



Asda Consultation Response

Home Office “A consultation on delivering the Government’s policies to cut alcohol fuelled crime and anti-social behaviour”

At Asda we accept that more needs to be done to tackle alcohol misuse in this country, and as a responsible retailer we stand ready to play our part. We have already demonstrated our willingness to act by ending the sale of alcohol for below duty plus VAT and removing alcohol from all our store foyers – the only retailer to do so. We have introduced Challenge 25 in every store, ended the sale of alcohol in town/city centre stores between midnight and 6am and invested £1 million in targeted and effective action to tackle harmful drinking, delivered via Addaction, the UK’s leading specialist alcohol treatment charity. We are also a signatory to the UK Responsibility Deal pledge to remove one billion units of alcohol from the market by 2015, and have voluntarily delisted certain high alcohol products from our shelves and reduced the alcohol content of others.

As a responsible retailer we have a duty to balance the needs of a range of stakeholders, not least our customers, many of whom are on very limited incomes and are seeing their budgets stretched further by tax credit and benefits changes. Asda’s latest income tracker revealed that the average UK family had £144 of weekly disposable income in December 2012 – unchanged from the previous year but £10 lower than in December 2010. The biggest pressures come from energy price hikes, mortgage costs and food price inflation: factors that are likely to continue this coming year.

In this context, minimum pricing will represent a significant additional burden on our customers at a time when they can least afford it. We expect minimum pricing to affect around 60-65 per cent of our alcohol sales, with an average bottle of wine going up from £3.69 to £4.88, and a four pack of lager from £3 to at least £3.96. It’s important to remember that pricing is subjective, and for many of our customers our prices are not ‘cheap’, they are affordable. Minimum pricing wrongly assumes that everyone who looks for value for money is a binge-drinker. Our shoppers tell us that they find it hard to understand why the Government wants to put up alcohol prices for responsible drinkers at a time when families are already struggling.

It is particularly hard to understand this approach when the Government’s stated aim is ‘to tackle alcohol-fuelled violent crime and antisocial behaviour’. It is unclear how the measures proposed in the consultation will target the perpetrators of these crimes. We are concerned that the most responsible, law-abiding consumers are the ones who will lose out, and that individuals who create public order disturbances will continue to do so. The architects of the Sheffield study have admitted that minimum pricing will not tackle binge drinking, and the Government’s own impact assessment notes that those drinkers most commonly associated

with alcohol-fuelled crime and antisocial behaviour are amongst the least likely to be affected, and are actually likely to increase their consumption in the on-trade.

Therefore while we welcome the intention of the Government to tackle alcohol misuse, we believe that the alcohol strategy consultation relies too heavily on a blanket price intervention that does not do enough to target irresponsible drinkers and will have serious unintended consequences. While alcohol consumption in the UK is already on a sustained downward trajectory, we believe there are other steps the Government could take that will make a meaningful difference to reducing consumption still further, without disadvantaging the majority of drinkers who consume responsibly.

As Scotland's experience has shown, minimum pricing could be tied up in the courts for years, during which time the Government will have made no progress on reducing harmful drinking. By contrast, the UK Responsibility Deal, which has committed industry to removing one billion units from the market, will achieve a 2 per cent drop in consumption by 2015. Rather than fixating on minimum pricing, we believe the Government should instead set a new challenge for the industry – to double the current target and take two billion units out of the market in the next two years. That's a 4 per cent drop in consumption compared with minimum pricing's predicted 3.3 per cent, and it's something everyone can get behind: a proper deal that will deliver real results. We hope the Government will consider this constructive suggestion.

In these tough economic times, with consumers' weekly budgets under sustained pressure, our customers increasingly tell us that they prefer to buy only what they need – they don't want to have to buy large quantities to get the best deal possible. As a result, we have already reduced some of our link-saves and large multi-buy quantity discounts in our stores, including on alcohol. This means that our customers get good value without having to buy larger amounts of alcohol.

