

ALL WALES POLICING GROUP – COMMISSIONERS’ RESPONSE

HOME OFFICE CONSULTATION:

ON DELIVERING THE GOVERNMENT’S POLICIES TO CUT ALOCHOL FUELLED CRIME & ANTI SOCIAL BEHAVIOUR (6th February 2013)

Introduction

Based on the responses I have received from the Police & Crime Commissioners of the Welsh force areas, they are grateful for the opportunity to respond to the Home Office’s consultation on the proposed Alcohol Strategy. The Commissioners indicated they believed the Alcohol Strategy provides an opportunity to address the culture of harmful drinking & the associated outcomes & hopes that the following observations will be considered.

The strategy’s aim is to tackle drink fuelled antisocial behaviour & crime that is impacting on communities. There are 5 proposals targeted at tackling the health & crime harms caused by excessive alcohol consumption:

- A ban on multi-buy promotions in shops & off-licences to reduce excessive alcohol consumption;
- A review of the mandatory licensing conditions, to ensure that they are sufficiently targeting problems such as irresponsible promotions in pubs & clubs;
- Health to be considered as a new alcohol licensing objective for cumulative impacts, so that licensing authorities can consider alcohol related health harms when managing the problems relating to the number of premises in the area;
- Reducing the burden of regulation on responsible businesses while maintaining the integrity of the licensing system;
- Minimum unit pricing, ensuring for the first time that alcohol can only be sold at a sensible & appropriate price.

Minimum Unit Price

The Commissioners supported the theory of the minimum unit price. It is clearly understood that many problematic drinkers choose quantity over quality. However the decision to raise alcohol prices may have other societal implications, and will need to be weighed carefully:

- Adversely, minimum unit pricing could also penalise the sensible and sociable people who keep the night time economy alive. Long term implications may impact on many businesses, jobs & community culture. With this in mind the Commissioners are unlikely to support a minimum unit price above 50 pence.
- Other considerations are:
 - Individuals will start looking at alternatives such as smuggling, illegal distilleries & racketeering which would likely result in an increase in serious organised crime

and would have major implications for the police service, ports and customs as well as local businesses & service providers.

- Alternatively, individuals may turn to cheaper substances such as illegal drugs.
- A rise in cost will impact on the families of problematic & dependency drinkers and likely create more children living in poverty.
- Some consideration should be given to ensuring adequate support mechanisms for alcohol dependent users with a view to rehabilitation.
- We would support a focus on discouraging teenagers from front loading with alcohol before going out & viewing binge drinking as socially acceptable. A future approach could consider more of an educational focus & raising public awareness such as the campaigns that targeted smoking, but outlining the damage that excessive alcohol consumption creates both socially & personally.
- There is no reference to the degree in which such a proposal will affect those earning a living from Alcohol sales in local pubs and so this should be carefully considered. It is clearly set out that there is no intention to adversely affect those who consume alcohol sensibly and the Commissioners would hope that this extends to those who seek to make an honest living through sales of alcohol.

Alcohol Multi-buy Promotions

- Would this need to be introduced with the minimum pricing unit in place? This could be a bureaucratic duplication that could be costly to monitor & enforce.
- There is little evidence to suggest that this approach will achieve the required outcomes of reduced hazardous & harmful drinking.
- This approach will impact on all people rather than the targeted problematic drinkers.
- Many people who consume alcohol responsibly bulk buy and have been viewed by many families as a way to make funds go further & value for money and does not necessarily result in excessive consumption. If this policy is introduced it should be targeted at the known 'nuisance' beverages such as extra strong ciders & lagers.
- There is a concern that it would see a greater increase in travelling abroad for alcohol and the associated bootlegging matters, resulting in cost implications for policing, ports & customs.

Health & use of alternatives as a Licensing Objective

- There is good evidence for the link between outlet density and alcohol-related harm and therefore the suggestion that a reduction in density may lead to a reduction in both health harm and alcohol related crime and disorder. The SchARR Model¹ provides a good quantitative approach to measuring the impact of excessive alcohol consumption & harm & identifying the baselines that progress can be measured against.

¹ In 2008 the University of Sheffield's School of Health and Related Research (SchARR) developed a model (hereafter referred to as "the SchARR model") for assessing the impact of alcohol pricing policies on alcohol consumption and health, crime and employment outcomes. The model is used by the Department of Health and is regarded as the best model currently available for assessing the impact of Minimum Unit Pricing.

