

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

Response from Admiral Taverns Limited

Introduction

Admiral Taverns Limited is one of the leading independent tenanted and leased pub companies in the UK with more than 1100 trading sites. Admiral is also a member of the The British Beer & Pub Association (BBPA) which is the leading organisation representing the brewing and pub sector and a number of the comments made by the BBPA are endorsed and indeed repeated in this Response.

Admiral is totally committed to working with all stakeholders to tackle alcohol related harm. We have always supported a ban on below-cost selling and a tax system and policy measures that encourage the production and consumption of lower-alcohol drinks. Along with targeted interventions, local community partnerships, greater education and awareness *and* support for pubs where alcohol is consumed in a managed and safe environment, this is our preferred approach to fostering a culture of responsible drinking in the UK. We believe much progress has been made and would welcome renewed dialogue with Government on a workable ban on below-cost selling. We also welcome Government recognition that the off-trade has an important role to play. For too long the focus for tackling alcohol-related harm and the burden of additional regulation has been solely on pubs and the wider on-trade whereas it has been increasingly accepted by most authorities that alcohol related problems have stemmed from alcohol retailed from the off-trade.

We strongly believe that alcohol should be priced and promoted in a way that is socially responsible, and agree that pre-loading (particularly amongst young people ahead of a night out) causes problems for pubs.

With regard to alcohol and entertainment licensing and related regulation, we are supportive of the Government's commitment to cut red tape for business and welcome proposals within the consultation to look at some of these areas, such as the limit for TENs and newspaper advertising for new licences. We believe the Government should also look at a single date for the renewal of premises licences and the removal of the requirement for local authorities to consult on their licensing policies every five years. It should be recognised that the licensing regime has gone through numerous amendments since its introduction in 2005, despite the fact the original legislation contains robust powers for enforcers to tackle problems where they exist. We urge Government to resist introducing new changes and regulations to licensing law, and instead promote awareness and enforcement of current legislation. Overall alcohol consumption has fallen 12% since 2004, and alcohol related crime has fallen by 23%

since 2003¹ – the latter demonstrating the effectiveness of both enforcement of the Licensing Act and the successful of voluntary partnership schemes such as pubwatches, Best Bar None, Business Improvement Districts and Purple Flag.

We would also highlight the short consultation period allocated to this major policy area. The Government's consultation principles effective from autumn 2012 suggests that for new and contentious policies (and we would argue that minimum unit pricing certainly falls into this category) the full 12 week consultation period should be given, as opposed to the 10 weeks over Christmas for this consultation.

A minimum unit price for alcohol

Consultation Question 1:

Do you agree that this MUP level would achieve these aims? (Please select one option):

Yes ☐ No ☐ ☒ Don't Know ☐

If you think another level would be preferable, please set out your views on why this might be in the box below (keeping your views to a maximum of 200 words).

We support the intent behind minimum unit pricing (MUP) but have concerns with regard to the practicality and ultimate effectiveness of its implementation.

We believe it will prove difficult legislation to pass and as a consequence that it will take several years and many legal obstacles before it becomes law.

In our opinion, a better alternative would be a tax on non-returnable packaging which would achieve the same end result as MUP but would perhaps be easier to implement and provide additional benefits to the industry and end-user. The additional benefits would be as follows ;

- It would specifically target the lower end value but high alcohol content products which MUP seeks to influence and which this consultation seeks to address.
- The increased duty generated should be tax neutral for the industry as a whole.
- This could be offset against a cut in beer duty thus benefitting the whole industry and ordinary, drinking public. This would shift the burden of alcohol duty from low alcohol per unit of

¹ British Crime Survey/Crime Survey for England and Wales

consumption drinks such as cask ale to high alcohol per unit of consumption such as super strength cider.

- This would encourage people to drink lower alcohol per unit products in regulated premises.
- By targeting non-returnable packaging it would highlight the need for the industry to take heed of the environment and green issues.

