strategy suggested that there is a significant problem with young people drinking in the UK, stating that “levels of bingeing for 15-16yr olds compare poorly with other European countries”. However, this data is taken from 2007 and ignores the fact that young people’s consumption in England and Wales has been in decline since then. The number of 11-15yr old pupils that have tried a full alcoholic drink dropped from 61% in 2003 to 45% in 2010 and 13% of pupils had drunk alcohol in the last week, a decline from 26% in 2001<sup>12</sup>.

The reality is that young people’s attitudes to alcohol have changed in the UK. The same report showed that the number of 11-15 year olds that agreed it was “OK to try drinking alcohol to see what it was like” had dropped from 67% to 55% and now 11% of pupils think it is “OK for someone of their age to get drunk once a week”, compared with 20% in 2003.

Part of this culture shift can be traced back to the development of Challenge 25 and Community Alcohol Partnerships by the Retail of Alcohol Standards Group (RASG). Since its introduction, Challenge 25 has led to a steady decline in underage sales through promoting a higher age-verification threshold, better training and clear and consistent messaging. Its voluntary roll out across all major off-trade retailers, and increasingly more independent stores and on-trade retailers, has seen a huge reduction in the accessibility of alcohol to young people.

This is evidenced in the up-to-date European School Survey Project on Alcohol and Drugs (ESPAD) report, published in 2011, which shows that the UK has one of the lowest rates of off-trade

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<sup>8</sup> General Lifestyle Survey Overview, Office of National Statistics 2010

<sup>9</sup> Pre-loading, where are the binge drinkers coming from? Boyle, Wee, Harris, Porter, Tompkins and Soper. 2009

<sup>10</sup> Licensing Act 2003, Section 141 and 142

<sup>11</sup> Home Office and Department for Justice

<sup>12</sup> Drinking, Smoking and Drug use among young people, Department of Health 2010

underage sales, well below the ESPAD average<sup>13</sup>. Additionally, Department of Health research shows the proportion of young people who usually bought alcohol from an off-licence has declined from 27% in 1996 to 16% in 2010<sup>14</sup>.

Furthermore, the evidence demonstrate that younger age groups are not only drinking less but also binge drinking less, a similar pattern can be seen for the whole 16 – 24 age group.<sup>15</sup>

The key issue facing retailers with underage drinking now is that of proxy purchasing, where an adult buys alcohol and passes it on to a young person. In the same survey, the proportion of young people who said that they usually bought alcohol from a friend or relative had increased from 9% in 1998 to 26% in 2010. This is a particularly difficult problem for retailers to tackle, yet no measure in the strategy seeks to deal with this it.

#### **Assumption 7: Alcohol related hospital admissions continue to rise exponentially**

The Strategy cites figures that there are over 1.2m alcohol related admissions in the UK, based on the alcohol attributable fraction model, which have apparently doubled in the past 7 years. However, the Government is currently reviewing how these statistics are calculated as they are not confident they paint a true picture of alcohol related harm. The WSTA believes in evidence based policy making and therefore support the Government's review in an effort to produce more robust and accurate statistics of alcohol related harm. Caution should be exercised by the Government in citing statistics which are currently under review.

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<sup>13</sup> The 2011 ESPAD Report, Substance Use Among Students in 36 European Countries,

<sup>14</sup> Drinking, Smoking and Drug use among young people, Department of Health 2010

<sup>15</sup> Chief Medical Officer's Report 2011, Chapter 3

## **Section 1 - Minimum Unit Pricing**

### **Q1. Do you agree that this MUP level would achieve the reduction in harm?**

No. We do not agree that a 45p Minimum Unit Price will achieve a reduction in alcohol related harm because:

#### **1. There is no evidence it will work**

**Minimum Unit Pricing has never been tried** - Reducing alcohol related harm through a minimum unit price has never been successfully attempted anywhere else in the world. The evidence used to support the policy is simply a projection based on modelling that is now over 4 years out of date. The University of Sheffield model was carried out 5 years ago and has been heavily criticised, with the Adam Smith institute recently concluding “that predictions based on the Sheffield Alcohol Policy Model are entirely speculative”.<sup>16</sup>

**Canada is not a comparable example** – It is important to ensure that the Canadian model of minimum pricing is understood by the Home Office when considering this policy. There are a number of differences between the proposed model and what is in operation in Canada.

- Canada has a floor price and not a minimum unit price, different products have different prices and this is not simply based on the price per unit.
- The majority of alcohol in Canada is sold through a monopoly;
- Despite not having price controls, Alberta sees no higher levels of harm of alcohol related crime than anywhere else in Canada. In fact reports show that consumption and harm are lower there than the Canadian average.<sup>17</sup>

**Its benefits are calculated using a flawed model** - Predictions by the Sheffield study suggested that a minimum unit price of 50p would reduce alcohol consumption by 6.9%. Yet, between 2006 and 2010 alcohol consumption dropped by nearly double that at the rate of around 13% without Minimum Unit Pricing being in place.

Additionally, the model suggests that in this time there should have been<sup>18</sup>:

- A 21.42% reduction in alcohol attributable deaths through the 12.6% reduction in consumption in that time. However, alcohol related deaths reduced by just 0.6%.
- A 3.78% reduction in admissions through the 12.6% reduction in consumption. However there has been an increase in alcohol attributable admissions of 11.4%.
- A 3.78% reduction in alcohol related crimes through the 12.6% drop in consumption. However there has been a reduction in alcohol related crimes of 15.2%.

These figures show that the whole population approach to reducing alcohol harm, through reducing overall consumption, is significantly flawed.

#### **2. There is not a simple link between alcohol price, consumption and harm**

Proponents of Minimum Unit Pricing suggest that it will be effective as they believe there is a simple link between the price of alcohol, consumption and harm. However, this is not backed up by evidence.

**Price and consumption** - Countries like Italy have comparatively low levels of alcohol taxation and low prices, yet they also have low levels of consumption. In other countries, such as Ireland for example, taxation and prices are very high but so is consumption. A further example is that of Scotland and England, where they enjoy comparable prices, access and taxation, yet Scotland has a

<sup>16</sup> The Minimal Evidence for Minimum Pricing, John C. Duffy and Christopher Snowdon, 26 November 2012

<sup>17</sup> The Canadian Alcohol and Drug Use Monitoring Survey: Alberta Results, Prepared by Addiction & Mental Health, Community & Treatment Supports, Knowledge & Strategy, April 2012

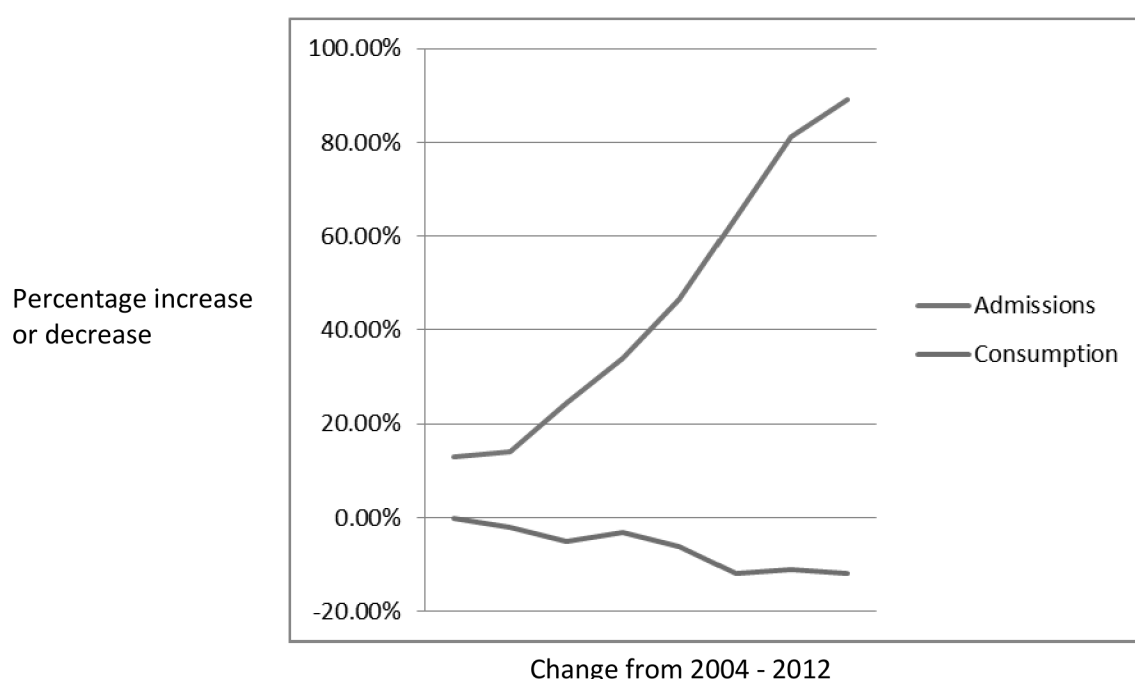
<sup>18</sup> North West Public Health Observatory (NWPHO) Local Alcohol Profiles for England 2012 and CEBR analysis

