

## Consultation

5.8 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 ☐ 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).

Punishing the vast majority of law-abiding citizens who drink 'responsibly', with the aim of tackling 'problem drinking' is another example of Big Government Row-bowing to taxpayer-funded lobby groups.

It is high time that the Government grew a pair and adopted sensible policies.

### 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).

Pre-emptive and deliberately leading question. MUP should not be set at all.

5.9 The Government wishes to maintain the effectiveness of minimum unit pricing and is therefore proposing to adjust the minimum unit price level over time.

### 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 – <del>the minimum unit price should not be adjusted</del> should not be implemented | <input checked="" 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 type="checkbox"/>            |
| Don't know.   | <input type="checkbox"/>            |

### Consultation Question 4:

The aim of minimum unit pricing is to reduce the consumption of harmful<sup>13</sup> and hazardous<sup>14</sup> drinkers, while minimising the impact on responsible<sup>15</sup> 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 | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Don't Know | <input type="checkbox"/> |
|-----|-------------------------------------|----|--------------------------|------------|--------------------------|

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

99% of the UK adult population. A complete failure to understand basic economics.

And who are the Government to say what level is 'harmful'. The unit quotas are based on pie in the sky thinking in the first place.

- 13 Harmful drinking is defined as when a person regularly drinks more than double the weekly equivalent of the NHS daily guidelines, that is more than 50 units weekly for men or more than 35 units weekly for women.
- 14 Hazardous drinking is defined as when a person regularly drinks over the NHS daily guidelines (equivalent to 21 units weekly for men and 14 units weekly for women), but less than double the guidelines.
- 15 Responsible (or moderate) drinkers are those who do not regularly exceed the daily guidelines (men should not regularly drink more than three to four units of alcohol per day and women should not regularly drink more than two to three units per day).

# 6. A ban on multi-buy promotions in the off-trade

## Introduction

- 6.1 The Government is consulting on introducing a ban on multi-buy promotions in the off-trade (see glossary) as part of its wider strategy to reduce excessive alcohol consumption, and alongside the introduction of a minimum unit price. A ban on multi-buy promotions would therefore not apply to pubs, clubs, bars or restaurants.
- 6.2 The term multi-buy promotions refers to a kind of promotion that offers a discount for buying multiple items.
- 6.3 Multi-buy offers are popular with alcohol drink retailers. Research suggests that they increase sales and assist with retaining or increasing customer numbers. A report by the Institute of Alcohol Studies suggests that supermarket promotions, and discounts on alcohol, increase sales by 20-30% and that 85% of customers who purchase alcohol on promotion will return for a second purchase.<sup>1</sup> However, the Government is concerned that mass promotions contribute to the availability of excessively priced alcohol, particularly through promotions which encourage large volumes of alcohol to be purchased.
- 6.4 The aim of a ban would be to stop promotions that encourage people to buy more than they otherwise would, making it cheaper for them to purchase more than one of a product than to purchase a single item. The proposed treatment of different types of promotions is set out in the table below.



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- 6.3 Multi-buy offers are popular with alcoholic-drink retailers. Research suggests that they increase sales and assist with retaining or increasing customer numbers. A report by the Institute of Alcohol Studies suggests that supermarket promotions, and discounts on alcohol, increase sales by 20-25% and that 83% of customers who purchase alcohol on promotion will return for a second purchase.<sup>16</sup> However, the Government is concerned that these promotions contribute to the availability of irresponsibly priced alcohol, particularly through promotions which encourage large volumes of alcohol to be purchased.
- 6.4 The aim of a ban would be to stop promotions that encourage people to buy more than they otherwise would, making it cheaper (per item) to purchase more than one of a product than to purchase a single item. The proposed treatment of different types of promotions is set out in the table below.