- There is good substantiation for local health bodies having 'responsible authority' status (Licensing Act 2003) & fully support the move that alcohol related health harms should be taken into account when making decisions on cumulative impact policies (CIPs). Health organisations are best placed to determine what data should be used.
- Further consideration should also be given to the wider social issues that impact on alcohol consumption, particularly the correlation between the highest rates of problematic drinking in areas of deprivation. This would suggest that a preventative approach that tackled the issues of poverty & deprivation would be most effective.
- It could prevent a heavy concentration of alcohol outlets in one area. However, it will have to be handled carefully in order to prevent a two tier system linked to affluence and introducing post code prohibition & consideration of the impact on that economy.
- There are benefits to a reduced 'evidential threshold' for licensing authorities to review, revoke, or impose conditions on a license to sell alcohol – this is a proactive approach directly targeted at an evidenced problem and will have a direct impact on reducing alcohol related anti-social behaviour & associated policing matters. However, some consideration should be given to anti-social behaviour displacement issues.
- There are some concerns that only the larger supermarkets & corporate pub chains will have the resources to challenge licensing refusals which could lead to an imbalance against the smaller individual retailers and allow the corporate giants to monopolise the trade. How will this be mitigated?

Ancillary Sales of Alcohol & Late Night Refreshments

- The Commissioners supported the policy objective to reduce the unnecessary bureaucratic burdens of the licensing process. However it needs more work to ensure that de-regulation does not create more opportunities for inappropriate drinking etc. It should be questioned that a listed benefit is quoted as: *'If more ancillary sellers are encouraged to provide alcohol as part of a wider service, then consumers may benefit from an improved service.'*
- Option 3 is preferred which allows licensing authorities to self-determine which premises, particularly Late Night Refreshment outlets and other traders, are suitable or not for an exemption (as opposed to option 2 with blanket exemptions).
- There will be a cost to the police service and trading standards to familiarise themselves with new processes and possibly police the outcomes if unsuitable premises are granted licenses.
- Considerations regarding 'late night refreshment' outlets should continue to include the local police force. The outlets may not sell alcohol (& should not), but do frequently provide a gathering point for people who have consumed excessive alcohol and anti-social behaviour.
- There are no obvious reasons why motor service areas should have licenses to sell alcohol, particularly with their clear links to driving & passengers being responsible. As part of the national infrastructure they would not be suitable for locally determined exemptions. A national exemption for the associated hotels & lodges could be considered. However it would be better to err on the side of caution with a view to preventing drink driving & an increase in road collisions and deaths.

- Discretionary Local Exemptions would enable locally determined facilities (not motor service stations) & it would be advisable to include the local police force in making these determinations.

Temporary Event Notices

- The current Temporary Events Notice (TENs) process has been considered both bureaucratic and burdensome for some time and would benefit from some changes. Option 2 is preferred as there are likely benefits from introducing a locally determined approach that reflects the communities' views and local requirements (dependent on Local Authorities uptake). We would suggest that the local police force is involved in the decision making process and would add to the evidence base. A blanket increase for TENs should not be considered as this approach would likely undermine their purpose.

Removing the Duty to Advertise License Applications

- The advertising of license applications is both costly & cumbersome.
- However, it does ensure that local communities are aware of events being planned in their area. It is recommended that Local Authorities must have a method of clear communication of license applications to ensure their local police force aware of all licensing applications and give them an opportunity to feedback.
- This proposal may undermine local representations & public protection objectives and we would expect each Local Authority to maintain an up to date list of licensing applications on their website and advertise accessibility via local libraries & community centres etc. Consideration should be given to catering for diverse needs.

Simplifying the Duties of Personal License Holders (Licensing Act 2003)

- To remove the need for renewal every 10 years would lighten the administrative burden & result in cost savings.
- However, this proposal would also remove the safeguard & mechanism that was initially intended for identifying Personal Licence Holders (PLH) who had to declare convictions for relevant criminal offences. It has over the years helped the police & authorities identify the people who were suitable to be Personal License Holders in line with the licensing objectives (prevention of public nuisance & crime & disorder; public safety; protection of children from harm).
- This shortcoming could be addressed by the Courts when sentencing as there is provision for Magistrates & Crown Courts to consider an ancillary order to forfeit a personal licence in cases where the convicted offender is a personal license holder. A recommendation would be to change the legislation so that when a conviction is serious enough it will automatically revoke the Personal Licence Holder's licence. This is of particular concern regarding sexual & violent offences.
- Police will continue to do random spot checks on licensed premises & targeting those of concern.

- The preferred option is number 2 but there would need to be a legal requirement introduced for all personal license holders to formerly surrender their licenses once they are no longer required.

Conclusion

The Police & Crime Commissioners in Wales welcomed the opportunity to contribute to the Home Office's consultation on the Government's policies to cut alcohol fuelled crime & anti-social behaviour. The Commissioners would be happy to elaborate or provide further information which may be of benefit. Should this be required, please contact Maria Chapman on the details below:

