

4. Confidentiality and disclaimer

Responses: Confidentiality & Disclaimer

- 4.1 The information you send us may be passed to colleagues within the Home Office, the Government or related agencies. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.
- 4.2 If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, among other things, with obligations of confidence.
- 4.3 In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- 4.4 The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Please select if you would like your response or personal details to be treated as confidential ☐

Please give your reasons in the box below:

Consultation Principles

The Government has recently introduced a more proportionate and targeted approach to consultation, so that the type and scale of engagement is proportional to the potential impacts of the proposal. The emphasis is on understanding the effects of a proposal and focusing on real engagement with key groups rather than following a set process. The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before;
- departments will need to give more thought to how they engage with and consult with those who are affected;
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between Government and the voluntary and community sector will continue to be respected.

The full consultation guidance is available at:

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

3. Information about you

The following questions ask for some information about you. The purpose of these questions is to provide some context on your consultation responses and to enable us to assess the impact of the proposals on different groups of people. By providing this information you are giving your consent for us to process and use this information in accordance with the Data Protection Act 1998.

Company Name or Organisation (if applicable):

Which of the following best describes you or the professional interest you represent? Please select one box from the list below:

- ☐ Individual involved in licensed trade/club premises
- ☐ Small or medium sized enterprise involved in licensed trade/club premises (up to 50 employees)
- ☐ Large business involved in licensed trade/club premises
- ☐ Small or medium sized enterprise involved in the production of alcohol (up to 50 employees)
- ☐ Business involved in the production of alcohol
- ☐ Trade body representing the licensed trade/club premises or alcohol producers
- ☐ Alcohol-related best practice scheme
- ☐ Person or organisation specialising in licensing law
- ☐ Voluntary and community organisation
- ☐ Licensing authority
- ☐ Licensing authority officer

If you are from a licensing authority please specify which licensing authority in the box below:

- ☐ Public health body (e.g. Primary Care Trust, Local Health Board, Director of Public Health)
- ☐ Local Government (other)
- ☐ Police and crime commissioner
- ☐ Police force
- ☐ Police officer

If you are from a police force specify which police force in the box below:

- ☐ Bodies representing public sector professionals (eg. Local Government Association, Institute of Licensing)
- ☐ Central Government
- ☒ Member of the public
- ☐ Other (specify in the box below):

If you are responding on behalf of an organisation or interest group, how many members do you have?
(Please specify in the box below):

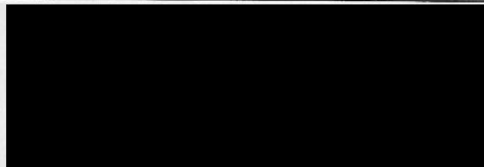
Number of members:

Please select one box from the list below that best describes where you live or where your organisation is based:

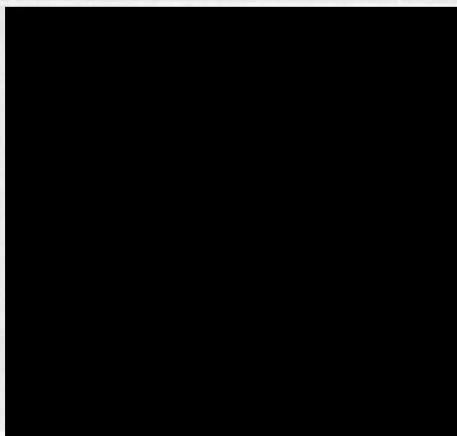
- | | |
|--------------------------|-------------------------------------|
| North East England | <input type="checkbox"/> |
| North West England | <input type="checkbox"/> |
| South East England | <input type="checkbox"/> |
| Yorkshire and the Humber | <input checked="" type="checkbox"/> |
| West Midlands | <input type="checkbox"/> |
| East Midlands | <input type="checkbox"/> |
| East of England | <input type="checkbox"/> |
| South West England | <input type="checkbox"/> |
| London | <input type="checkbox"/> |
| Wales | <input type="checkbox"/> |
| Scotland | <input type="checkbox"/> |
| Northern Ireland | <input type="checkbox"/> |
| European Union | <input type="checkbox"/> |
| Rest of the world | <input type="checkbox"/> |

If you are a member of the public:

What is your gender?
(Please select one option)



What is your age? (Please tick one)



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).

M.U.P SHOULD NOT BE INTRODUCED.
UNFAIRLY AFFECT THE MAJORITY OF SENSIBLE
LAW ABIDING DRINKERS, ESPECIALLY THOSE ON
LOW INCOMES, PENSIONERS ETC. LAW SHOULD
NOT BE INTRODUCED TO DEAL WITH A TINY
MINORITY AT THE EXPENSE OF THE MAJORITY.

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).