Consultation Question 2:

Should other factors or evidence be considered when setting a minimum unit price for alcohol? (Please select one option):

Yes ☒ No ☐ Don't Know ☐

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

As recognised in the Impact Assessment, there are a number of considerations and aspects outlined below where further evidence and research is required and which form the basis of the concerns of BBPA members opposed to a minimum unit price:

- The only model the Government has to assess the potential impact is the 'Sheffield' model. It is important the predicted outputs are tested against the experience of the last 8 years, when overall alcohol consumption has fallen by 12%.
- The majority of studies (including Sheffield at an overall alcohol level) indicate that moderate consumers are more price-sensitive and therefore more likely to reduce their consumption from price rises than heavy drinkers. This is not only important to the extent that estimated health harm savings are realized from price increases, but also as moderate drinkers may enjoy specific health benefits as well as general wellbeing and enjoyment which may be forgone.
- The regressive nature of MUP should also be evaluated. Recent studies by the IFS² and CEBR³ highlight that the poorest households are hit hardest (whilst levels of hazardous and harmful drinking are greater among higher income households).
- The wider economic impact of the increase in inflation caused by a MUP (0.2 percentage points at 45p) and that the measure will cost consumers over £1 billion at a time when real household incomes are falling

² ref

³ ref

- Recent studies showing that responsible drinkers generally do not support paying more for their drinks because of the harm caused by others.
- A proper examination of whether there is any benefit to pubs as suggested by Government. For example, the Treasury's own model and Oxford Economics do not find any increase in on-trade beer sales from an increase in off-trade prices.
- That some Local authorities wish to extend a MUP to the on-trade as currently proposed in parts of Newcastle. This would set a worrying precedent and potentially distort local competition with likely unintended consequences.
- The recent Opinion from the European Commission [link] expressing concerns that a 50p MUP in Scotland would be a barrier to entry for new products and discriminate against imports.
- An increase in smuggling and cross-border shopping and the estimated cost of this to UK plc.

Consultation Question 3:

How do you think the level of minimum unit price set by the Government should be adjusted over time?
(Please select one option):

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

- Should MUP be introduced, it is vital that this have a formal, objective, transparent review, within a given time-frame, against the objective of tackling alcohol misuse and reducing the consumption levels of harmful drinkers, and not be simply measured against macro-consumption levels which are already falling.

Consultation Question 4:

The aim of minimum unit pricing is to reduce the consumption of harmful¹³ and hazardous¹⁴ drinkers, while minimising the impact on responsible¹⁵ 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?
(Please select one option):

Yes ☒ No ☐ Don't Know ☐

If Yes please specify in the box below (keeping your views to a maximum of 100 words).

By its very nature of raising the prices of cheaper products, low income households are a key group that may be particularly impacted by a MUP.

The CEBR study concluded that *"a minimum price of 45 pence has a significantly larger impact on expenditure, even in absolute terms, on the poorest 20% of households – it would be a highly regressive measure....MUP would do relatively little to address hazardous and harmful alcohol consumption among higher income groups."*

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

Consultation Question 5:

Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?
(Please select one option):

Yes ☒ No ☐ Don't Know ☐

We firmly believe all retailers should act in a responsible manner and not in a way that encourages consumers to drink at harmful or hazardous levels.

We also believe that it would be an extremely difficult policy to enforce and would lead to a lack of clarity similar to the present Irresponsible Promotions dictum. However, if it was to be meaningful and able to be observed we would support a ban in the off-trade.

Consultation Question 6:

Are there any further offers which should be included in a ban on multi-buy promotions?
(Please select one option):

Yes ☐ No ☐ Don't Know ☒

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

Consultation Question 7:

Should other factors or evidence be considered when considering a ban on multi-buy promotions?
(Please select one option):

Yes ☒ No ☐ Don't Know ☐

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

- evidence that alcohol-related harm would reduce without disproportionately impacting responsible consumers
- any distributional impacts of the measure for example on low income households
- likely unintended consequences such as lower single unit prices or encouraging a move towards sale of multi-packs only and de-listing of single containers

Consultation Question 8:

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? (Please select one option):

Yes ☐ No ☐ Don't Know ☒

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

Don't know.