At Asda, we recognise that there have been concerns at how alcohol has been sold and promoted in both the on- and off-trade. We stand ready to find a new way of retailing alcohol. We therefore accept the Government's proposal to level the playing field by introducing a ban on multi-buy promotions, and would urge the Government to support this with a ban on happy hours and quantity discount promotions in the on-trade. Together with other sales restrictions, these could be meaningful steps towards changing the long term culture of alcohol without penalising the majority of responsible drinkers and without the serious unintended consequences of minimum pricing.

We believe that there are further changes that can be made to the sale of alcohol that would help to address concerns over the prominence of alcohol promotions in the off-trade and contribute to changing the culture of alcohol purchasing. In March 2011, Asda voluntarily ended the display of alcohol in all our store foyers, where large multipacks of alcohol and promotions are often presented. As a responsible retailer, we felt that this would help to change the perception of alcohol, reduce its prominence to customers and prevent its use as a promotional tool to attract shoppers into stores. Asda remains the only major retailer to take this significant step. We believe the Government should consider extending the mandatory licensing code to include a ban on alcohol displays in shop foyers, so that all retailers take the same responsible approach.

To strengthen the effect of the ban, the Government could also consider steps to limit in-store alcohol marketing. While there is, of course, a role for the responsible promotion of alcohol, not least to help customers make an informed choice about their purchase, we believe there could be benefit in limiting the display of marketing materials to certain areas of the sales premises. This would allow for a more targeted promotional approach directed only at customers already intending to purchase alcohol.

It is critical that the Government recognises the need for a level playing field. There is nothing in the consultation to stop businesses using vouchers or loyalty cards to continue to provide a discount for quantity purchasing of alcohol or to provide alcohol free of charge. We would urge the Government to give careful consideration to this matter, which is entirely at odds with the policy objectives of the strategy and leaves a major loophole in the legislation. For example, a 'Buy 3 bottles of wine and get 500 bonus points' promotion would have the same effect as '3 for 2' at Tesco for bottles of wine worth around £5. Without addressing this gap, there is a clear risk that one type of promotional activity involving alcohol will be substituted for other more creative approaches, and the ambitions of the strategy will be seriously undermined.

We believe that the crime and antisocial behaviour harms that the Government seeks to address are better tackled through strict enforcement of current laws and through targeted measures that identify those who are drinking irresponsibly and attempt to address their behaviour based on a proper understanding of the social and cultural influences. The work that Asda supports via Addaction engages directly with the young people and families most in need of help, and addresses a range of alcohol-related problems, including criminal activity, health issues and education. We would be delighted to share with the Government more information on the positive results Addaction is seeing from these targeted projects.

At Asda, we have devoted extensive resources to improving the way we sell alcohol and helping customers to make healthy choices. We are ready to build on this with meaningful action that creates a new way of selling alcohol that does not disadvantage the majority of drinkers who consume responsibly.

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Responses to the consultation questions

We have answered only the questions to which we have relevant views.

Consultation Question 1: The Government wants to ensure that the chosen minimum unit price level is targeted and proportionate, while achieving a significant reduction of harm. Do you agree that this MUP level would achieve these aims?

Asda believes that the proposal to tackle alcohol-fuelled crime and antisocial behaviour through a minimum price of 45p per unit is neither targeted nor proportionate, and will penalise responsible drinkers while failing to address real alcohol harm.

As the Government's impact assessment recognises, minimum pricing will disproportionately impact low income groups, regardless of whether they contribute to alcohol harm. It must be remembered that pricing is subjective, and that for customers on income support or on the basic state pension prices are not 'cheap', they are affordable. Minimum pricing assumes that everyone who looks for value for money is a binge-drinker. In fact, evidence shows that low earners drink less and are less likely to exceed recommended drinking guidelines than those in higher income groups. Responsible drinkers on a budget will be hit harder than irresponsible drinkers with higher incomes.

Putting up alcohol prices will penalise our customers at a time when their budgets are already stretched by high utility and fuel prices. Asda's latest income tracker report shows that the average UK family currently has £144 weekly disposable income – that's £10 less than two years ago. Our shoppers find it hard to understand why the Government wants to put up alcohol prices at a time when families are already struggling to manage their spending within a declining budget.