I PERSONALLY BUY QUALITY BOTTLED BEERS FROM 'OFF-SALES'
WHEN THEY ARE 'ON OFFER' OR NEAR THEIR 'BEST BUY' DATE
THEREFORE CHEAPER. BEERS NEARING THEIR 'BEST BUY' DATE
WOULD BE WASTE AND WOULD NOT SELL IF THEY COULDN'T BE
REDUCED IN PRICE (TO BELOW PROPOSED 'MINIMUM PRICE' LEVELS).

I AM RETIRED BUT NOT YET RECEIVING A 'STATE
PENSION' SO HAVE TO SHOP CAREFULLY LIKE THIS AND BUY
IN BULK IF THERE'S A SAVING, SO I CAN HAVE A SUPPLY OF
MY FAVOURITE DRINK I.E. 'REAL ALE' TO HAND. I DO NOT
DRINK IN EXCESS BECAUSE OF BEER BEING CHEAPER. IF IT WAS
DEARER I WOULD HAVE TO CUT DOWN AND LESS REVENUE
TO THE TREASURY IN DUTY. MUCH BEER WOULD BE WASTED
I.E. BARLEY, HOPS, WATER ETC IF BEER NEAR IT'S 'BEST BUY'
DATE WAS DESTROYED.

- 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 – the minimum unit price should not be adjusted.	<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 harmful¹³ and hazardous¹⁴ drinkers, while minimising the impact on responsible¹⁵ drinkers. Do you think that there are any other people, organisations or groups that could be particularly affected by a minimum unit price for alcohol?
(Please select one option):

Yes ☒ No ☐ Don't Know ☐

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

UNFAIR COMPETITION FOR PRODUCERS OF CHEAPER ALCOHOLIC DRINKS
AS OBVIOUSLY IF A MINIMUM PRICE WAS INTRODUCED, WHICH BROUGHT
CHEAPER DRINKS UP TO THE PRICE OF DEARER DRINKS, CONSUMERS
WOULD CHANGE TO BUYING THE DEARER DRINKS AS THERE WOULD
BE NO OR LITTLE PRICE DIFFERENTIAL. 'CHEAPER' DRINKS WOULD
THEREFORE NOT SELL OR SELL AS MUCH, PUTTING THEIR
PRODUCERS AT A DISADVANTAGE. THIS WOULD ALSO BREAK
COMPETITION RULES/LAWS AND EUROPEAN LAW IN THIS RESPECT.

- 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).

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).

THE EFFECT ON PEOPLE OF LIMITED, LOW INCOMES AND SENSIBLE DRINKERS WITH THE PRICE OF A MODERATE BOX OF BEER, OR 3 BOTTLES OF WINE FOR £XX TYPE SALES BEING INCREASED. LOTS OF PEOPLE DO NOT BUY THESE TYPES OF 'PROMOTION' TO DRINK ALL AT ONCE, OR TO GET DRUNK - THEY DRINK THEM OVER A PERIOD OF TIME BUT GET BETTER VALUE (AND SAVE TRIPS TO THE 'OFF-LICENCE') BY BUYING IN 'BULK'. PEOPLE ALSO BUY LIKE THIS FOR PARTIES AND B.B.Q'S E.T.C AND WHY SHOULDN'T THEY BUY A LITTLE CHEAPER? IT DOESN'T MEAN THEY ARE GOING TO GET DRUNK! THE ALCOHOLIC IS UNLIKELY TO BE AFFECTED BY SUCH MOVES BUT ORDINARY SENSIBLE DRINKERS WOULD BE.

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).

NORMAL RESPONSIBLE DRINKERS WHO BUY AT REASONABLE PRICES (OFFERS) AND STOCK UP TO LAST THEM A WHILE, ON WHO BUY FOR A PARTY OR BBQ ETC. PEOPLE SUCH AS MYSELF, ON LIMITED INCOME (RETIRED BUT NOT YET IN RECEIPT OF 'STATE PENSION') WHO BUY IN BULK (FROM SAUVES) WHEN GOOD 'OFFERS' ARE ON TO STOCK UP TO LAST US A NUMBER OF WEEKS. WE DO NOT DRINK MORE AS A RESULT, JUST BUY IT WHEN CHEAPER.

7. Reviewing the mandatory licensing conditions

Redacted
S40
Personal Information

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:
- A ban on irresponsible promotions.¹⁷
 - A ban on dispensing alcohol by one person directly into the mouth of another.
 - A requirement to provide free tap water on request to customers.
 - A requirement to have an age verification policy to prevent the sale of alcohol to persons under 18 years of age.¹⁸
 - A requirement to make available to customers small measures such as half pints of beer or cider or 125ml glasses of wine.¹⁹

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: -

- 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.
- Provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted fee.
- Provision of anything as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less.
- 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.
- 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.