

## Consultation Response – Durham Constabulary

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

Consultation Question 1:

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

Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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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)

Minimum unit pricing (MUP) is a proportionate, targeted and effective approach that will have the greatest impact on younger and heavier drinkers. However, we would urge the Government to set a MUP for alcohol of at least 50p for the following reasons:

- It would be markedly more effective in reducing consumption and thus reducing alcohol related crime and disorder, saving the police service an estimated £49.6 m in the first year. The additional 5p per unit would result in 18,000 fewer crimes
- The previous Chief Medical Officer called for a 50p MUP of alcohol in 2009 which at today's value would be in excess of 50p
- The Faculty of Public Health supported the call for a MUP of 50p for alcohol in their "12 Steps to Better Health Manifesto" with 50p MUP being 'Step No. 1'
- The Association of Chief Police Officers supports a minimum unit price of 50p
- It would not affect the vast majority of on-licence prices where alcohol is sold under supervision
- The differential between on and off licensed prices would be less, resulting in a potential reduction in pre-loading

Consultation Question 2:

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

Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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If yes please specify in the box below (keeping your views to a maximum of 200 words)

MUP should be set at no less than 50p per unit, and regularly reviewed to ensure alcohol does not become more affordable over time.

A mechanism for channeling the increased monies received by retailers should be introduced which can be used to tackle alcohol harm at a local level. The money should be given to local partnerships to decide on how best the money should be spent with no industry involvement or influence.

A survey by Balance, the North East Alcohol Office evidenced that 53% of people in the NE support MUP. 81% stated they were more likely to support MUP if it reduced drunk and rowdy behaviour which of course evidence suggests it would.

The North East has the highest rate of under 18 alcohol specific hospital admissions and evidence from Sheffield University indicates that a minimum unit price set at 50p would result in larger reductions in alcohol consumption amongst this group.

Alcohol related crime and licensing is estimated to cost the force area an estimated £??

The crime figures used by the Home Office are significantly less than true impact due to the poor recording of alcohol. Therefore, the reduction in crimes that MUP will bring will be far greater.

<p>Consultation Question 3:</p> <p>How do you think the level of minimum unit price set by the Government should be adjusted over time? (Please select one option)</p>	
Do nothing – the minimum unit price should not be adjusted	<input type="checkbox"/>
The minimum unit price should be automatically be updated in line with inflation each year	<input checked="" type="checkbox"/>
The minimum unit price should be reviewed after a set period	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

<p>Consultation Question 4:</p> <p>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? (Please select one option)</p>		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Don't know <input type="checkbox"/>
<p>If Yes please specify in the box below (keeping your views to a maximum of 100 words)</p> <p>A 50p MUP would:</p> <ul style="list-style-type: none"> <li>• result in 18,000 fewer victims of crime, in addition to a reduction in the number of victims of anti-social behaviour</li> <li>• make our town / city centres and our communities feel safer through a reduction in alcohol related crime and disorder</li> <li>• reduced alcohol consumption in the home reducing the number of young people exposed to parental alcohol misuse and child protection proceedings</li> <li>• help to turn the tide on domestic abuse</li> <li>• financial savings to the service in terms of a reduced demand for service</li> <li>• benefit community pubs and bars which offer supervised consumption of alcohol who are currently finding it difficult to compete with cheap off license alcohol.</li> </ul>		

<p>Consultation Question 5:</p> <p>Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade? (Please select one option)</p>		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Don't know <input type="checkbox"/>

<p>Consultation Question 6:</p> <p>Are there any further offers which should be included in a ban on multi-buy promotions? (Please select one option)</p>			
Yes	<input checked="" type="checkbox"/>	No	Don't know
<p>If Yes please specify in the box below (keeping your views to a maximum of 100 words)</p> <p>We would support an end to multi-buy promotions in the off <b>and on</b> trade as alcohol is an addictive and harmful drug which should not be treated like just another product. Indeed any incentive to purchase and consume more than intended – such as money off or reductions to other products or services or voucher points – should be prohibited.</p> <p>For the same reasons we believe that all promotions – including those offering money off individual items – should be stopped. Alcohol is not an ordinary product and should not be treated as such.</p>			