Setting higher prices for alcohol in this way will punish the responsible majority for the sins of the minority, and is unlikely to achieve a reduction in harm. We are concerned that the most responsible, law-abiding consumers are the ones who will lose out, and that individuals who create public order disturbances will continue to do so. The architects of the Sheffield study have admitted that minimum pricing will not tackle binge drinking. The Government's own impact assessment notes that those drinkers most commonly associated with alcohol-fuelled crime and antisocial behaviour are amongst the least likely to be affected by minimum pricing, and are actually likely to increase their consumption in the on-trade.

Blanket pricing policies that punish the majority of people who drink responsibly and moderately are not the answer. We believe that there is a better way to tackle the small minority of problem drinkers through targeted measures that identify those who are drinking irresponsibly and attempt to address their behaviour based on a proper understanding of the social and cultural factors that influence that behaviour.

We believe that a mixture of education for customers, and a robust enforcement of current legislation in place to stop access to alcohol by those under 18, is the right way to tackle the issue of alcohol misuse. In particular, we would like to see real action taken against those who buy, or attempt to buy, alcohol for those under 18—action which currently is rarely taken.

We would support the Government revisiting the UK Responsibility Deal, which currently commits industry to the removal of one billion units from the market by 2015, to consider whether it can be used to achieve further alcohol consumption reduction without the need for legislation. Rather than fixating on minimum pricing, we believe the Government should instead set a new challenge for the industry – to double the current target and take two billion units out of the market in the next two years. That's a 4 per cent drop in consumption compared with minimum pricing's predicted 3.3 per cent, and it's something everyone can get behind: a proper deal that will deliver real results. We hope the Government will consider this constructive suggestion.

Consultation Question 2: Should other factors or evidence be considered when setting a minimum unit price for alcohol?

Rather than assuming a simplistic argument on pricing policy, the Government should take into account the social and cultural changes that have resulted in a shift from on- to off-sales. Increasingly we hear from our customers of their desire to socialise with friends and family in what they see as a safer, more controlled home environment. Fear of antisocial behaviour, greater awareness and enforcement of drink driving laws, the growth of dinner party culture and an explosion in digital broadcasting and compelling TV scheduling are just some of the factors driving the growth in consumption of alcohol in the home.

The Joseph Rowntree Foundation report 'A minimum income standard for Britain' sought to establish what the public considered was necessary to achieve an acceptable standard of living. The report considered four different household types: single working age, pensioner couple, couple with two children and lone parent with one child. Focus groups decided that for each household type some level of spending on alcohol was necessary to achieve an acceptable standard of living. In the case of a couple with two children, it was decided that only alcohol for consumption in the home was a necessity, but the minimum spend considered acceptable was £6.84. This falls far short of the cost of a bottle of wine and a four pack of lager under a minimum price of 45p per unit.

The Home Office should recognise the impact of the Department of Health's Responsibility Deal alcohol pledges, which include the industry commitment to removing one billion units of alcohol from the market by 2015, equivalent to a 2 per cent reduction in consumption. This is in addition to the Office of Budget Responsibility's calculations that by 2018 people in the UK will be drinking 2.4bn fewer units, equating to a further 4.8 per cent reduction. It's clear that reducing alcohol consumption can be achieved without the damaging unintended consequences of minimum pricing, and indications suggest that consumption in the UK is already on a sustained downward trajectory.

We would urge the Government to take into account the widespread evidence from around the world that there is no simple link between alcohol price, consumption and harm. The Government's impact assessment predicts significant "crime and health benefits" from a 3.3 per cent reduction in consumption, yet consumption in the UK has reduced by 13 per cent since 2004 without these benefits being visible. In Scotland, alcohol consumption has dropped further in the last two years than was modelled under a 50p minimum unit price, yet there is no evidence of an ensuing reduction in alcohol-related harm.

There is a high risk that minimum pricing is illegal under European law. The Government should consider the European Commission's opinion on the Scottish Government's proposals, which represents an authoritative view on what European law requires.