higher level of consumption. The table in Annex A outlines how this varies from country to country with no uniform pattern.

**Consumption and harm** - It does not follow that simply because consumption is high in a country, that harm will be high. France for example actually has higher levels of overall consumption than the UK, but they don't see the same levels of alcohol related harm. In addition, while the Sheffield Study estimated immediate reductions in health harms through a direct link to a drop in consumption, this has not been the case over the past 7 years when consumption has reduced by 13%<sup>19</sup>.

The graphs below show consumption patterns in the UK since 2004 compared to alcohol related admissions. This shows that while alcohol consumption has been falling by 13%, alcohol related hospital admissions have apparently almost doubled. This goes against the evidence provided by Sheffield, that a 1% reduction in consumption should have resulted in 1.7 fewer alcohol related deaths per thousand, and questions the reliability of admission data the Home Office is relying on.

Figure 1. The rise in alcohol related admission and fall in consumption since 2004.



**Price and harm** - In Europe alone, it seems that those countries with the highest taxes on alcohol and the highest prices are those where incidence alcohol misuse is considered a problem. Ireland and Sweden both have high alcohol prices, but are perceived to have some of the highest levels of harm. This shows that consumption is more likely to be related to cultural factors and that the increase in prices does not impact on these significantly and has had limited success in changing these cultures.

### 3. It fails to target irresponsible drinkers or tackle harmful drinking

**Heavy drinkers are least responsive to price** – When calculating the elasticity of alcohol products, the Sheffield model's analysis shows that, overall, heavier drinkers are least responsive to price changes. Heavier drinkers are more likely to switch from say beer to spirits if the price of beer goes up but the price of other alcohol products remains constant. They are less likely to reduce their overall alcohol consumption even if there is a general alcohol price rise.

The impact of minimum unit pricing is also not as significant for harmful drinkers as the modelling suggests they would only pay an additional £2.64 per week for alcohol at a 50p MUP, the equivalent

<sup>19</sup> BBPA and HMRC analysis

of less than 1 pint per week. The strategy's Impact Assessment itself states "The current SchARR modelling suggests that MUP will reduce the consumption of 11-18 year old drinkers but suggests that the impact on 18-24 year old hazardous consumers will be less. The SchARR model predicts that the young male hazardous drinkers heavily represented within this group have a strong preference for beer and for on-trade sector drinking. Minimum unit pricing is predicted to have a more limited impact on consumption amongst this group." This was backed up by evidence recently presented to the Scottish Government by Dr Holmes of Sheffield University who stated "We have said already that it might not be the best targeted policy to deal with young people's binge drinking, much of which goes on in the on-trade."<sup>20</sup>

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

**Yes** – There are several additional factors that should be taken into account when considering the Minimum Unit Price of alcohol, including:

**Impact on responsible consumers** – By its very nature Minimum Unit Pricing cannot be a targeted measure as the strategy claims. It does not make sense to say that a measure that affects all the majority of products in a market, regardless of whether they are being consumed irresponsibly, is a targeted measure. Minimum Unit Pricing set at 45p will increase the price of over half (52%) the alcohol products sold in the off-trade.<sup>21</sup> This is clearly not targeted and will impact on responsible consumers as 45% of all alcohol currently sold in the off-trade is sold between 30p and 45p per unit of alcohol.

**The severity of the measure** – There are questions about how appropriate Minimum Unit Pricing is to deal with the issues highlighted. As stated above, alcohol sold at the lowest price points of 10p per unit only account for around 0.1% of alcohol sold in the off trade and 7% is sold at below 30p per unit. With that in mind, it has to be questioned whether such a significant intervention is excessive in tackling this measure.

**Impact on illegal activity** – The price hikes associated with minimum unit pricing is likely to lead to increased illegal activity. One key concern is the rise in theft and shrinkage from stores. In 2012 Christmas losses due to retail theft in the UK from mid-November to end-December were estimated to be as high as £999.7 million (up 3.4% compared to 2011)<sup>22</sup>. As alcohol contributes to a significant proportion of overall retail theft, pushing up the value of alcohol will increase attractiveness to thieves and cost businesses even more in the long run.

In addition, alcohol duty fraud, self-brewed alcohol for sale, fake alcohol products and the illegal "White Van Trade" are all likely to increase if the cost of alcohol is increased in this way. A recent report estimated this "shadow economy" to be worth £1.2bn and likely to increase should prices continue to rise. This pushes alcohol further into the hands of unregulated sellers which could increase the risk to consumers.

**Impact on EU trade** – The Prime Minister stated recently "It is nonsense that people shopping online in some parts of Europe are unable to access the best deals because of where they live. I want completing the single market to be our driving mission". Yet, Minimum Unit Pricing is inconsistent with the operation of the free market in the EU, as an EU member state is generally not allowed to intervene in competitive matters, such as pricing. This creates a potential barrier to trade and is therefore likely to be illegal under EU law. Since the Scottish Government notified the European Commission that it intended to go ahead with MUP, several member states including Italy, Spain, Portugal, Bulgaria, France and the European Commission itself have submitted detailed objections to the policy. The European Commission went as far as saying they "have a problem with the

<sup>20</sup> 2nd Report, 2012 (Session 4): Stage 1 Report on the Alcohol (Minimum Pricing) (Scotland) Bill

<sup>21</sup> Nielsen Sales Data for England and Wales, Monitoring and Evaluating Scotland's Alcohol Strategy Report (MESAS) 2011

<sup>22</sup> Bamfield, J A N (2012) *Shoplifting for Christmas 2012: How Criminals Profit From the Festive Season*, Centre for Retail Research

compatibility of the minimum pricing plans under Community law” and that it “causes problems with the compatibility with the EU Treaty”

Should the Government press ahead with Minimum Unit Pricing it could face similar protectionist methods by other member states in retaliation, which would damage UK exporters. Further to this, concerns could be raised by the World Trade Organisation and non-EU states, which will see this as a restriction by trade and potentially take action against this.

***The disproportionate impact on those with low incomes*** - Minimum Unit Pricing is a regressive measure that will have the biggest impact on those on the lowest incomes. Analysis by the Centre for Economics and Business Research (CEBR) found that on average a MUP of 40p will be felt by the poorest 30% of drinkers only. At 50p the lowest 10% of earners would see the cost of alcohol rise by 1% of their total income, compared to just 0.2% of the highest 70% of earners<sup>23</sup>.

This is despite the fact that low earners on average drink less. According to ONS data<sup>24</sup>, people in each income group, with the exception of the 2 highest, drink less than the national average. Consumption of those in the lowest income group is 6% lower than the national average.