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<sup>16</sup> Jack Law, Chief Executive of Alcohol Focus Scotland, 'Supermarket promotions and discounts on alcohol increase sales by 25%' in Alcohol Alert, Institute of Alcohol Studies, 2006, issue 1  
[http://www.ias.org.uk/resources/publications/alcoholalert/alert200601/al200601\\_p4.html](http://www.ias.org.uk/resources/publications/alcoholalert/alert200601/al200601_p4.html)



| Types of promotions that WOULD be banned   | Types of promotions that would NOT be banned  |
|--|---|
| This is where the price of a single product in a multi-pack is sold for less than the price of buying that same product on its own. This will stop incentivising purchases of more products than people would otherwise buy.                                       | A ban would not affect discounts which are not linked to the purchase of multiple bottles, or which are linked to the volume rather than the number of products. It would not stop retailers cutting the price of individual items to match multipack prices, or prevent them from having a minimum-buy rule. |
| two for the price of one   | half price offers   |
| three for the price of two   | 'a third off' offers  |
| buy-one-get-one-free   | £x off any individual item  |
| buy six get 20% off  |   |
| 24 cans of lager costing less than 24 times the cost of one can of lager in the shop   | Cutting the price of a single can of lager so that it is as cheap as the cans in the multipack  |
| A case of wine sold cheaper than the individual price at which the same bottles are sold in the shop   | A case of wine can be priced at any level if the items are not available to buy individually  |
| Three for £10 where each bottle costs more than £3.33  | Three for £10 as long as you can also buy each individual item in the multi-pack for £3.33  |
| Different multipack prices or multi-buy multipack offers. For example, 10 bottles of alcopops being sold for less per bottle than a package of four bottles, or three packages of 10 bottles being sold for less than three times the price of one 10 bottle pack. | Different prices for the same alcohol products sold in differed sized containers, where there is a per unit difference. For example, a box of wine can still be sold for less than the price of four bottles of the same wine.  |

- 6.5 A ban on multi-buy discounts would not include deals which are not linked to the purchase of multiple items. A ban would not stop retailers discounting individual items (such as 'was £10, now £6'), or prevent them from requiring their consumers to purchase a minimum quantity.
- 6.6 As well as being part of a wider strategy to reduce consumption and tackle irresponsible alcohol sales, a ban on multi-buy promotions would also contribute to the Government's aim of encouraging people to be aware of how much they drink and the risks of excessive drinking, so that they can make informed choices. The aim of this consultation is to assess support for such a ban and contribute to our understanding of the impact a ban on multi-buy promotions may have.

### 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

☐

### 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).



## 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).

See question 4.



# 7. Reviewing the mandatory licensing conditions

## Introduction

- 7.1 Wherever possible, action to tackle alcohol-related harm and crime and disorder should be taken at a local level by those who understand the problems that their community is facing. However, at times, action is needed to achieve universal and radical change across the country and tackle underlying issues. In its response to the 'Rebalancing the Licensing Act' consultation in 2010, the Government committed to review the impact of the current mandatory licensing conditions. More recently, the Strategy made a commitment to review these mandatory licensing conditions to ensure they are sufficiently targeting problems such as irresponsible promotions in pubs and clubs. The Government has also committed to consult on whether these mandatory licensing conditions should, where relevant, apply to both the on- and off-trade (see glossary). This consultation forms part of that review, and will contribute to the Government's understanding of how these mandatory conditions are perceived.
- 7.2 Under the 2003 Act, the Secretary of State can prescribe up to nine mandatory licensing conditions in regulations. These are sometimes called the Mandatory Code. In 2010, the "Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010" introduced four mandatory conditions that apply to all on-trade premises only and one mandatory condition which applies to both the on- and off-trade (this is the requirement to have an age verification policy, see below). A mandatory licensing condition may only be introduced by the Secretary of State if it is considered appropriate to do so for the promotion of the licensing objectives (see glossary).
- 7.3 The five mandatory licensing conditions currently set out in regulations in relation to the supply of alcohol are:
- i. A ban on irresponsible promotions.<sup>17</sup>
  - ii. A ban on dispensing alcohol by one person directly into the mouth of another.
  - iii. A requirement to provide free tap water on request to customers.
  - iv. A requirement to have an age verification policy to prevent the sale of alcohol to persons under 18 years of age.<sup>18</sup>
  - v. A requirement to make available to customers small measures such as half pints of beer or cider or 125ml glasses of wine.<sup>19</sup>

17 An irresponsible promotion is any one of the following activities (summarised below) or substantially similar activities, carried on for the purposes of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children: -

1. Games or other activities that require an individual to drink a quantity of alcohol within a time limit or to drink as much alcohol as possible.
2. Provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted fee.
3. Provision of anything as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less.
4. Provision of free or discounted alcohol dependent on the outcome of a race, competition or other event, or the likelihood of anything occurring or not occurring.
5. Selling or supplying alcohol in association with promotional posters or flyers which condone, encourage or glamorise anti-social behaviour or refer to the effects of drunkenness in a favourable manner.