Minimum pricing is a system which exists in no comparable country on a nationwide basis. The Canadian system, which is often cited as an example, is entirely different and operates from state run off-licences. Prices are set based on increasing revenue not reducing harm and the off-licences return a dividend to the Government. The evidence base for the Government's minimum pricing policy therefore rests on the University of Sheffield model, which has received widespread criticism for using flawed methodology and assumptions. The Institute for Fiscal Studies, Institute of Economic Affairs, Adam Smith Institute and Centre for Economic and Business Research, as well as the Home Office and Treasury, have all detailed the limitations and faults in the model. We do not believe that this is a robust evidence base on which to implement policy with far-reaching consequences.

The Government should recognise the need for a level playing field. There is nothing in the consultation to stop businesses using vouchers or loyalty cards to continue to provide a discount for quantity purchasing of alcohol or to provide alcohol free of charge. We would urge the Government to give careful consideration to this matter. It is at odds with the policy objectives of the strategy and leaves a major loophole in the legislation. We explore this issue further in response to Question 8.

Finally, we would wish the Government to acknowledge the importance of personal responsibility in tackling alcohol misuse. It is how individuals consume alcohol that is important, and the measures in the strategy almost entirely focus on restricting retailers while doing nothing to challenge those that drink irresponsibly.

Consultation Question 3: How do you think the level of minimum unit price set by the Government should be adjusted over time? (Please choose one option)

Option C. If minimum unit pricing is introduced, we strongly believe that the Government should not be permitted to raise the price level without a full review of the supporting evidence, consultation with the industry and approval by Parliament. There should be a sunset clause in the legislation which outlines that the policy must be evaluated after a set period, or can expire automatically if it fails to achieve the Government's stated aims. This would be a legitimate response to the very real concern that minimum pricing has not been tested elsewhere.

Consultation Question 4: The aim of minimum unit pricing is to reduce the consumption of harmful and hazardous drinkers, while minimising the impact on responsible drinkers. Do you think that there are any other people, organisations or groups that could be particularly affected by a minimum unit price for alcohol?

Minimum pricing is an artificial market intervention which exists in no comparable country on a nationwide basis, and it is therefore hard to assess what its impact will be on sophisticated market dynamics. It is likely to have a number of significant unintended consequences, in addition to increasing prices for responsible drinkers.

The Government's impact assessment predicts that, if it is successful in reducing consumption, minimum pricing will lead to a reduction of £200 million per annum from the budget through lost duty and VAT receipts. This is a cost to the taxpayer, in addition to the higher prices they will be forced to pay at the till. We believe that consumers will find this hard to understand.

If minimum pricing achieves its desired effect, there will be a fall in consumption. If it does not, then the Institute of Economic Affairs has indicated that the alcohol industry will profit. The relationship between retailers, manufacturers and suppliers is complex, however, and we do not accept the proposition that there will be a direct transfer of wealth from consumers to retailers. It is likely that minimum pricing will significantly increase the advantage and market share of the major brands, with a knock-on reduction in retail buying power and customer choice. In the own brand sector, minimum pricing could have a significant impact on jobs and investment. Because of the lack of price promotion, it will be self-evidently hard to bring new products to market, and the removal of price advantage will severely restrict the ability of businesses legitimately to compete with each other and provide genuine customer choice.

Other unintended consequences are likely to include an increase in illegal activity, both through theft from retailers and an increase in grey and black market sales, and further serious market distortions caused by the imposition of different pricing structures and regulations across the UK.

Minimum pricing is also likely to cause a significant increase in waste, which runs counter to the Courtauld agreement and has serious implications for sustainability and cost. From time to time all retailers will have unsold or redundant stock, which includes items with a limited shelf life, products with label and packaging damage, and deleted lines. Reducing the price of these items by even the smallest amount usually allows all this stock to be sold. Under minimum pricing, however, such stock clearance discounts will be prohibited, and retailers will be forced to resort to disposal. Given that most alcohol products are packaged in glass, both the monetary costs and the environmental impacts of this disposal will be high. At Asda, our aim is to send zero waste to landfill, from any part of our operations, and this unintended consequence of minimum pricing will be a serious consideration for the business.

Consultation Question 5: Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?