***The lack of impact on underage drinking*** – As highlighted above, the rise in proxy purchasing is one of the main challenges retailers face with underage drinking. Minimum unit pricing is likely to have little impact on parents’ or other adults’ willingness to buy alcohol for children. This is why RASG pioneered the Community Alcohol Partnership approach which focuses on both the supply and demand side of underage drinking. By working in partnership with local stakeholders, Community Alcohol Partnerships have helped to tackle local issues facing communities. It is this type of locally tailored approach that the Government should be championing as part of the alcohol strategy instead of untested and restrictive policies such as minimum unit pricing.

***The impact of creating a “Sensible appropriate price”*** - It is worrying that the Government is seeking to define what is a “sensible, appropriate price” for alcohol, as it will by introducing Minimum Unit Pricing. One consequence could be retailers claiming that all of their promotions are “responsible” as long as they come in above the minimum unit price threshold. For example, a retailer could run a promotion that allowed “10 vodka shots for £4.50 or 5 shots for £2.25” and claim that this is responsible as it falls above the Government’s definition of a “sensible appropriate price”. This measure would therefore make it much harder to enforce the ban on irresponsible promotions set out in the mandatory code if the promotion is simply based on price.

### **Q3. How should the MUP be adjusted over time?**

We are opposed to the suggestion that Ministers should be empowered to raise the level at which a minimum unit price should be set and varied at regular intervals. It is important with any legislative change that reasonable time is given for the impact to be fully considered before more significant changes are made. We would also urge that any future increases to the level of minimum unit pricing should be subject to consultation with the industry and subject to a full debate and vote in Parliament. Ministers have talked about minimum unit pricing as a mechanism to reduce the amount of alcohol being sold. Our view is that government policy should not be focussed on minimum unit pricing, which is a general policy affecting all consumers, but on the minority of consumers who misuse alcohol.

It is also important that the Government considers a sunset clause for this policy, similar to that legislation in Scotland. This will ensure that if the policy fails to do what it intends then it will lapse automatically after a set period of time.

<sup>23</sup> Minimum Alcohol Pricing and the Squeeze on Low-Income Households, Centre for Economics and Business Research, March 2012

<sup>24</sup> General Lifestyle Survey Overview, Office of National Statistics 2010

#### **Q4. Are there groups or organisations other than drinkers that could be particularly affected by MUP?**

**Yes** – Several other groups will be impacted by Minimum Unit Pricing including:

**UK taxpayers** – In addition to increasing the cost of alcohol to consumers by an anticipated £1bn<sup>25</sup>, the consultation suggests the implementation of Minimum Unit Pricing would also leave a shortfall of £200m of taxation. This shortfall would have to be met either by cuts to other Government budgets, or in an increase in taxation. Therefore the general public would in some way have to pay for the policy to be implemented.

They will also be punished through higher prices and reduced choice.

**Own brand producers** - Minimum pricing will undermine lower priced and own brand products threatening jobs in the UK. A minimum price of 45p per unit would mean that a 1 litre bottle of own-brand spirits at 40% abv would cost £18. At such a level the own-brand products would lose their competitive advantage and would be competing in the same price range as branded products which are supported by large marketing and advertising budgets. Given that 18% of direct employment in the European spirit industry is in the UK, the highest of any member state, this measure would seriously impact on jobs and growth in UK.

**Businesses complying with the regulations**– Minimum Unit Pricing would result in considerable costs to businesses, large and small, as they have to implement costly and complex new systems to deal with the regulations. Retailers would have to invest significantly in new computer systems to deal with the restriction, increase training for all store managers and redevelop their business practices to meet the restrictions. Given the questions over its legality and impact, the massive regulatory burden on business would be disproportionate to any outcome they are trying to achieve.

Furthermore, retailers attempting to deter and reduce retail theft are having to invest significantly in measures such as tagging and CCTV to prevent alcohol theft. This will only increase as the value of alcohol continues to rise.

**The UK Treasury and businesses** - Price restrictions will inevitably damage UK businesses as consumers seek alcohol at normal market prices from other sources. With the cost of alcohol in neighbouring France significantly lower (an average bottle of wine in the UK would cost £4.50 on a 45p minimum price, compared to around £1.89 in France) consumers are inevitably going to take advantage of cross border shopping opportunities. At its height 13% of all alcohol trade in the UK was cross border. A recent example from Northern Ireland in 2008 shows that alcohol sales increased by over 25% following price rises in the bordering Republic, where off-licence sales alone fell by 16%<sup>26</sup>.

**Enforcement agencies and enforcers**– considerable cost will be borne by enforcement agencies that will have to monitor compliance and take enforcement action for failure to comply. This will involve monitoring hundreds of products in stores and making complex calculations in order to ensure that products are being sold above the minimum price level. There are also a number of outstanding concerns with how the legislation will be implemented at a practical level.

#### **Conclusion**

Overall, Minimum Unit Pricing focuses on punishing retailers and producers rather than attempting to tackle the few who drink irresponsibly. It will impact on the majority of responsible consumers while doing nothing to tackle alcohol related harms. It is a significant and unjustified market intervention that will cost all consumers and business to introduce for very little gain.

<sup>25</sup> Home Office, Alcohol Strategy, Business & Regulatory Impact Assessment of Minimum Unit Pricing

<sup>26</sup> Nielsen NI Scantrack Data

Establishing a floor price for alcohol could have been achieved with the implementation of the ban on sales below the level of duty plus VAT. This was supported by the WSTA and others and could have ensured that the worst examples of heavily discounted products were targeted without impacting on the responsible alcohol consumer looking for good value for money.



## **Section 2 - Ban on Multi-Buy Promotions**

### **Q5. Do you think there should be a ban on multi-buy promotions in the off trade?**

**No** - The WSTA opposes the introduction of restrictions on the sale of alcohol products in packages of two or more. The policy is likely to do little to reduce alcohol related harm and will come at a considerable cost to retailers and licensing authorities who will have to enforce the restriction. The proposals could also restrict competition and penalise those on low incomes. Specifically, we oppose the policy for the following reasons:

***It is not a targeted measure*** – Similar to Minimum Unit Pricing, the proposed ban is a blunt instrument which will affect the majority of responsible consumers. It is not targeted at alcohol misuse and it will have a disproportionate impact on consumers on a tight budget. Far from being a targeted measure, the types of promotion that are intended to be caught by the restrictions include:

- Buy one get one free
- Three for the price of two
- Five for the price of four, or cheapest free
- 3 bottles of wine for £10
- Buy six, get 20% off
- 5% off a case of wine

There is no evidence it will reduce sales – Unlike Minimum Unit Pricing, a multi-buy ban has been attempted in Scotland. The Scottish Government introduced a quantity discounts ban in Scotland on 1 October 2011. The ban prevents off-trade retailers from offering discounts on multi-buy purchases such as '3 for 2' or '25% off when you buy 6' in the same way the Home Office proposes. An analysis of its impact was published by NHS Health Scotland in June 2012<sup>27</sup> and found:

- There has been no obvious change in week-to-week per adult alcohol sales in Scotland during the period after the introduction of the quantity discount ban in 2011.
- In Scotland, the volume of pure alcohol sold in the off-trade was similar in the 52-week period before the ban (October 2010–October 2011) compared with the same period 12 months earlier (0.5% decrease).
- Following a period of relative stability, there has been a small reduction in off-trade alcohol sales in Scotland since the introduction of the quantity discount ban. However, a reduction was also seen in England & Wales where no ban was introduced.

This report raises serious questions about the effectiveness of this type of regulation in reducing alcohol sales, let alone combating alcohol misuse. There are considerable concerns that the cost of adopting this proposal to the trade and regulators will be disproportionate to any impact it may have.

Originally it was argued that the very nature of the promotion was enough to encourage increased sales, yet these figures show that this is not the case. In Scotland it is accepted that this measure will not work without Minimum Unit Pricing, which is effectively saying that this measure is obsolete. It was for these reasons that the Northern Ireland Executive recently dropped their plans to introduce their own ban on multi-buys.