Reviewing the mandatory licensing conditions

Consultation Question 9:

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 - see glossary)?

Please state Yes / No / Don't know in each box:

		Prevention of crime and disorder	Public safety	Prevention of public nuisance	Protection of harm from children
A.	Irresponsible promotions (see condition i above)	Unsure	Unsure	Unsure	Unsure
B.	Dispensing alcohol directly into the mouth (see condition ii above)	No	No	No	No
C.	Mandatory provision of free tap water (see condition iii above)	No	No	No	No
D.	Age verification policy (see condition iv above)	Yes	Yes	Yes	Yes
E.	Mandatory provision of small measures (see condition v above)	No	No	No	No

NOTE - We point out that the fourth licensing objective listed here is incorrect – ‘protection of harm from children’ should read ‘protection of children from harm’

Admiral Taverns comments:

- The problems from alcohol related harm have been declining for a number of years. Violent incidents where the victim was perceived to be under the influence of alcohol have declined from 1.2 million incidents in 2003 to 928,000 in 2011.
- Admiral Taverns believes that some of these cultural changes can be attributed as a result of successful partnership initiatives such as Pubwatch, Best Bar None, Purple Flag, or Business Improvement Districts. These have created a safer drinking environment and better standards.
- We believe the mandatory conditions are disproportionate and greater use should be made of existing powers within the Licensing Act, rather than any extension or addition to the mandatory conditions.
- It is our view that a responsible, experienced and well-trained operator should be allowed to run his business in conjunction with the Licensing Objectives but un-encumbered by further unnecessary legislation.

- The Licensing Act has adequate redress for the Responsible Authorities if any individual operator fails to maintain suitable standards of compliance.
- We would comment that not all of the mandatory conditions were designed to address each one of the licensing objectives, for example it is difficult to see how free tap water promotes the protection of children from harm and if a 'no' response to this question would be viewed as a failure of this objective.

Consultation Question 10:

Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs? (Please select one option):

Yes ☐ No ☒ Don't Know ☐

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

We believe a responsible operator with knowledge of his customers and environment should be trusted to assess what is and is not an irresponsible promotion.

Under the present regime, more clarity is needed with examples of irresponsible promotions to aid licensing authorities. This could be covered in guidance. Guidance does however need to provide for non-problematic promotions such as 'happy hours' which should not be banned. Flexibility is the key. There is no impact assessment presented as to the Government's initial view as to the impact of the mandatory conditions on promotions.

Consultation Question 11:

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 - see glossary) which could be tackled through a mandatory licensing condition? (Please select one option):

Yes ☐ No ☐ Don't Know ☒

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

- Admiral's view is that licensing conditions should be applied on a case by case basis, where evidence of impact on the licensing objectives is considered, and appropriate and proportionate conditions applied to the licence.
- There is already the long established power under the 2003 Act to add a relevant condition to any premises licence where there is evidence it would promote any of the licensing objectives.

We believe that this power should be targeted. It is not proportionate to attach conditions to every licence in the country.

- There would have to be strong, overwhelming evidence that an issue was so pressing that the only way to tackle it would be for new mandatory condition would have to be introduced.

Consultation Question 12:

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? (Please select one option):

Yes

☐

No

☐

Don't Know

☒

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

- Currently, the only mandatory condition that applies to the off-trade is that concerning age-verification. The other conditions are so on-trade specific it is difficult to see how they could ever practically apply to the off-trade and it is unclear from the evidence presented what such conditions would look like. We would however wish to see the off trade playing a stronger role in encouraging responsible consumption, as for too long Government policy has only focused on pubs and the wider on-trade.
- As previously stated our view is that the Licensing Act is the correct and most effective mechanism for applying appropriate conditions to both on- and off- licences based on strong evidence of any contravention of the licensing objectives.