<p>Consultation Question 7:</p> <p>Should other factors or evidence be considered when considering a ban on multi-buy promotions? (Please select one option)</p>			
Yes	<input checked="" type="checkbox"/>	No	Don't know
<p>If Yes please specify in the box below (keeping your views to a maximum of 200 words)</p> <p>Work carried out by Sheffield University on behalf of the Scottish Government indicated that a ban on multi-buy promotions would increase the effectiveness of MUP. For example, a MUP of 50p plus an off trade discount ban would lead to further falls in consumption resulting in a larger fall in alcohol related crimes.</p> <p>Initial findings from Scotland which show only a very small reduction in consumption (1-2%) since the introduction of a multi-buy ban, should not be used as evidence against this proposal. Due to the poor legislation and no MUP to support it, rather than selling 3 bottles for £10, it is permissible to sell individual bottles at £3.33 each.</p> <p>A report presented to the HASC (29/6/2012) by Prof. Nutt suggested that alcohol is the most dangerous drug in the UK beating heroin and crack cocaine into second and third place. Yet alcohol, in contrast to those illegal drugs, is as easy to access as regular grocery items. Worse than that, it has been used as a loss leader by supermarkets. I would ask how, as a service we will ever reduce alcohol related harm when a unit of alcohol can be purchased for as little as ///p in our force area.</p>			

<p>Consultation Question 8:</p> <p>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)</p>			
Yes	<input checked="" type="checkbox"/>	No	Don't know
<p>If Yes please specify in the box below (keeping your views to a maximum of 100 words)</p> <ul style="list-style-type: none"> <li>• Young people would benefit from a reduced risk of becoming a victim or perpetrator of crime/ASB, improved health and school attainment</li> <li>• Community pubs, where consumption is supervised, would benefit as they are currently struggling to compete with cheap supermarket prices</li> </ul>			

- Front line services would benefit as multi-purchase deals encourage pre-loading which has been evidenced to increase the likelihood of being a victim or perpetrator of a violent assault
- Families would benefit as these deals encourage home drinking where excessive consumption is hidden and harder to control
- The public in general would benefit as consumers would be discouraged from buying and therefore drinking more alcohol than they otherwise would have.

**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 to children
A	Irresponsible promotions	Yes	Yes	Yes	Yes
B	Dispensing alcohol directly into the mouth	Yes	Yes	Yes	Yes
C	Mandatory provision of free tap water	Yes	Yes	Yes	Yes
D	Age verification policy	Yes	Yes	Yes	Yes
E	Mandatory provision of small measures	Yes	Yes	Yes	Yes

**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 x	Don't know
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If no please state what more could be done in the box below (keeping your views to a maximum of 100 words)

Irresponsible sales should also include the following:

- Price-based promotions
- student 'drink the bar dry' promotions
- drinks sold in one large container for consumption by multiple drinkers, e.g. 'goldfish bowls'
- mobile sales, e.g. shots sold from a tray or dispensed from a tank at your table
- the sale of bottles of spirits in on trade premises, seen in some VIP areas of clubs.

Age verification policies should stipulate the need for a written policy which is supported by staff training and is advertised within the premises

The provision of small measures should be extended to include their promotion.

<p>Consultation Question 11:</p> <p>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? (Please select one option)</p>		
Yes X	No	Don't know
<p>If Yes please specify in the box below (keeping your views to a maximum of 200 words)</p> <p>The definition of a mandatory code should be amended from an activity which carries a 'significant risk' to a 'risk' of leading or contributing to crime and disorder.</p> <ul style="list-style-type: none"> <li>• Offering an alcoholic drink cheaper than one without alcohol, i.e. vodka and coke vs. coke alone</li> <li>• The need to keep a refusals book</li> <li>• Till prompts re age verification (i.e. Challenge 21/25)</li> <li>• Mandatory training to sell alcohol as per Canada</li> <li>• Upselling should be prohibited</li> <li>• Point of sale information should be made compulsory stipulating units of alcohol and the recommended limits together with health harms.</li> <li>• No children's discos where admittance is also open to over 18 years and alcohol is being sold</li> <li>• No single drink should be sold which provides more than the daily allowance for a man – 4 units.</li> </ul>		

<p>Consultation Question 12:</p> <p>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)</p>		
Yes	No X	Don't know
<p>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)</p> <p>The problems of alcohol related crime and disorder are increasingly associated with cheap alcohol sold from off licence premises, yet only one condition applies to the off trade. Surveys and research consistently point to more alcohol being purchased from supermarkets and more consumed at home where problems of domestic abuse and child protection can be hidden.</p> <p>There is also the issue of pre-loading. We know that people who have pre-loaded before they go out into the night-time economy are more likely to be a victim or perpetrator of violent crime.</p> <p>Irresponsible promotions and the provision and promotion of smaller measures could both be applied to the off trade, together with the practices highlighted in our answer to question 10.</p>		

<p>Consultation Question 13:</p> <p>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)</p>		
<p>There are a range of sources available, including:</p> <ul style="list-style-type: none"> <li>• A&amp;E data</li> <li>• Ambulance data</li> <li>• Alcohol specific hospital admissions</li> <li>• Alcohol attributable hospital admissions</li> <li>• Under 18 admissions</li> <li>• Liver and other alcohol related deaths</li> <li>• Domestic abuse and child protection data</li> <li>• Alcohol related crime figures</li> </ul>		

- Local data sources, e.g. residents' surveys.