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<sup>27</sup> Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS), Preliminary descriptive analysis of the impact of the quantity discount ban on off-trade alcohol sales in Scotland June 2012

***There is no direct link between sales, consumption and harm*** – as outlined above there is no evidence of a direct link between sales and harm. Even if the measure did have an impact on the volume of sales, this would likely have little impact on the level of alcohol harm caused by irresponsible consumption. There is also little evidence to support the argument that the multi-buy restriction will lead to a reduction of consumption.

Research also suggests that people will generally spend the same amount of their disposable income on alcohol across the year, regardless of promotions that are being run. While buying patterns are likely to take time to adjust to the new restrictions, the overall amount of alcohol purchased and consumed may not change significantly.

***It distorts the market*** - In addition to restricting competition between retailers, there are two types of business model that this measure would particularly impact adversely. Both wine clubs and cased wine businesses base their business on the bulk purchase of alcohol. This includes offering discounts, such as 5% off or a reduced bottle price, on the multiple purchases of products and generally have minimum purchase amount. Introducing this ban would mean these businesses would have to redesign their business models and would find it more difficult to compete.

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

**No** – Retailers take their role as responsible sellers of alcohol very seriously. Working to the principles of The Portman Group code and Advertising Standards Authority codes they ensure that alcohol is not promoted in the off-trade in a manner that encourages irresponsible consumption. The proposed measures focusing on price would already amount to one of the most serious interventions in the single European market by the Government, and any further suggested measures should be seen in that context.

Given that there is no proven link between price and harm, the Government should focus on developing policies that look to tackle the irresponsible few who misuse alcohol and very few irresponsible retailers at a local level rather than punishing responsible retailers and moderate consumers, many of whom are on moderate and low incomes and are simply looking for value for money.

**Q7. Should other factors or evidence be considered when considering a ban on multi-buy promotions?**

**Yes** – the key evidence that should be considered is the impact of this policy when implemented in Scotland. This shows that the policy failed to have an impact on sales let alone alcohol related harm. The cost of this policy in Scotland has also been considerable to business and these costs must be fully considered when the Home Office is making its final decision.

It is also worth looking at the example of Northern Ireland, where this policy was considered, but ultimately rejected by the Executive.

Further evidence that should be considered includes evidence of people's buying habits and types of promotion. Some major supermarkets chains are now revising their pricing strategies across their product ranges to focus on lower costs for individual products, rather than multi-buy promotions. This proves that there is a business case for focusing on single product discounts. It would therefore be counter-productive to the aims of Home Office if forcing retailers to switch to these discounts ended up benefitting them with higher sales.

**Q8. As well as drinkers do you think there are other groups that could be particularly affected by a ban on multi-buy promotions?**

As with Minimum Unit Pricing, the following are likely to be impacted by the proposal:

**Enforcement agencies and enforcers** – In order to effectively police this new restriction, the cost of enforcement will have to rise in order to allow stores to be monitored for any breaches. In addition to further training and guidance on the issue, the nature of the restrictions means that enforcement officers would have to allocate a significant amount of additional time to a store in order to check all promotions were compliant.

**Businesses complying with the regulations**- responsible businesses that comply with the regulations will have to meet the cost of amending their systems and changing management practices. The costs of this are expected to be considerable and could come at the expense of jobs and growth.

Additionally, the measure also goes against the basic business principle that mass production of goods is cheaper than smaller batch production. As the ban prevents the efficiency benefits of larger production being passed on to the consumer, it makes it more profitable for producers to manufacture larger packages.

### **3. Reviewing Mandatory Licensing Conditions**

The Government's review of mandatory licence conditions has come soon after the review of licensing in the Police Reform and Social Responsibility Act. The WSTA believes that the Home Office should have allowed time for the new measures in the Police Reform Act to be fully implemented and evaluated before reviewing the mandatory code.

The WSTA supports the application of the current code and believes in taking an evidence based approach to whether the conditions should be reviewed or added to. Generally compliance with the mandatory code is high and there is little evidence that further burdens would improve premises capacity to better meet the licensing objectives.

#### **Q9. Do you think the mandatory licensing conditions are effective in promoting the licensing objectives of crime prevention, public safety, prevention of public nuisance and prevention of harm to children?**

**Yes** – the mandatory code sets a basic standard that licensees must abide by and this helps to raise standards of best practice within licenced premises. The balance of looking to tackle irresponsible consumption, as well as promoting responsible consumption through smaller glass sizes and free tap water, has worked well and is not too onerous for licensees.

Having an age related sale policy is also vitally important in the fight to tackle underage sales and something all responsible retailers should be doing. Again, this basic minimum helps to raise standards in store and is appropriately applied across the on and off-trade.

#### **Q10. Do you think the mandatory licensing conditions do enough to target irresponsible promotions in the on-trade?**

**Yes** – The measures in force do deal with the most irresponsible of promotions sufficiently. Other promotions in the on-trade should be judged in the context in which they are operating. For example, promotions in areas with high levels of alcohol related crime and ASB may be deemed as irresponsible, whereas the same promotion in an area with low alcohol related crime could be seen as being acceptable. Retail management in the on trade should always risk assess the impact of a promotion and review any health and safety implications this may have. On-trade retailers should also be encouraged to work in partnership with enforcement agencies to ensure that promotions do not pose a threat to the licensing objectives. If this is done properly, there should be no need for further restrictions on promotions.

#### **Q11. Are there any other issues relating to the licensing objectives that could be tackled through further mandatory conditions.**

**Proxy Purchasing** – as described above one of the key issue facing retailers is that of proxy purchasing. A licensing condition could be added, either to the age verification condition, or as a standalone condition that ensure licensees are trained to understand the legality and dangers of proxy purchasing and how to handle this in their store. Work could be done with the trade to develop appropriate and workable wording for the condition.

**Raising Standards** – Responsible retailers ensure that basic standards are followed to help prevent underage sales. For example keeping a refusals book and providing training for staff on age related

sales. Changes to mandatory conditions could be made to ensure that procedures are adhered to in every licenced premise.

**Q12 Do you think the current approach, with 5 mandatory conditions applying to the on-trade and one to the off-trade is appropriate?**

**Yes** – A number of the provisions in the mandatory code, such as smaller glass sizes, free tap water and banning dentist chair style consumption, are simply not transferable to the off-trade.

In addition, the off-trade already complies with restrictions on irresponsible promotions through their work with the Portman Group and through the Advertising Standards Authority. Off-trade retailers ensure that alcohol is not packaged, promoted or advertised in a way that is irresponsible and retailers remove products if they are deemed to be in breach by the Portman Group. Since the Portman Group was set up in 1989, it has banned over 80 irresponsible products in co-operation with retailers. As this is working on a voluntary basis already, the only suggested measure to improve this could be to ensure that more licensees agree to comply with the Portman Group code of practice to remove products they deem to be irresponsible.

All other promotions in the off-trade are price based and are being dealt with in the consultation on minimum unit pricing and the ban on multi-buy promotions.

The only measure related to both the on and the off-trade, which mandates retailers to have an age verification policy, is appropriate to both and should remain. Given the success of Challenge 25 in reducing underage sales, the Home Office could consider ways to enhance this provision to ensure that the high standard adopted in the Challenge 25 scheme applies to all retailers.

#### **4. Health as a Licensing Objective for Cumulative Impact Policies**

##### **Introduction**

The WSTA does not support the addition of health as an objective to Cumulative Impact Policies (CIPs). CIPs are a blanket measures which do not take into account the extent to which operators are responsible and they will be ineffective in dealing with the issues they are seeking to tackle. Any changes to the licensing regime should be evidence based and there is simply not sufficient evidence provided to support this policy.

CIPs were initially put forward as a way for licensing authorities to limit the growth of licensed premises in a problem area. Specifically, they focused on areas with a significant number of on-trade premises and were focused on issues caused at closing time when patrons from numerous venues would leave at the same time creating stress points in a particular area.

The principle of the policy is to seek to limit the number of patrons to a particular area by way of limiting the maximum capacity of all of the bars and clubs. It in turn reduces, or prevents, further pressure on the stress points that are caused at closing time. This approach allows licensing authorities to ensure that the licensing objectives continue to be met (where a new licence could put that at risk).

However, the policy was not intended to limit the overall volume of alcohol sold in an area or attempt to improve health harms, other than by way of reducing alcohol related crime. Its extension to the off-trade was never envisaged when originally developed. The off-trade is entirely different in nature to the on-trade, as there is not a set capacity in the same way there is for pubs and clubs. One off-licence may have the potential to sell as much alcohol as 10 off-licences, whereas there is a capacity limit for on-trade premises. That is why attempting to use this policy for different purposes than was originally intended will have considerable unintended consequences which will negatively impact responsible licensees, consumers and enforcement authorities. These include:

**Rewarding irresponsible businesses** – By restricting new entrants into an area, Cumulative Impact Policies offer existing businesses a significant competitive advantage. This restriction of competition is particularly perverse as many existing on trade licensees who would benefit from the CIP could have been the original contributors to the disorder that led to the policy being introduced in the first place. Therefore, this policy not only does nothing to promote responsible retailing, but also risks rewarding irresponsible retailers.

**Threatens inner-city investment** – The restriction of licenses in a CIPs area, and the higher threshold that needs to be met to prove that the premises will meet the licensing objectives, is likely to significantly reduce investment in the areas in which these policies are in place. The majority of retailers will not open a store without an alcohol licence, as this puts the store at a total disadvantage to competitors, and therefore inner city areas, where CIPs are most likely to be utilised, could miss out on investment and regeneration opportunities. It is important to remember that only around 10% of an inner city supermarket will account for alcohol and therefore impacts retailers more widely. These areas are also likely to have higher unemployment rates and the loss of investment could also have a negative impact on local employment.

**Impact on small shops** - By their very nature, Cumulative Impact Policies are more likely to be operational in densely populated areas and are therefore going to have a much greater impact on smaller stores. With the sale of alcohol an important part of income for independent stores, the limitation on licences will mean that new stores are unlikely to be financially viable. Where the local population is growing this is likely to have a detrimental impact on the sustainable growth of inner cities, which could become poorly serviced by local convenience stores.

**Particular Impact on the Off-trade** – As outlined above, the original intention was never to include the off-trade in Cumulative Impact Policies. This was because it is almost impossible to link the harm that it was trying to prevent to individual off-trade retailers, the link to off-trade retailers and to the crime it was trying to prevent.

Unlike the on-trade which operates primarily for the purposes of selling alcohol, the off-trade operates throughout the working day and sells alcohol as only a part of a much wider range of food products. This means that the removal of a licence from the on-trade would be significantly more onerous than for the off-trade

**There is no evidence that numbers of licences increase consumption** - There is no robust empirical evidence establishing a direct causal link between off-trade licensed premises and alcohol harms. Very few other studies have taken place in the UK and those that have, have produced inconclusive results. Alcohol Concern's report on the subject, that is widely cited, found that no relation existed between the level of licences awarded and harm caused by excess drinking across the whole of London. In fact, the UK has seen a rise in the number of licenced premises in the past 7 years at the same time as consumption has been consistently reducing, suggesting this link is not as strong as has been suggested.

**Q13. What sources of evidence on alcohol-related harm could be used to support the introduction of a CIP?**

The most difficult issue faced has been linking health harms from a wide area, perhaps from a hospital that covers a number of authorities, to a particular venue or cluster of venues. The type and robustness of the data presented has been questionable at best and very little can be done to assess the impact of how people travel from different areas to different premises and use different hospitals. In many areas it was found that the places with the worst health harms sometimes had no alcohol licences in the locality at all.

A similar picture may exist in the UK, but there are no sources of data currently available that can tie specific health harms to particular licenced premises. To carry out an appropriate analysis would be particularly problematic as many health harms related to alcohol take place over a considerable period of time. In addition, data sources that are available, such as alcohol admissions data, are currently under review as there are questions over how accurate and robust they really are.

There is likely to be significant variation in how local authorities would approach the improvement of health as an objective for CIPs: were this to be attempted, it would lead to an incredible amount of uncertainty for the trade and difficulty in developing uniform policies across stores.

There is also an issue with the application of this to the off-trade. Every bottle of beverage alcohol sold from an off-licence has the potential to cause health harms if it is consumed irresponsibly. What this proposed policy does would be to blame the retailer, rather than tackle the irresponsible behaviour of the person consuming it.

**Q14. Do you think any aspects of the current CIP process would need to be amended to allow consideration of alcohol-related harms?**

In order for this policy to work, the evidential basis for health harms would have to be much lower than for crime and anti-social behaviour, as the health harm data is simply not robust enough or specific enough to be used in an appropriate way. Where previously evidence of crime and disorder would need to be provided and related to the area or specific venues, the impact of alcohol on health harms is much more vague and difficult to directly link to either the area or the venue. There is simply not enough robust or specific evidence to support the addition of health as a licensing objective.

**Q15. What impact do you think allowing consideration of data on alcohol-related harms when introducing CIP would have if it were used in your local area?**

The application of this policy would significantly increase the likelihood that new licenses are not granted in CIP areas. Proving that a new licence will not contribute to health harms in an area is almost impossible for retailers to do and could lead to a significant reduction in the number of licences granted to responsible retailers. It could also lead to a culture in which lower evidential burdens for CIPs are seen as the norm in a given licensing area.

The proposal significantly shifts the emphasis of CIPs way from the original objective of crime and disorder and takes them into uncharted territory. This is likely to be wildly different from authority to authority, which will lead to greater uncertainty for business and a greater number of legal challenges.

Again, the impact of the proposal on the off-trade will not be to reduce sales and harm in a particular area, but simply distort the market and prevent investment by responsible retailers into inner cities.



## **5. Removing Regulatory Burdens**

While the WSTA is pleased that the Home Office is considering the regulatory burden it places on licensees, the proposed interventions of Minimum Unit Pricing, the ban on multi-buy promotions, health as an objective for CIPs and a review of the mandatory code after just 2 years of its implementation all seriously increase the regulatory burden on business rather than reduce it.

The significant cost and compliance burden of these measures are many times higher than the benefit of the small measures for review set out in the consultation document. While there is a need to reduce the regulatory burdens in the licensing regime, the Home Office needs to look at the whole range of measures it is proposing, and the regulatory burden that these would place on business, and not just the few measures highlighted in this section of the strategy.

The WSTA is not opposed to regulations that have a positive impact on the trade. For example, those regulations that promote best practice and raise standards, such as having an age verification policy, are to be welcomed. This type of regulation helps to create a level playing field by ensuring that the example set by responsible retailers is followed by others. It also ensures that minimum standards are reached, which in the long run will save on burdens further down the line by preventing alcohol related crime and anti-social behaviour.

The WSTA also supports the principle of the Government's "one in two out" policy with regards to new regulations. However, while this principle is to be welcomed, it is important that the Government ensure that there is a balance between the regulations they bring in and the regulations they remove. For example, the impact of bringing in Minimum Unit Pricing would not be mitigated by removing two regulations that have very little impact on the trade overall, such as those for ancillary sellers or motorway service stations.

### **Q30. Do you agree with the proposal to remove the need to advertise applications in local newspapers and to simplify the renewal of personal licences?**

#### **A) Advertising in Newspapers**

**Yes** - this is a needless burden and can be done more efficiently using the internet and other means. Local newspaper readership is incredibly low and continuing to decline and therefore asking licensees to spend around £8m per year to advertise in them seems particularly burdensome.

#### **B) And C) Restrictions on Motorway Service Areas**

**Yes** – There are already a significant number of stores in the UK that you have to drive to in order to shop. Therefore there is no reason why licencing on the off-trade should not be allowed for those stores operating at MSAs, as the same principle applies. This would also apply to those that have overnight stays. The WSTA would therefore support dropping the restriction on the off-licence trade in respect of overnight accommodation. The fact that there are a number of MSA's that do operate with a licence means this measure would level the playing field for other MSA's.