Health as a licensing objective for cumulative impact policies

Consultation Question 13:

What sources of evidence on alcohol-related health harm could be used to support the introduction of a cumulative impact policy (CIP) if it were possible for a CIP to include consideration of health?

Please specify in the box below, keeping your views to a maximum of 200 words.

- Whilst not part of the 2003 Act, there are currently 160 Cumulative Impact Policies (CIPs) in force across England and Wales implemented via the Section 182 statutory guidance to the Act.
- This guidance states that where an evidence base of harm is developed by a responsible authority in order to establish a Cumulative Impact Policy, this should be linked to whether these problems are being caused by licensed premises in a specific area.
- If alcohol-related health harm is introduced as a consideration for CIPs, the same criteria should apply, in that the evidence of health harms must be proven to be linked to the amount of licensed premises in a specific area.
- Section 13.23 of the statutory guidance currently allows for hospital admissions to be accepted as evidence – it would be logical to allow this for health as an objective. However, any evidence used must be relevant to the impact on specific local areas, and national-level studies or general views on alcohol and health must not be used as a basis for local policies.
- Admiral also supports the proposed amendments to the collection of hospital admission data which should concentrate on the primary cause of admission and not secondary causes. However, care must be taken as to how such information is gathered and the weight attributed to the evidence of an intoxicated individual eager to appear reasonable to police and/or A&E departments. It is conceivable that such an individual could have taken drink elsewhere in great quantities including at his home but not relay such information, the last pub will always be the place that is afforded the blame. This perhaps skews data in favour of the off-trade when it is well known that many people drink prior to leaving home on a night out.
- The increased incidence of alcohol being bought in bulk out of a specific area or indeed on-line creates further complications in sourcing accurate information. Ultimately we believe that each

licensed premises should be judged on its own standards and not because of issues (health or otherwise) in the locality.

- The distance between point of purchase and point of consumption is increasingly divorced with on-line or bulk purchases, therefore a well-run and compliant licensed premises is likely have little or no bearing on secondary alcohol related health problems in the local area and yet could fall foul of tightened legislation

Consultation Question 14:

Do you think any aspects of the current cumulative impact policy process would need to be amended to allow consideration of data on alcohol-related health harms? (Please select one option):

Yes ☒ No ☐ Don't Know ☐

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

Further to the points made in response to Question 13 the section 182 guidance should be amended to ensure that any evidence used to demonstrate alcohol-related health harms must be specifically linked to licensed premises within the proposed CIP area.

As CIPs target geographical areas so the harm must be directly related to the same area as must the source of the harm. With the more widespread nature of off-sale alcohol consumption it is difficult to target the source of any problems and more relevant to target the specific low cost, high alcohol products which are the source of many of the alcohol related problems.

Consultation Question 15:

What impact do you think allowing consideration of data on alcohol-related health harms when introducing a cumulative impact policy would have if it were used in your local area? Please specify in the box below, keeping your views to a maximum of 200 words. Please provide evidence to support your response.

Freeing up responsible businesses

Consultation Question 16:

Should special provision to reduce the burdens on ancillary sellers be limited to specific types of business, and/or be available to all types of business providing they meet certain qualification criteria for limited or incidental sales? (Please select one option in each row):

		Yes	No	Don't know
A	The provision should be limited to a specific list of certain types of business and the kinds of sales they make (see paragraph 9.5).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller (see paragraph 9.6).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	The provision should be available to both a specific list of premises and more widely to organisations meeting the prescribed definition of an ancillary seller, that is, both options A and B.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Admiral Taverns believes that the sale of alcohol should be carried out by someone authorised and qualified to do so.

It would seem inconsistent and indeed remiss if an ancillary seller was able to sell alcohol free of any of the conditions or required knowledge that a licensed premises was required to adhere to. For example, what would be the acceptable age verification for the sale of alcohol in a hair-dressers ?

Consultation Question 17:

If special provision to reduce licensing burdens on ancillary sellers were to include a list of certain types of business, do you think it should apply to the following? (Please select one option in each row):

		Yes	No	Don't know
A	Accommodation providers, providing alcohol alongside accommodation as part of the contract.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Hair and beauty salons, providing alcohol alongside a hair or beauty treatment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Florists, providing alcohol alongside the purchase of flowers.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the entry ticket.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E	Regular charitable events, providing alcohol as part of the wider occasion. ²⁸	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It is our view that the sale of alcohol should be done responsibly and with accountability and with the same standards as applied to a licensed premises.

It may be that in some instances such as a rural village shop which has no nearby licensed premises that a lighter form of regulation for authorisation could be applied but generally we feel that the sale of alcohol is something that should be done in a compliant, organised, responsible and accountable manner.

Consultation Question 18:

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 (see glossary)? (Please write your suggestions in the box below, keeping your views to a maximum of 200 words):

As indicated above in Question 17 above, we believe a lighter form of regulation may apply to smaller village shops in rural communities.

Consultation Question 19:

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? (Please select one option):

Yes ☒ No ☐ Don't Know ☐

If no, please describe the changes you would make in the box below (keeping your views to a maximum of 200 words).

Consultation Question 20:

Do you think that these proposals would significantly reduce the burdens on ancillary sellers? (Please select one option in each row):

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	Introduce a new, light touch form of authorisation for premises making ancillary sales - an ASN - with no requirement for a personal licence holder.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Question 21:

Do you think that the following proposals would impact adversely on one or more of the licensing objectives (see glossary)? (Please select one option in each row):

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN – with no requirement for a personal licence holder.		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Question 22:

What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation? (Please specify in the box below, keeping your views to a maximum of 200 words)?

As stated, consideration should be given to the impact of any light touch authorisations on those premises with full licences, and ensure that such businesses are not disadvantaged.

Consideration should also be given as to who is accountable for any sales and who is deemed to be the responsible person.

Consultation Question 23:

Do you agree that licensing authorities should have the power to allow organisers of community events involving licensable activities to notify them through a locally determined notification process? (Please select one option):

Yes ☐ No ☒ Don't know ☐

Consultation Question 24:

What impact do you think a locally determined notification would have on organisers of community events? (Please select one option in each row):

		Yes	No	Don't know
A	Reduce the burden	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Increase the burden	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- The current TEN process has recently been further strengthened giving enforcement authorities more control over whether such an event goes forward or not.
- The TEN process applies to all businesses wishing to undertake licensable activities or extend them beyond their current licensing provisions and has been in operation for a number of years, making it well established and understood as the correct procedure for doing so.
- We would object to the creation of a separate new process for 'community' events which may lack the safeguards provided by the TEN process and disadvantage those businesses who are not able to utilise the new process. Pubs for example invest significantly in staff training and venue improvements to ensure that consumption of alcohol is safely supervised, and it is illogical that better trained and experienced retailers should be disadvantaged by freeing up regulation of events which are subject to lesser safeguards.

Consultation Question 25:

Should the number of TENs which can be given in respect of individual premises be increased?
(Please select one option):

Yes ☒ No ☐ Don't know ☐

Consultation Question 26:

If yes, please select one option to indicate which you would prefer:

15 ☐

18 ☒

Don't know ☐

Admiral Taverns welcomes the extension of the limit for TENs, which will be beneficial for pubs and other licensed premises wishing to take advantage of this process. With the strengthened TENs process introduced in 2012 there are sufficient controls in place for increasing the TEN limits and we believe that consideration should be given for more than 18 TENs to premises who have demonstrated they are able to utilise the process in a compliant fashion.