Option A. It is important to acknowledge in the first instance that promotions in the off-trade are very different from those in the on-trade. Promotions in the on-trade are de facto about immediate consumption – an additional bottle of beer, free pint or glass of wine, or double for the price of a single cannot be taken off the premises. It can only be consumed there and then. Promotions in the off-trade, on the other hand, are often used by customers who are seeking good value but who purchase the alcohol with a view to consuming it over a longer period of time or with a wider group of family and friends. When a customer takes advantage of a quantity discount, it does not mean that they will consume that alcohol immediately. Indeed many customers stock up and consume alcohol over weeks or months. That is a fundamental difference that should be recognised. Given this distinction, we would argue that the Government should follow the approach taken in Scotland on banning happy hours and quantity discount promotions in the on-trade.

In these tough economic times, with consumers' weekly budgets under sustained pressure, our customers increasingly tell us that they prefer to buy only what they need – they don't want to have to buy large quantities to get the best deal possible. As a result, we have already reduced some of our link-saves and large multi-buy quantity discounts in our stores, including on alcohol. This means that our customers get good value without having to buy larger amounts of alcohol.

At Asda, we recognise that there have been concerns at how alcohol has been sold and promoted in both the on- and off-trade. We stand ready to find a new way of retailing alcohol. We therefore accept the Government's proposal to level the playing field by introducing a ban on multi-buy promotions. Together with other sales restrictions and a ban on happy hours and quantity discounts in the on-trade, this could be a meaningful step towards changing the long term culture of alcohol without penalising the majority of responsible drinkers and without the serious unintended consequences of minimum pricing.

Consultation Question 6: Are there any further offers which should be included in a ban on multi-buy promotions?

We believe that there are further changes that can be made to the sale of alcohol that reflect its status as a restricted product and could help to change the culture of alcohol purchasing. In March 2011, Asda voluntarily ended the display of alcohol in all our store foyers, where large multipacks of alcohol and promotions are often presented. As a responsible retailer, we felt that this would help to change the perception of alcohol, reduce its prominence to customers and prevent its use as a promotional tool to attract shoppers into stores. Asda remains the only major retailer to take this significant step. We believe the Government should consider extending the mandatory licensing code to include a ban on alcohol displays in shop foyers, so that all retailers take the same responsible approach. This would be a meaningful measure to address concerns over the prominence of alcohol promotions in the off-trade and would contribute to changing perceptions of alcohol availability.

To strengthen the effect of the ban, the Government could also consider steps to limit in-store alcohol marketing. While there is, of course, a role for the responsible promotion of alcohol, not least to help customers make an informed choice about their purchase, we believe there could be benefit in limiting the display of marketing materials to certain areas of the sales premises. This would allow for a more targeted promotional approach directed only at customers already intending to purchase alcohol.

While we accept the proposal for a ban on quantity discounts, which we believe should apply to the on- and off-trade, the off-trade already complies with restrictions on irresponsible promotions through our work with the Portman Group and through the Advertising Standards Authority. Therefore we do not think any further offers should be included in a ban.

Consultation Question 7: Should other factors or evidence be considered when considering a ban on multi-buy promotions?

The Government should consider the example of Scotland, where a multi-buy promotions ban was introduced in conjunction with sales area restrictions and ban on happy hour and quantity discounts in the on-trade.

With no mention of loyalty cards or vouchers, the consultation leaves a clear loophole that could undermine the effect of the legislation. We expand on this in response to Question 8.

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?

There is nothing in the consultation to stop businesses using vouchers or loyalty cards to continue to provide a discount for quantity purchasing of alcohol or to provide alcohol free of charge. This leaves a clear loophole that could be exploited by retailers seeking to circumvent the minimum pricing and promotion restrictions.

We believe that the use of bonus loyalty card benefits and targeted vouchers generated as part of, or to encourage the purchase of, alcoholic drinks should be prohibited. If increased loyalty points are permitted to be earned on alcohol products, customers will be able to benefit from free or reduced priced alcohol when they buy more. For example, a 'Buy 3 bottles of wine and get 500 bonus points' promotion would have the same effect as 3 for 2 at Tesco for bottles of wine worth around £5. For certainty, we are not recommending that the ability to benefit from accruing standard loyalty points be prohibited.