In principle, we believe that public health should be a licensing objective in its own right and not tied to CIPs. We do not accept the rationale on p7 of the relevant impact assessment stating that it would be disproportionate because the alcohol industry is already taking action as part of the Responsibility Deal, although it has delivered very little.

However, there are some practical difficulties when using public health data. It is difficult to tie public health data to specific locations such as a licensed premise, particularly an off licence. Also, taking a small geographic area would fail to represent the scale of the problem being dealt with by the public services in that area.

Experience in Scotland suggests that public health data should be used to underpin over-provision policies covering entire local authority areas, to ensure that the overall availability of alcohol is taken into account. The density of alcohol harm should be the priority not the density of premises.

#### 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 X	No	Don't know
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If yes please specify which aspects in the box below (keeping your views to a maximum of 200 words)

We would ask that a local authority is required to consider a CIP rather than it can be considered when developing their licensing policy.

There is a concern that although the stats from a PCT wide perspective may look compelling, once reduced to neighbourhood / ward size, the figure may be small and too easily dismissed as not relevant.

It may be more practical for a public health objective to be linked to borough-wide saturation policies as this is the level at which data becomes meaningful. Furthermore, it gives local politicians the opportunity to take control of the availability of alcohol in their council areas, helping to fulfil their new responsibility for public health.

#### 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.

Introducing a public health objective, particularly to support over-provision or saturation policies at the borough-wide level, would enable licensing decisions to be made, taking into account the full impact of alcohol harm within that council's boundaries. It would enable local authorities to control the availability of alcohol in their area – and we know from the World Health Organisation that availability affects the level of harm.

Fewer premises within a particular area would reduce the need for competitive pricing. It would limit the availability of alcohol at a local level to young people, which we know from Alcohol Concern's report 'One On Every Corner' is an indicator of harm. It would evidence the hidden harm of alcohol consumption in terms of home drinking. Finally, through sources such as A&E data, it would help to record the level of alcohol-related assaults reporting to A&E, many of which are not reported to the police.

<p>Consultation Question 16:</p> <p>Should special provision to reduce the burdens on ancillary sellers be limited to specific types of business, and/or be available to all types of business providing they met key criteria for limited or incidental sales? (Please select one option in each row)</p>				
		Yes	No	Don't know
A	The provision should be limited to a specific list of certain types of business and the kinds of sales they make			
B	The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller			
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			

<p>Consultation Question 17:</p> <p>If special provision to reduce licensing burdens on ancillary sellers were to include a list of certain types of premises, do you think it should apply to the following? (Please select one option in each row)</p>				
		Yes	No	Don't know
A	Accommodation providers, providing alcohol alongside accommodation as part of the contract –		X	
B	Hair and beauty salons providing alcohol alongside a hair or beauty treatment		X	
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		X	
D	Florists providing alcohol alongside the purchase of flowers		X	
E	Regular charitable events providing alcohol as part of the wider occasion		X	

<p>Consultation Question 18:</p> <p>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? Please write your suggestion in the box below, keeping your views to a maximum of 200 words)</p>	
<p>The WHO states that, 'An increased density of alcohol outlets is associated with increased levels of alcohol consumption among young people, increased levels of assault, and other harm such as homicide, child abuse and neglect, self-inflicted injury and, with less consistent evidence, road traffic accidents.'</p> <p>We profoundly disagree with the need for 'freeing up the burdens on businesses' to make it easier to sell alcohol. Why should removing red tape and thus increasing the availability of alcohol come at a cost to the public purse in terms of crime and disorder and health. This is particularly damaging at a time when our resources are stretched and may well continue to do so. In a recent survey conducted by Balance, the North East Alcohol Office, of ??? officers within Durham Constabulary 60 per cent of respondents estimated that dealing with alcohol related crime and disorder took up at least half of their time. It can only be expected that the more premises that sell alcohol, the more alcohol related crime and disorder will occur.</p> <p>It also portrays an image to our children that alcohol has to be a central part of adult life. Furthermore, the 'ancillary license' provisions directly contradict the direction of travel set out in the Police Reform and Social Responsibility Act which, through measures such as the Night Time Levy and Early Morning Restriction Orders sets out to give the police and our partners, greater power to restrict the availability of alcohol in our towns and cities.</p> <p>There are significant dangers of loopholes within the legislation, which will be exploited by irresponsible operators, should such changes be introduced.</p>	

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 X	Don't know
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If no please describe the changes you would make in the box below (keeping your views to a maximum of 200 words)

What is the legal definition of 'small part of, or incidental to'?

This provision represents a real risk that alcohol becomes even more normalised, thus failing to take into account the negative impact it has on society in terms of, crime and disorder, health and wider societal and economic issues.