#### **D) Requirements to renew personal licenses**

**Potentially** – The trade supports the Governments drive to reduce burdens on businesses by removing the need to renew a licence every 10 years. This is incredibly costly and serves very little purpose. The only concern is that refresher training that would take place at the 10 year mark may not be run. If the Government do remove the need for renewal, it should continue to encourage the best practice and refresher training.

**Q31. Do you think these changes would remove the burden on business?**

**A) Advertising in newspapers**

**Yes** – However this reduction in burden needs to be placed in context of the wider Home Office proposals.

**B) And C) Restrictions on MSA's**

**Yes** – This would reduce the burden on businesses operating in MSA's. Again, this needs to be seen in context as this makes up only a very small percentage of premises license and alcohol sold in the UK.

**D) Requirements to renew personal licenses**

**Yes** – This measure would benefit businesses and reduce financial and administrative burdens.

**Q33. Are there processes under the Licensing Act that could be removed or simplified to reduce the burden on businesses without undermining the licensing objectives?**

**Yes** –

**Consistency of approach** - Measures that promote consistency across all authorities would be of considerable benefit to retailers and help to promote a high standard of compliance across the UK. Currently, practice across local authorities differs wildly and this creates uncertainty and additional costs for business. Examples of this include widely different interpretations of the law around licensing or different wording for similar licence conditions in different authorities. While we appreciate that local authorities need to be able to respond to issues unique to their area, promoting greater consistency and ensuring there is greater standardisation of approach would significantly reduce the burden on businesses.

**Extending Primary Authority** - While a pilot on primary authority has taken place, the scope of this is limited and further consideration should be given to whether primary authority in the alcohol licensing system can be extended, while ensuring that local authorities are able to manage the problems they have at a local level.

**Licence fee discounts for responsible retailers** – With the implementation of full cost recovery of licence fees, the trade will shoulder more of the cost of administering the licensing regime. One of the anomalies of the fee system is that the cost of irresponsible retailers, through enforcement and licensing authority resources, is paid for by all retailers. The WSTA believes that the Home Office should allow local authorities to incentivise responsible retailing by offering them a fee discount on the speed of application. Therefore when licensees carry out the necessary due diligence and are granted a licence without any issues, this should be rewarded with a fast-track discount. This will help to reduce the costly burden on authorities, support responsible retailing and better promote the licensing objectives.

**Single date for licence renewals** - Section 5 of the Licensing Act (Fees Regulations) 2003 requires annual payments a year on from the date the licence was granted. It is a burden on both the industry and local licensing authority that have to remember to renew Premises Licenses. With over 100,000 Premises Licenses in England and Wales all with different renewal dates, the burden is considerable. Retailers operating on a national basis find this particularly burdensome. A leading licensing practice commented that the absence of a common payment date is a logistical nightmare for them and clients alike and that an annual date would remove a lot of uncertainty. The burden has been exacerbated by the power of suspension of a licence for non-payment brought in under the Police Reform and Social Responsibility Act 2011.

## **Section 6 – Impact Assessments**

### **Q34. Do you think that the Impact Assessments related to the consultation provide an accurate representation of the costs and benefits of the proposals?**

**No** – We have serious concerns about how the Home Office arrived at a number of the conclusions in the Impact Assessment. These include.

#### **Minimum Unit Pricing**

**Benefits to society** – There is significant concern that the Impact Assessment has been entirely based on the Sheffield Study, and questions have recently been raised over the accuracy of its predictions. This method to predict the anticipated benefits could mean that there are flaws or overestimates of the societal benefit of MUP. Alcohol consumption has been falling since 2004 and we have not seen the reduction in alcohol related deaths and hospital admissions that Sheffield predicted. The Sheffield study took place in 2006 and should therefore not be relied upon. The Home Office should review their analysis on more up-to-date data.

**Cost to consumers** - The IA outlines that overall the cost to consumers of this policy will be around £1bn per year. This is a significant increase in consumer spending, estimated to account for a 0.2% rise in inflation. This additional cost to consumers will hit households already struggling to cope with stagnant wages and high food and fuel inflation. This will have an impact on the quality of life of those on lower incomes who will be paying more for alcohol as a percentage of their income than before. It could have the unintended consequence of pricing responsible consumers, on tight budgets, out of the market entirely.

**Loss of own brand products** – As highlighted above one of the casualties of MUP could be own brand alcohol products. By pushing the price of the market up artificially, the lower priced own brand products will find themselves competing with established premium products that have big marketing budgets. This could make own brand products unviable and lead to the removal of this entire range from the shelves. It could have a knock on effect for the stores that stock own brand products, as well as on UK based producers which will shed jobs because of the policy. There would also be considerable wastage, as the own brand products in stock will be unviable and it would not be possible to mark them down to clear them. This has not been calculated in the loss to the Treasury of income taxes and in the consequent increase in out of work benefits.

**Affordability calculations** – The issue of affordability is raised as a key factor in the strategy with the Home Office attempting to establish a direct link between price, purchasing, consumption and harm. Yet the IA fails to acknowledge that while alcohol is currently as affordable as it was in 2004 according to the index used in the Impact Assessment. Since then, alcohol consumption has reduced by 13% and this shows that attempting to make simplistic assumptions from this may produce inaccurate results.

There are also concerns that the Home Office has used off-trade sales data from 2008 to analyse the price distribution of alcohol sold in the off-trade, particularly as data from 2009 – 2011 is also available and paints a much more accurate picture of off-trade sales distribution<sup>28</sup>. For example:

- In 2008 35% of cider was sold at under 20p per unit, this number is now just 19%
- In 2008 only 3% of all off-trade alcohol was sold at below 20p, it is now just 2%
- In 2008 16% of alcohol sold in the off-trade was below 30p, it is now just 7%

It is important that when analysing the impact of MUP on the trade that the Home Office uses accurate and up-to-date figures in order to inform its decision. By using old data the impact of MUP

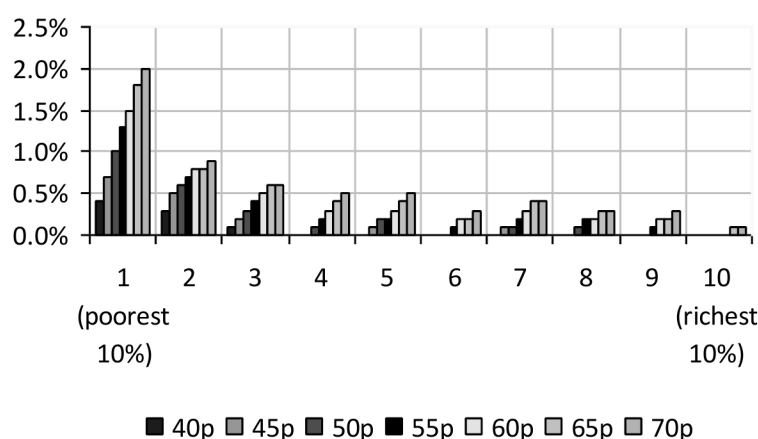
<sup>28</sup> Nielsen Sales Data for England and Wales, Monitoring and Evaluating Scotland's Alcohol Strategy Report (MESAS) 2011

will be skewed and therefore inaccurate. Before pressing ahead with MUP the Home Office should revise its impact estimates using the most recent data available to it.