Failure to prohibit the use of targeted bonus loyalty points and targeted vouchers could place Ministers in breach of their obligations not to introduce measures that breach EC competition law and the EU treaty provisions on the free movement of goods.

It will leave a major loophole in the legislation and significantly compromise its effect in seeking to reduce alcohol consumption and misuse. It also means that there would not be a level playing field between retailers (including between the largest and smallest businesses) nor between certain off-trade businesses and the on-trade.

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)? 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
Irresponsible drinking				
Dispensing alcohol directly into the mouth				
Mandatory provision of tap water				
Age verification policy	Yes	Yes	Yes	Yes
Mandatory provision of small measures				

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) which could be tackled through a mandatory licensing condition?**

Compliance with the existing mandatory code is high, and we believe that there is little evidence that further burdens would improve premises' capacity better to meet the licensing objectives. As a responsible and trusted business, Asda was the first retailer to introduce a 'Challenge 25' policy on the purchase of alcohol in all of our stores and we use an independent verification service (Serve Legal) to ensure that our colleagues are applying the policy consistently and appropriately.

However, we would welcome stricter enforcement of the law regarding those individuals who proxy purchase, as it is often impossible for a responsible retailer to know whether an adult over the age of 25 is purchasing alcohol for their own consumption or for an underage drinker.

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?**

Yes. A number of the provisions in the mandatory code are not transferable to the off-trade. The only measure related to both the on- and the off-trade, is the age verification policy. As the first retailer to have adopted a 'Challenge 25' policy on the purchase of alcohol in all our stores, we would encourage other retailers to follow our best practice and consider ways of implementing this successful and preventative policy.

The off-trade already complies with restrictions on irresponsible promotions through our work with the Portman Group and through the Advertising Standards Authority.

Whilst we have indicated in answer to Question 9 that the age verification policy is effective in promoting the licensing objectives, we believe this mandatory condition is not necessary by virtue of Section 146 of the Licensing Act. This section makes it an offence to sell alcohol to an individual aged under 18. Is it therefore up to each individual premises licence holder to ensure that they do not commit an offence and the way in which they do so should be left for the management to decide. We question the purpose of mandatory conditions when local Licensing Standards Officers are able to impose specific conditions appropriate to the location and regulated at a local level.

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?**

We do not believe that the introduction of a CIP including the consideration of health is a necessary or effective measure to tackle alcohol misuse. This policy area is already well-regulated by the responsible authority status of the Primary Care Trust/Local Health Board for all matters relating to the Licensing Act 2003.

CIPs were not intended to reduce the overall sale of alcohol in an area or tackle alcohol-related harms other than antisocial behaviour caused by the on-trade. Unlike the on-trade, which operates primarily for the purposes of alcohol, the off-trade does not have a set capacity, operates throughout the working day and sells alcohol as only a part of a much wider range of produce. Using this policy for purposes other than those originally intended will therefore have considerable unintended consequences. It could have a serious negative impact on investment and jobs, competition and customer choice, and the burden of business regulation.

In terms of a public health objective it is very difficult, if not impossible in most cases, to make a causal link between where alcohol is sold, where it is consumed and alcohol-related harm. There is no empirical evidence that numbers of licences increase consumption. In Scotland we have witnessed the absurdity of public health data applied at a micro-level to individual licensing applications and variations. In fact, the UK has seen a rise in the number of licensed premises at the same time that alcohol consumption has been consistently falling.

Restricting new licences for the off-trade on the basis of flawed public health analysis will ultimately threaten investment and the creation of new jobs, as no retailer will invest in an area where they cannot get a licence. A lack of competition will impact on prices and will limit customer choice. It will reward irresponsible licence holders – giving them a considerable competitive advantage despite the fact that they may have been responsible for the disorder which resulted in the restriction in the first place.

It is also highly likely that local authorities would approach health as an objective for CIPs in various differing ways. This would cause uncertainty for retailers and lead to difficulty in developing uniform policies across all stores. In Scotland, the application of health as full licensing objective has created a significant amount of confusion as Licensing Boards do not know how to interpret the objective. This has led to confusion for Local Authorities and numerous legal challenges where the evidence is not simply available to support the policy. This is costly for both Local Authorities as well as licensees.