18 As described earlier, this is the only condition that applies to the off-trade as well as the on-trade. The sale of alcohol to anyone aged under 18 is an offence under section 146 of the Licensing Act 2003. This mandatory condition is intended to ensure that all premises have a policy designed to prevent sales to those aged under 18.

19 As with the provision of free tap water, this condition is intended to help customers manage their alcohol consumption, thereby reducing the risk of alcohol-related crime and disorder and other problems related to the licensing objectives.

### 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)                    | Yes - we do not need any more state intervention. |               |                               |                                  |
| B. | Dispensing alcohol directly into the mouth (see condition ii above) |   |               |                               |                                  |
| C. | Mandatory provision of free tap water (see condition iii above)     |   |               |                               |                                  |
| D. | Age verification policy (see condition iv above)                    |   |               |                               |                                  |
| E. | Mandatory provision of small measures (see condition v above)       |   |               |                               |                                  |

- 7.4 Chapter 6 of this consultation invites views on whether or not to introduce a ban on multi-buy promotions in the off-trade. While the Government does not intend to apply any such ban to the on-trade, it has committed to reviewing whether the current mandatory licensing conditions sufficiently target problems such as irresponsible promotions in pubs and clubs.

### 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).

I do not believe that promotions are irresponsible in the first place. Misleading question.



### 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).

### 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).



## 8. Health as a licensing objective for cumulative impact policies

### Introduction

- 8.1 We want to ensure that licensing authorities are able to take alcohol-related health harms into consideration when making decisions about cumulative impact policies (CIPs) which can be used to manage problems linked to the density of premises in specific areas. We consider that a new health-related objective for alcohol licensing related specifically to cumulative impact is the best way to achieve this.
- 8.2 Evidence shows that there is a relationship between the increased density of premises and alcohol consumption and also between density and harm.<sup>20</sup> The evidence suggests that limiting the density of premises can be an effective tool in reducing harm (see section B and Annex A of the relevant impact assessment published alongside this consultation on the Home Office website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)). At the moment local areas can only take data linked to existing licensing objectives (that is usually crime and disorder, and public safety) into account when making decisions about cumulative impact and so cannot fully consider the full range of alcohol-related harms in their area (such as data on liver disease or alcohol-related deaths).
- 8.3 Cumulative impact can be considered by licensing authorities when developing their statements of licensing policy. A CIP can be introduced and included in this policy on the basis of any one or more of the four existing licensing objectives when problems are linked to the impact of a significant number of licensed premises concentrated in a specific area. The current process for CIPs is set out in paragraphs 13.19 - 13.38 of the amended guidance issued under section 182 of the 2003 Act. The guidance can be found on the Home Office website: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).
- 8.4 A CIP introduces a rebuttable presumption that all new licence applications and variations in that area will normally be refused if the licensing authority receives a relevant representation stating that the application will add to the cumulative impact. However each application must still be considered on its own merits and the licensing authority may still grant the application if it is satisfied that the application will not contribute to the cumulative impact.

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- 8.5 We are proposing that licensing authorities will be able to take evidence of alcohol-related health harm into account in deciding whether to introduce a CIP and the extent of that CIP. This would be a discretionary power and not an obligation. We expect that those areas with the highest levels of alcohol-related health harm, or fast rising levels of harm from alcohol, will be most likely to use this power. It will allow local health bodies to fully contribute to local decision making and mean licensing authorities can restrict the number of licensed premises in the local area on the basis of robust local evidence.

<sup>20</sup> For example the National Institute for Health and Clinical Excellence guidance Alcohol use disorders: Preventing the development of hazardous and harmful drinking (June 2010) and its underlying evidence review.