### Impact on Low income Households

The social impact section of the IA states that there will be no effect on low income households. However, there is little evidence to support this beyond the Sheffield Study, which is based on out of date 2006 data. Despite the claim that little has been done to assess the impact of MUP on income groups, there is significant research by the Centre for Economics and Business Research (CEBR) that does just that. The table below highlights analysis from the CEBR into MUP and the impact this will have on people in different income groups<sup>29</sup>. The analysis shows:

- The burden of MUP at 40p will fall only on the poorest 30%;
- The burden of MUP at 50p will fall disproportionately on the lowest 10% who would see the cost of alcohol rise by the equivalent of 1% of their income, for the richest 70% it would not increase by any more than 0.2% of their income.
- Only at 65p or above will the burden of MUP fall on all income levels. At this level the minimum price for a bottle of wine would be £6.50, an increase of 34% on the current average;
- At a 70p MUP the cost of alcohol for the lowest 10% of earners would rise by the equivalent of 2% of their income. The top 70% of earners on the other hand would not face an increased burden of any more than 0.5% of their income;



*Average increase in cost of alcohol as a share of average gross household income in England and Wales, as a result of minimum unit pricing for alcohol. Broken down by income deciles.*

### Compliance Costs

It is of concern that the Home Office has significantly underestimated the cost to business. On the Strategy's Impact Assessment<sup>30</sup>, it has estimated that the cost of compliance will be, at the highest estimate, just £13.83 per licensee for familiarisation and just £100 per licenced premises for transition costs. When considering the range of changes that needs to be made in order to become compliant with MUP, this figure seems to be completely unrealistic. Some of the changes this measure requires for the UK wide trade includes:

1. Computer software across all stores being updated to allow calculations for Minimum Unit Pricing to take place;
2. Computer systems across all stores being updated to include safeguards against MUP sales;

<sup>29</sup> Analysis of the impact of Minimum Unit Pricing by the Centre for Economics and Business Research (CEBR), March 2012

<sup>30</sup> Home Office, Alcohol Strategy, Business & Regulatory Impact Assessment of Minimum Unit Pricing

3. Pricing and promotional activity for all alcohol products reviewed to assess MUP level for each product;
4. Each new alcohol product assessed for its minimum unit price before going on sale;
5. Store management and autonomy would have to reassessed and potentially redesigned;
6. Training would need to be provided to all marketing and promotional departments centrally;
7. Training would need to be provided to all licensees on the calculation of MUP and the implementation of the policy;
8. All training manuals would have to be updated;
9. Product wastage because of delisting and inability to mark down due to MUP.

Estimates have already been given by one large retailer that it has cost it around £1m simply to understand what the impact of MUP will be on its systems and processes. It is anticipated the total cost to just one national retailer would be over £3m. Therefore it is highly unlikely that the entire trade and over 134,000 off-licensed premises will be able to become MUP compliant for just £14.1m as estimated in the Impact Assessment, as this is just £100 per premises.

Before moving ahead with Minimum Unit Pricing the Home Office should look to gather a much more accurate understanding of the impact of the measure by visiting retailers to get a better understanding of the difficulty and costs associated with this type of restriction. The WSTA would be happy to facilitate this work through its members.

### **Movement from off to on-trade**

The Home Office again uses the out-dated Sheffield model to predict that a rise in off-trade prices will lead to a correlation in the rise in on-trade sales. It is assuming an increase of around 3% in on-trade sales; yet at 45p per unit products continue to be much more affordable in the off-trade. Given the nature of the 2 business models there will always be a price differential between the on and the off-trade. However, there is little evidence provided to support the argument that price is the only factor in people's consumption habits. The decline in On-trade drinking has resulted as much from a culture shift away from the traditional pub model. The Joseph Rowntree Foundation research has shown, for example, that price is only one aspect of the decision to drink at home. Additional influences include being able to have a drink while preparing to go out and being able to socialise better away from a noisy pub or club.<sup>31</sup>

### **Illegal trade and fraud**

The Home Office has made little or no assessment of the impact of increasing the cost of alcohol on a number of factors, including retail theft, alcohol duty fraud, fake alcohol products, the sale of home brewed alcohol and the white van trade. However, there is a real risk that price rises for alcohol will increase this activity. There is already evidence that retail theft is on the rise and retailers have to invest more in CCTV and bottle tagging in order to combat it.

The cross channel trade at its height accounted for 13% of all alcohol in the UK at a considerable cost to the Treasury. This also means that more alcohol is being sold outside the control of a responsible retailer such as a supermarket, which has adopted Challenge 25 and that sale is not governed by other responsible retailing initiatives.

Illicit factories (such as the one in Boston, Lincolnshire that exploded killing 5 people) have no regard for health and safety measures or responsible production, and the products they produce can cause significant health harms. The continued increase in retail prices of alcohol could make these ventures more appealing with a consequent loss to the Treasury in taxes. We would like to see

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<sup>31</sup> Young people and alcohol: influences on how they drink, Peter Seaman and Theresa Ikegwuonu, December 2010

further analysis by the Home Office and HMRC on the real impact of MUP taking these issues into account.

### **Net Effect**

It is important to highlight that even with the underestimated costs to business and overestimated benefits to society the net effect to society is only calculated at £352m or around £35m per year. This has to be seen in the context of the estimated £200m loss to the Treasury; £1bn extra cost per year to consumers; at least £10bn over the course of 10 years, as well as the £16bn direct taxation that the Treasury already takes through duty and VAT.

### **Multi Buy Promotions**

**Impact on consumption** – it is important to note that there is no analysis on the expected impact this measure will have on sales, consumption or harm. The estimates made about a minimum unit price have already been shown to be flawed: they are simply not comparable to banning promotions based on multiple purchases. The evidence from Scotland has shown that this measure has very little impact on alcohol sales, let alone any impact on harm and therefore it is not possible to confidently estimate any level of societal benefit this policy will bring.<sup>32</sup>

**Cost of Compliance** - As with MUP, the cost of compliance for the ban on multi-buys has been considerably underestimated by the Home Office. There are significant costs associated with the implementation of new software, computer systems, training practices and on-going monitoring to ensure compliance. The ban would also bring on-going costs to retailers, as this regulation will continuously need to be monitored. While the Home Office has said that this measure will just become part of a retailer's compliance systems, and therefore not include additional costs, the reality is that this is an additional regulation on top of current practice, and it will take additional resources to manage. To suggest that the familiarisation with this policy will only be around 30 minutes to an hour is also completely unrealistic. There are significant complexities in understanding which deals do and do not fall into this ban, and therefore retailers will need training and will need to put processes in place in order to ensure compliance.

**Further impact** – it is of concern that the Home Office has not made any calculation in the impact this will have on businesses, consumers or the Treasury. If this does reduce consumption it means that retailers will have had lower sales. This impacts every level of the supply chain including on jobs and growth for retailers themselves, and for producers through lower orders. Additionally, any reduction in sales will also have a knock on effect on losses to the Treasury through a reduced tax take.

**Overall impact** – There is little evidence to suggest that this policy will have any impact on alcohol related harm, particularly as its relationship to reduce alcohol sales is tenuous. It is therefore likely this will simply add a significant burden to businesses, at the expense of jobs and growth, and will do nothing to tackle the minority that drink irresponsibly. It is likely that this will result simply in a net cost to business.

Also it should be noted that if you believe that multi-buy promotions themselves encourage increased consumption and this directly leads to harm, then it makes little sense only to apply this to the off-trade. If you believe in this as a principle then it should surely apply to all alcohol sold.

### **Review of the mandatory code**

The Home Office has yet to release any impact assessment on the mandatory code as the proposals are yet to be worked up in detail. However, it is important to highlight that this review is also likely

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<sup>32</sup> Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS), Preliminary descriptive analysis of the impact of the quantity discount ban on off-trade alcohol sales in Scotland June 2012

to come at a cost to business, on top of the costs of the other proposed measures. This will include having to retrain staff and to change the way they work to comply with the new regulations. As far as possible the Home Office should consider introducing any new measures simultaneously to limit the need to retrain staff and change systems which would otherwise be an additional burden if change was introduced piecemeal.