We have serious concerns which are shared by our partners with regard to by whom and how premises would be investigated to ensure that they are still eligible to be classed as an ancillary seller. At times of austerity and job cuts, why should a reduction in bureaucracy for businesses have to result in an increased workload and therefore increased cost for our local authority colleagues?

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			
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			
C	Introduce a new light touch form of authorisation for premises making ancillary sales – an 'ASN' but with no requirement for a personal licence holder			

Consultation Question 21:  
Do you think that the following proposals would impact adversely on one or more of the licensing objectives? (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	X		
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	X		
C	Introduce a new light touch form of authorisation for premises making ancillary sales – an 'ASN' but with no requirement for a personal licence holder	X		



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)

The desired outcome of introducing lighter touch authorisation should be questioned. In a comparison of the harm caused by drug use, the final report of the UK Drugs Commission (October 2012) scores alcohol higher than any other drug considered.

There needs to be accountability for selling an addictive drug. Who would be responsible for ensuring alcohol is not sold to children or people who are already intoxicated; that training is provided to staff; that the business is run in support of the licensing objectives?

Community premises are generally non-profit making whilst the proposed ancillary sellers are businesses. At a time when businesses are under financial pressure, there would be a temptation to make alcohol a more important part of their offer to customers.

We have significant concerns that the legislation would provide loopholes for irresponsible businesses to abuse.

Removing the need for applicants to advertise, contradicts the government's consultation: Rebalancing the Licensing Act - a consultation on empowering individuals, families and local communities to shape and determine local licensing which resulted in the vicinity test being removed to encourage communities to participate in licensing at a local level.

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 X	Don't know
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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			
B	Increase the burden			

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 X	Don't know
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Consultation Question 26:

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

15	
18	
Don't know	

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		X	
B	Determining that certain areas are exempt in their local area		X	

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 services should receive a nationally prescribed exemption from regulations for the provision of late night refreshment	X		

Consultation Question 29:  
Please describe any other types of premises to which you think a nationally prescribed exemption should apply (keeping your views to a maximum of 100 words)

None

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 the requirements to advertise licensing applications in local newspapers		X	
B	Remove the centrally imposed prohibition on the sale of alcohol at MSA's for the on and off trade		X	
C	Remove the centrally imposed prohibition on the sale of alcohol at MSA's but only in respect of overnight accommodation – "lodges"		X	
D	Remove or simplify requirements to renew personal licences under the 2003 Act		X	

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 the requirements to advertise licensing applications in local newspapers			
B	Remove the centrally imposed prohibition on the sale of alcohol at MSA's for the on and off trade			
C	Remove the centrally imposed prohibition on the sale of alcohol at MSA's but only in respect of overnight accommodation – "lodges"			
D	Remove or simplify requirements to renew personal licences under the 2003 Act			

Consultation Question 32:  
Do you think that the following measures would impact adversely on one or more of the licensing objectives? (Please select one option in each row)

		Yes	No	Don't know
A	Remove the requirements to advertise licensing applications in local newspapers	X		
B	Remove the centrally imposed prohibition on the sale of alcohol at MSA's for the on and off trade	X		
C	Remove the centrally imposed prohibition on the sale of alcohol at MSA's but only in respect of overnight accommodation – "lodges"	X		
D	Remove or simplify requirements to renew personal licences under the 2003 Act	X		

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)

None

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		X	
B	Multi-buy promotions			
C	Health as an objective for cumulative impact			
D	Ancillary sales of alcohol			
E	Temporary Event Notices			
F	Late night refreshment			
G	Removing the duty to advertise licensing applications in local newspapers			
H	Sales of alcohol at motorway service stations			
I	Personal licences			

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 X	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).		
<p><b>Impact Assessment: A minimum Unit Price for Alcohol</b></p> <p><b>Ref: p5:</b> We believe that the estimates of savings to the police service are likely to under represent the true costs associated with policing alcohol related crime and disorder. Through the work we have undertaken in Durham, in terms of an audit of the accuracy of alcohol, we know the figure used is not a true representation. We are aware of the work that ACPO is undertaking to establish accurate figures in relation to this, in order</p>		

that nationally, we can see and therefore address the impact that alcohol has both in terms of policing and the safety and health of our local communities.

**Ref p10:** We are concerned that new methodology has been applied to work out the benefits delivered by a MUP at 45p. While we accept that the methodology should be updated to take account of inflation, no comparison has been provided for a MUP set at alternative levels such as 50p.

There is also no rationale as to why the figure of 45p has been chosen. In its report on the Government's Alcohol Strategy the House of Commons Health Committee states that: "If the minimum unit price in England were to be fixed at a different level to that in Scotland, we would expect the evidence supporting that decision to be set out clearly."