- 8.6 CIPs are already being used successfully by many licensing authorities to promote the existing licensing objectives. Unlike evidence currently used to support the introduction of CIPs, such as data on crime and disorder incidents, health evidence is population based (for example linked to a broader area rather than individual streets), and consideration needs to be given to how this could be incorporated within the CIP process. We want to learn from the experiences of interested parties and explore how health information could best be used in developing such policies to enable local health harms to be reduced. We will be seeking, gathering and using additional input from licensing authorities, those with experience of health data, and other practitioners on the technical details of this proposal through individual meetings and technical consultation groups.

#### 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.

Sounds like a tax-waste to me.

#### 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.

See question 13.

### 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.

See question 13.



## 9. Freeing up responsible businesses

- 9.1 The Government has committed to consult on giving licensing authorities greater freedom to take decisions that reflect the needs of their local community. Following the Government's Red Tape Challenge in 2011, three areas of reform were specified: alcohol licensing for certain types of premises providing minimal alcohol sales, temporary event notices (TENs) and the licensing of late night refreshment. This chapter asks for views on these proposals and suggests further ways to reduce burdens on business. The proposals set out here can be considered alongside work undertaken by the Department for Culture, Media and Sport to remove unnecessary red tape from regulated entertainment.<sup>21</sup>

### Ancillary sales of alcohol

- 9.2 For many businesses, the sale of alcohol is only a small part of, or incidental to, their wider activities, and occurs alongside the provision of another product or service (which this document refers to as an "ancillary sale"). For example, a guesthouse might wish to provide wine to its guests with an evening meal or a complimentary bottle of wine in a guest's room, while a hairdresser might wish to offer clients a glass of wine. In law, providing alcohol so that it is part of a wider contract such as this is likely to constitute a sale and therefore require a licence. Therefore such businesses are currently subject to the same licensing process as a large bar or off-licence and often may not find it worthwhile to obtain a licence for the low level of alcohol likely to be sold. For instance, these types of premises currently need to hold a premises licence and would need to have at least one personal licence holder working at the premises to authorise sales of alcohol.
- 9.3 The Government believes that there is scope to develop options to reduce some licensing burdens on such "ancillary sellers" while ensuring that irresponsible businesses cannot take advantage of loopholes and that the police and other enforcement agencies are able to enforce the law effectively.
- 9.4 In considering such proposals for deregulation, a key question will be the definition of an "ancillary sale". Here, striking the right balance between reducing burdens and ensuring that appropriate safeguards remain will be key. This consultation sets out two mechanisms to achieve this, which may not be mutually exclusive.
- 9.5 The first option (see Question 16 A) is to define ancillary sellers by reference to specific types of businesses and the kinds of sales they make, such as those examples of guesthouses or hairdressers given above in paragraph 9.2. Some specific types of businesses on which we are seeking views on including can be found in Question 17, with further suggestions invited in Question 18. This proposal would have the effect of excluding other types of businesses where sales of alcohol might still be incidental to the main business, but the risk of creating loopholes might be seen by some as higher.

<sup>21</sup> The Government has consulted on proposals to deregulate entertainment licensing. The Government will publish its response to the consultation shortly.

9.6 The second option (see Question 16 B) is to broaden the definition of “ancillary sales” to include all businesses (and/or not for profit activities<sup>22</sup>) through the use of a general set of qualification criteria, for example, to the effect that:

- alcohol must be sold or supplied as a small part or proportion of a sales transaction or contract for a wider service; and
- the amount of alcohol that could be supplied as part of that contract cannot exceed a prescribed amount.

These qualification criteria have the potential to significantly widen the types of businesses included. For example, this could include the kinds of sales that could be made where there are regular events in businesses such a book shop where an alcoholic drink is included as part of entry to a book signing event, or at a tourist attraction, such as a tour of a vineyard or distillery, where a glass of wine or whisky is included in the ticket price.

9.7 As an “ancillary seller” under either option, a premises or business would be restricted to making only those agreed limited sales of alcohol. So, for example, if a bed and breakfast wish to give guests a glass of wine as a “welcome drink” that would meet the definition of an ancillary sale, but if the business was supplying an unlimited amount through a bar, mini-bar or room service, it could not fit the definition of an “ancillary sale”. We will be exploring further as part of the technical consultation what reasonable limits could apply.

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<sup>22</sup> Subsequent references to “businesses” include not-for-profit organisations and activities.



### 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 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 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 type="checkbox"/> | <input type="checkbox"/> |

*Handwritten: NO CHANGE*



### 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. <sup>23</sup>   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

*NO CHANGE*

### 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):

See questions 16 + 17.

<sup>23</sup> It should be considered that, for businesses that wish to sell alcohol on an occasional basis, the use of a Temporary Event Notice (TEN) is likely to remain a preferable option. Paragraph 9.13 describes changes we have already made to make TENs more flexible, and makes further proposals.

### 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).

This is the classic 'divide and rule' tactic used by Government and taxpayer-funded 'charities' to force through the smoking ban.  
Deplorable.

- 9.8 The Government is consulting on two basic approaches which could be used to reduce the burden on premises where they have been given the status of an ancillary seller.

### Option A - Removing the need for a personal licence holder

- 9.9 The first option would be to reduce the requirements and costs associated with a premises licence by enabling ancillary sellers to apply to remove the requirement that all premises have at least one member of staff acting as a Designated Premises Supervisor (DPS) and for that person to be a personal licence holder (PLH). In most cases, this requirement is necessary to ensure that a qualified person is authorising sales of alcohol and that premises are fully complying with the law.
- 9.10 However, the 2003 Act already recognises that this requirement (which means a member of staff possessing an accredited PLH qualification and meeting the cost of the personal licence fee on top of the premises licence fee) can be overly onerous and disproportionate in some cases, such as for community premises (e.g. village halls). The 2003 Act therefore currently allows community premises to apply to their licensing authority for an exemption from this requirement and we are considering broadening this to also exempt ancillary sellers. As for community premises, it would be expected that an ancillary seller would apply for this exemption at the same time as making an application for a premises licence, with no extra fee or process necessary.



## Option B - Removing the need for a premises licence

- 9.11 A more radical option would be the possible introduction of a new form of lighter-touch authorisation under the 2003 Act, available only to those given the status of an ancillary seller. This could be referred to as an "ancillary sales notice" (ASN) and would remove the need for a premises licence at those premises. The process of obtaining an ASN would be quicker, simpler and cheaper than for a premises licence to reflect the limited form of alcohol sales that would be taking place. It could potentially work in a similar way to a TEN. The applicant could send a notice (accompanied by a fee that will cover the licensing authority's costs) stating that they believe themselves to be an ancillary seller, given the nature of their business. The police or the environmental health authority could object. There would be no need to advertise publicly and no annual fee. Unlike a TEN however, the authorisation (and the power to object) would be ongoing (but with a defined maximum duration such as five years).
- 9.12 When considering this proposal it would be important to strike the right balance between ensuring that the ASN process is a simplified process, and ensuring that appropriate safeguards still apply to those premises with an ASN as they do to other premises. For example, criminal offences would still apply to ASN holders and the licensing authority should be able to refuse (or revoke) an ASN that is inappropriate for the promotion of the licensing objectives. We are asking whether the requirement for sales of alcohol to be authorised by a personal licence holder should still apply to alcohol sold under an ASN.

### 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 - with no requirement for a personal licence holder.  |     |    |            |

Handwritten responses: "NO" with a checkmark over the 'No' column for row A, and "CHANGE" with a checkmark over the 'Don't know' column for row C.



### 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 type="checkbox"/> | <input 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SEE QUESTION 19

### 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)?

See question 19.

## Occasional provision of licensable activities at community events

9.13 Those who wish to provide licensable activities (for example selling alcohol or providing late night refreshment) on an occasional basis must obtain an authorisation under the 2003 Act. They will ordinarily obtain a TEN (see glossary). The Government has already given more local flexibility over TENs. For example, since April 2012, environmental health authorities are able to make objections. For those issuing TENs, the process has also been made more flexible, for example by enabling licensing authorities to accept TENs received after the ten-day deadline and extending the maximum duration of a TEN. We are considering now whether there is scope to be more radical and allow individual licensing authorities to determine their own, less burdensome, TEN processes if they wish.