Finally, we are concerned that the principle of such a policy is attempting to unfairly tie the irresponsibility to the retailer, rather than focusing on implementing measures to tackle the irresponsible behaviour of the person consuming the alcohol, through successful initiatives such as greater investment in alcohol brief interventions and promoting local solutions such as Community Alcohol Partnerships. We would therefore urge the Government to consider the unintended consequences this proposal would have on responsible licensees and law-abiding consumers.

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 provide evidence to support your response.

This policy area is already well regulated. From the 25th April 2012 the Primary Care Trust/Local Health Board became a responsible authority for all matters relating to the Licensing Act 2003. The new proposal is to enable Licensing Authorities to take alcohol related health harms into consideration specifically when making decisions about cumulative impact policies. However, since Primary Care Trust/Local Health Boards have become responsible authorities, Asda's licensing lawyers have not received a single representation from them, possibly due to the difficulty for a health authority to produce evidence relating to a specific premise. There is also a risk relating to how evidence from health authorities could be challenged, due to the confidential nature of such information. It would be deeply inappropriate for Local Authorities to impose a cumulative impact area on the basis of alcohol related health harms if the data used to support the imposition of the cumulative impact area could not be properly analysed.

Consultation Question 27: Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways?

Yes. Licensing authorities should have local discretion in determining that premises in certain areas are exempt and determining that certain premises types are exempt in their local area. These should be subject to clear guidelines from the Government to ensure maximum consistency in application.

Consultation Question 29: **Please describe any other types of premises to which you think a nationally prescribed exemption should apply.**

With reference to the response to Question 27, we believe supermarkets should be exempt nationally. The reason for having late night refreshment is to support the four licensing objectives (primarily to prevent anti-social behaviour, crime, public nuisance and for public safety) outside fast food takeaways and restaurants late at night in town centre areas where there is a high concentration of pubs, clubs and bars. After a night out, the likelihood of members of the public shopping in a supermarket is extremely low, especially at out of town superstores, and therefore we feel that the existing policy is inflicting unnecessary burdens and regulations on responsible retailers.

Additionally Licensing Boards now have the powers to impose Early Morning Restriction Orders and Late Night Levies to support the licensing objectives, therefore they already have the authority to restrict supermarkets trading during these hours, if deemed appropriate.

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?**

We would urge the Government to amend the existing objectives to remove inconsistencies between Licensing Boards, which would be of considerable benefit to retailers and help to promote a high standard of compliance across the UK.

In England and Wales we licence the whole premises of our stores, meaning that if we wanted to implement any changes within the demarked area on the licence plan, we have to apply for a variation. This is even if the change does not impact the way we sell alcohol, for example the adding of a pharmacy or an optician to our stores.

Not only does this add complexity and cost to the business, but across the country, Licensing Boards take a differing approach, on how they deal with these changes. Some Boards only require a substitution to the licence plans; others require a full variation application.

We therefore believe that the process could be simplified by recognising that any change that does not affect the way we sell alcohol should be dealt with by substitution of plans rather than any minor/major variation applications.

Below is an example of a minor variation needed:

Fleetwood store changes required:

- a) Photoshop relocated to the back at the existing trolley store to become combined with Photoshop and tech desk.
- b) Pharmacy now located at the front of the store where the photo originally was.
- c) Some floor works to MCV and George to allow for moves to be effected.

Result: the Local Authority required a minor variation.

Doncaster store changes required:

- a) Self scans replaced and reconfigured.
- b) New building extension and customer restaurant.
- c) New cafe layout added in customer restaurant.
- d) Existing kit replaced with new kit in number of locations.

Result: the Local Authority substituted plans.

Doncaster impacts the licensing objectives (harm to children and the way we sell alcohol through the checkouts), Fleetwood does not.

We would also welcome the police being given more powers regarding those individuals who proxy purchase, as it is often impossible for a responsible retailer to know whether an adult over the age of 18 is purchasing alcohol for their own consumption or as a proxy purchaser.