### **Health as a licensing objective for Cumulative impact Policies**

**Economic Impact** - In the Impact Assessment, the Home Office has made a calculation about the Economic impact of Health as a licensing objective for CIPs through estimating the number of rejected licence applications. This estimate is based on the level of alcohol sold in the UK divided by the number of premises. What it does not take into account is the loss of revenue additional to the loss of the alcoholic products. Pubs and other on licenced premises have further income streams through the provision of food or entertainment. In the off-trade, alcohol only accounts for a small proportion of goods sold and therefore the knock on effect is even greater. This assessment also does not take into account the loss of investment into inner city areas, which helps to encourage further investment and help to create jobs. Therefore the economic loss of this policy is much bigger than its impact on just alcohol sales and is likely to be much greater than anticipated. The Home Office should look to rework this assessment to take into account the true cost to business this proposal has.

**Compliance costs** - Again, the cost of compliance for this proposed policy is likely to have been significantly understated. One of the impacts of health as a licensing objective in Scotland has been the uncertainty that it creates when deciding whether to grant a licence. This has led to an increase in court cases to establish the validity of rejections, and each time a case like this arises stores need to take legal advice on whether to proceed. This again increases costs and burdens on business that do not currently exist and will have an impact on a business's growth and jobs.

Furthermore when considering whether to invest in licensing areas, organisations will have to consider the CIPs and the potential the health harms which are almost impossible to calculate. This creates uncertainty and unpredictability for businesses that have to consider the cost of applying and being rejected, the cost of challenging this and going to court and the cost benefit to the business.

### **Removing red tape**

**Motorway Service Stations** – We agree that there should be minimum additional bureaucracy with allowing motorway service stations to sell alcohol.

**Newspaper advertising** – We agree that the removal of the need to advertise licences applications in the newspaper will bring a substantial benefit to the trade as well as local authorities.

**Renewal of licences** – We agree that there is a benefit to both licence holders and local authorities in not having to renew personal licences every 10 years.

## **Section 7 Recommendations**

The WSTA understands its role in working in partnership with Government and others to offer solutions to tackle these issues. Our suggestions for alternative measures include:

1. **Below Cost Selling** – Rather than focus on Minimum Unit Pricing, the Government should reconsider its position on the ban on below cost selling at the level of duty plus VAT. This would deal with the worst cases of deeply discounted alcohol without impacting on the majority of responsible drinkers as would MUP.
2. **Proxy purchasing** – While retailers are taking measures to tackle proxy purchasing, it is almost impossible for them to deal with if it takes place within the home. The Retail of Alcohol Standards Group has been looking at ways to support retailers affected by the issue. However, more could be done if the Government, the trade and enforcers worked to develop new solutions.
3. **Underage sales** – A licensing condition could be added, either to the age verification condition, or as a standalone condition that ensures licensees are trained to understand the legality and dangers of underage sales and proxy purchasing and how to handle it in store. Work could be done with the trade to develop appropriate and workable wording for the condition.
4. **Enforcing existing laws** – Laws already in place are not being used in the most effective way. Laws to prevent retailers serving to a person who is drunk should be properly enforced to prevent excessive drinking. In 2011 there were only 78 penalty notices and just 5 convictions for this. Additional laws already in place include the fine for persistently selling to children and powers exist to close premises and review licences.
5. **Continuing commitment to the Responsibility Deal** – The deal has seen the introduction of pledges around underage drinking, labelling, promoting alcohol information and removing 1bn units from the market. The Government should offer to drop the alcohol strategy proposals and instead focus on the work that is being done as part of the alcohol network. For example, doubling the unit pledge to remove 2bn units would reduce alcohol consumption by more than has been estimated for MUP.
6. **Incentivising responsible retailing** – With the implementation of full cost recovery of licence fees, the trade will shoulder the entire cost of administering the licensing regime. One of the anomalies of the fee system is that the cost of irresponsible retailers, through enforcement and licensing authority resources, is paid for by all retailers. As suggested above, a system of discounts which incentivises high standards and encourages quicker applications should be considered in the licence fee system.
7. **Anti-Social Behaviour Bill** – The measures in the strategy almost entirely focus on restricting retailers while doing nothing to challenge those that drink irresponsibly. The Anti-social Behaviour Bill is currently going through Parliament and this gives the Home Office the opportunity to develop proposals that deal with those committing alcohol related anti-social behaviour.
8. **Invest in education** – Each of the measures in the consultation look to deal with the supply of alcohol, but very little is set out to help reduce the demand for alcohol. Educational programmes, which target young people and their parents, have proven effective in helping to reduce the demand for alcohol by young people. The Government should ensure that alcohol education is part of the school curriculum.
9. **Partnership Working** – The Community Alcohol Partnership model shows that partnership working can have a significant impact on reducing underage sales. This ensures that retailers are treated as part of the solution, rather than just part of the problem. A relatively simple proposal that the Home Office could implement is to ensure that grant funding to help combat alcohol related crime and harm is only given to projects that encourage partnership between local authorities, police stakeholders and the local trade..
10. **Alcohol Brief Interventions** - Policies targeted at problem drinkers will have far more impact than general price hikes. Greater investment in Alcohol Brief Interventions and screening programmes will help Government to target its resources at those who need it most.
11. **Tackle alcohol duty fraud and illegal sales** – There is significant scope for the Home Office along with HMRC, the police, local authorities and the trade to work together in order to help reduce the illegal production and sale of alcohol, duty fraud and retail theft. Work on this could benefit all stakeholders and help combat a series of illegal behaviours related to alcohol.



## **Current Industry-led initiatives**

Industry led initiatives that are already having a real impact on reducing irresponsible drinking, alcohol related crime and underage sales include:

- **The Public Health Responsibility Deal.** The seven collective alcohol pledges set out the UK alcohol industry's voluntary commitments to help people to drink sensibly. These range from providing health information on the majority of alcohol product labels to further development of community initiatives to tackle alcohol-related issues. Recently it has been reported that retailers are on track to deliver their pledge of having **health information labels on 80% of products on shelf.**
- **Community Alcohol Partnerships** bring together local retailers, trading standards, schools and police to tackle the problem of underage drinking and associated anti-social behaviour in communities. They link alcohol education, enforce measures and partnership working to tackle the demand and supply side of underage drinking. There are now 36 operational CAP schemes across the UK, with plans in place to expand their role and scope. **The schemes reduced alcohol related ASB in Barnsley by 30% and in Durham by 37%.**
- **Challenge 25** is a strategy developed by the industry that encourages anyone buying alcohol that looks under 25 to carry acceptable ID and is now widely used on our high streets. It has proved to be an effective tool to tackle underage purchases and has helped see a **reduction in test purchasing failures in supermarkets from 50% before its introduction to 19% in 2012.**
- **The Portman Group** is the social responsibility body for alcohol producers. It operates a strict Code of Practice to ensure alcohol is marketed responsibly and not in a way that might appeal to children. This Code applies to all pre-packaged alcohol sold or marketed in the UK. Since the Portman Group was set up in 1989, **it has banned over 80 irresponsible products in co-operation with retailers.**
- **Drinkaware** is an independent charity supported by voluntary donations from across the drinks industry to equip people with the knowledge to make decisions about how much they drink. It provides accessible, evidence-based information about alcohol and its effects to employers, young people, teachers, parents and community workers. Using a range of media, such as film, multimedia and TV, it helps dispel myths and present the honest facts about alcohol. **In 2011 Drinkaware had over 2.8m individual visitors to its website.**
- **Best Bar None (BBN)** is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises. Piloted in Manchester in 2003, **it has since been adopted by 100 towns and cities across the UK** and is now being taken up internationally.
- **The Proof of Age Standards Scheme (PASS)** is the industry-led national proof of age accreditation scheme, endorsed by the Home Office, the Association of Chief Police Officers (ACPO) and the Trading Standards Institute (TSI). There are currently five national PASS-accredited card issuers and eleven locally issued PASS card schemes. **Over 5 million PASS cards have been issued since the scheme was set up in 2003.**
- **Purple Flag** aims to raise the standard of licences and broaden the appeal of centres at night time. The scheme, managed by the ATCM, is a partnership of key stakeholder groups, including central and local government, police, business and consumers. **Over 35 Purple Flags have been awarded to town centres across the UK**