Consultation Question 27:

Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways? (Please select one option in each row):

	Yes	No	Don't know
A Determining that premises in certain areas are exempt.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B Determining that certain premises types are exempt in their local area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Question 28:

Do you agree that motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment? (Please select one option):

	Yes	No	Don't know
A Motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Question 29:

Please describe in the box below any other types of premises to which you think a nationally prescribed exemption should apply (keeping your views to a maximum of 100 words):

We believe that consideration may be given to village stores in small rural communities where there is no licensed premises.

Consultation Question 30:

Do you agree with each of the following proposals? (Please select one option in each row):

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

We do not support the loosening of restrictions for motorway service stations unless it is for overnight guests at lodges.

It seems counter-intuitive to be encouraging the sale of alcohol to people driving on the motorway or indeed a passenger in a vehicle on the motorway. Moreover, the 24 hour status of service stations could act as an attraction to the late night reveller seeking alcohol which cannot be sensible.

Consultation Question 31:

Do you think that each of the following would reduce the overall burdens on business? (Please select one option in each row):

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

The requirement to advertise applications and variations in local newspapers in addition to on-site notices is a bureaucratic obligation that is unnecessary and ineffective in eliciting responses from residents. Placing such advertisements incurs unnecessary cost for businesses, and we agree with the cost to the industry of £7-8m per year stated in the impact assessment. Local newspapers apply a wide range of charges from £100 to £550 depending on the part of the country which can be excessive for a small business trying to make a slight adjustment to its trading conditions.

This issue was raised in the Tourism Regulation Task Force Report commissioned by the Minister for Tourism and published in January 2012. The report drew on the experience of a nationally renowned firm of licensing solicitors who indicated that of some 8,000 premises licence applications lodged under the Licensing Act requiring public notice, none had attracted a representation because of a newspaper advertisement. We therefore support the proposal that the requirement should be reviewed and repealed.

Consultation Question 32:

Do you think that the following measures would impact adversely on one or more of the licensing objectives (see glossary)? (Please select one option in each row):

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

Consultation Question 33:

In addition to the suggestions outlined above, what other sections of or processes under the 2003 Act could in your view be removed or simplified in order to impact favourably on businesses without undermining the statutory licensing objectives or significantly increasing burdens on licensing authorities? (Please specify in the box below keeping your views to a maximum of 200 words):

Licensing Policy reviews

This is an unnecessary and costly exercise every five years and could be put aside, given that local authorities have the power to review their policies at any time (any many do so in the interim).

Fee Levels

The sector appreciates that fee levels have remained stable since the introduction of the Licensing Act. In the event that fees are to be raised and potentially set locally by licensing authorities, it is imperative that there is a national cap on the levels that may be charged. There is a precedent for this in the Gambling Act 2005 with regard to fees for gaming licences, and it appears to have worked well.

Common date for premises licence fee payments

This issue was included in the Tourism Regulation Task Force Report. 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 who 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. Pub owning companies 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.

Other simplifications to licensing

Registration of Interest on a Premises Licence

The annual renewal of 'registration of interest' should be simplified so that they last until the licensing authority is notified to the contrary. Many licensing authorities are struggling administratively and this is an additional and unnecessary burden on both the authority and the freeholder.

Representations by residents

We have seen a number of instances where a lone individual's representation against a variation (which has been approved by the Responsible Authorities) has caused a full hearing to take place.

Of course an individual has a valid right to object but sometimes they do not back up their representation and fail to attend the hearing. We estimate the cost to Admiral and its tenants of these unnecessary hearings to be significant and the tenant or premises licence holder is left with the additional and unnecessary cost of legal representation at the hearing along with the other costs of the application without any recourse. In addition, the time and cost of the attendance and preparation of Councillors, Licensing officer, Council solicitor and other responsible authorities is wasted.

We believe that where there are a small number of representations against an application which has the support of the Responsible Authorities, the Council should be able to correspond with and challenge the objectors as to whether they intend to attend the hearing, thus an address should be deemed essential and anonymous representations disregarded. Moreover, they should be asked to prepare a statement of the evidence they have in support to check if it is indeed a point of substance and not spurious, vexatious or misguided.

If the individual objectors do not respond or indeed, respond without any particularity or evidence, then the application should be granted without the hearing.

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? (Please select one option in each row):

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

Consultation Question 35:

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.

Yes



No



Don't Know



If yes, please specify in the box below, referencing clearly the impact assessment and page to which you refer (keeping your views to a maximum of 400 words).

MUP

- The IA itself recognises that further research is needed in a number of key areas such as international competition (page 15) and distributional effects (page 8) and the limitations and uncertainties of much of current modelling (page 8). We agree it is important that these should be addressed.
- The Sheffield study is relied on to quantify the health benefits. This model is speculative with a number of identified flaws, as highlighted by a recent comprehensive critique by the Adam Smith institute⁴. Therefore some sensitivity analysis should be undertaken regarding the benefits ascribed to the preferred option.
A particular example (page 6) is the reference made that the Sheffield study elasticities are consistent with the international evidence base. The Sheffield elasticities which are consistent with international evidence showed heavy drinkers are LESS likely to respond to price increases by reducing consumption⁵ but these were discarded in the subsequent analysis.
- The Canadian study referenced (page 6) showing a 10% increase in minimum prices led to a fall in consumption did not look at impact on harmful consumption or the distributional effect. Canada also has a very different retail environment.
- No reference is made to recent Home Office and other research showing that consumers are generally not supportive of paying more for their drinks because of harm caused by others or indeed believe that increasing prices would make a significant difference to alcohol-related harm.
- No account appears to be taken of the enjoyment, health and wellbeing benefits of responsible alcohol consumption.
- No qualification (page 10) is made to the assertion that a 6.6% fall in off-trade sales leads to a benefit to on-trade volumes of +3.0%. A switch of this magnitude appears counter-intuitive bearing in mind the wide price differentials between the two channels that would remain and is not consistent with the Treasury's own model. This is

⁴ Reference

⁵ Reference

important if an objective is to support pubs and encourage consumption in a safe and managed environment.

- The IA (page 22) states there is little evidence of a potential increase in cross-border trade, smuggling and illicit production. Again this seems counter-intuitive as this is already a major issue due to high tax UK tax rates and the wide differentials with European neighbours. Further increasing the price of legitimate brands would exacerbate this situation and should be modelled and accounted for.

Multi-buy promotions

- It is difficult to provide a considered response regarding support of otherwise for this policy when the evidence-base presented is so thin, benefits cannot be quantified and further research is clearly needed (as indeed the IA recognises)
- The only existing precedent is Scotland and so far there has been no measurable impact in terms of consumption (indeed off-trades sales show a similar pattern as England & Wales) or more importantly any measurable impact on harmful consumption has been determined following its introduction (page 6).
- The IA assumes that since 2004, more products will be sold in this manner (page 5) but there is no further justification for this assertion. Certainly total beer sold through the off-trade has fallen in recent years so even if more beer is now sold via multi-pack discounting, overall volumes have still declined.
- Studies referenced (page 5) stating that people buy and consume more on promotion will generally also incorporate normal price discounting not being considered here. Also these are generally not specific to alcohol nor do they consider different types of drinker.
- There is no evidence that those who pre-load before a night out, which is cited as a particular concern (page 6), are more likely to purchase more alcohol via multi buy discounts or, more importantly, would change their behaviour if they could not purchase alcohol in this way.
- We welcome that further research on purchasing patterns will be undertaken (page 8) but are very concerned that it is “hoped” that “previous research” will continue to be used to infer the effects of such a ban on consumption. As noted previous research does not allow an informed assessment of the likely impact of this policy measure on reducing harmful consumption or how it would impact responsible consumers. It is also not apparent if consumers would support this measure.

Health as an objective for CIPs

- We would comment that the costs and benefits in the RIA are highly speculative and more data needs to be gathered from licensing and responsible authorities, as the RIA admits the benefits and costs are difficult to quantify at this stage.