



Home Office

# **A consultation on delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour**

November 2012

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# Ministerial foreword

The majority of the people in this country enjoy a drink without causing trouble for those around them, but there is a significant minority who do not. Too many of our high streets and town centres have become no-go areas on a Friday and Saturday night because of alcohol-fuelled violent crime and anti-social behaviour.

It is responsible drinkers, businesses and the wider community who are paying the price in terms of crime and disorder on our streets, while alcohol-related injuries are clogging up our Accident and Emergency rooms.

The Government has already legislated for a wide set of reforms to tackle binge drinking and the corrosive effect it has on individuals and our communities. We have:

- Rebalanced the Licensing Act in favour of local communities – for instance by removing the ‘vicinity test’ to ensure that anyone – no matter where they live – can input into a decision to grant or revoke a licence;
- Introduced a late night levy – empowering local authorities to make those businesses that sell alcohol late at night contribute towards the cost of policing and wider local authority action; and
- Introduced the Early Morning Alcohol Restriction Order – enabling local areas to restrict the sale of alcohol late at night in all or part of their area if there are problems.

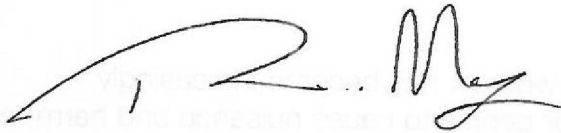
However we need to continue the work to tackle the drink fuelled antisocial behaviour and crime blighting our communities. So we are launching a 10 week consultation, seeking views on five key areas:

- A ban on multi-buy promotions in shops and 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 and clubs;
- Health 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 their area;
- Cutting red tape for responsible businesses to reduce the burden of regulation on responsible businesses while maintaining the integrity of the licensing system; and,
- Minimum unit pricing, ensuring for the first time that alcohol can only be sold at a sensible and appropriate price.





This is not about stopping the sensible, responsible drinking which supports pubs as part of the community fabric, creates thriving town centres, and provides employment and growth. The measures in our consultation are targeted explicitly at reducing harmful drinking, and we welcome your views on how we can jointly end the culture of excessive drinking that causes so much damage to our society.



**The Rt Hon Theresa May MP**  
**Home Secretary**

# 1. Introduction

- i. Over the last decade we have seen a culture grow where it has become increasingly acceptable to be excessively drunk in public and for people to cause nuisance and harm to themselves and others. While there has been a welcome reduction in overall consumption of alcohol over the past few years, the costs to the NHS and rising deaths from liver disease are unacceptable. The majority of people who drink do so entirely responsibly, but too many people still drink to excess. The Government has committed to taking firm action to address this.
- ii. This consultation puts forward proposals and questions on five key areas set out in the Government's Alcohol Strategy ('the Strategy'), published on 23 March 2012:
  - the price level and mechanisms for a minimum unit price for alcohol;
  - introducing a ban on multi-buy promotions in the off-trade (see glossary);
  - reviewing the mandatory licensing conditions;
  - introducing health as a licensing objective for cumulative impact; and
  - reducing the burden of regulation on responsible businesses.
- iii. In the Strategy, the Government committed to introducing a minimum unit price. However, in other areas, this consultation seeks views on the introduction of policies. Respondents are asked about introducing a ban on multi-buy promotions in the off-trade (that is premises that are only authorised to sell alcohol for consumption off the premises, such as shops and off-licences) and the introduction of health as a licensing objective for cumulative impact policies. This consultation also forms part of the review of the mandatory licensing conditions (sometimes called the Mandatory Code) in relation to the sale of alcohol. It also asks about a number of proposals to reduce burdens on responsible business and support local growth.
- iv. These topics have been brought together into one consultation to minimise the burden on respondents. A glossary (chapter 12) has been provided to assist those respondents with the more technical terms that relate to the licensing regime. To support the consultation process, a series of meetings and events will be held with representatives of our main partners. Some of these meetings will focus on more technical matters that support the policy development process.
- v. The policies in this consultation are not about stopping responsible drinking or adding unnecessary burdens on business, but are about taking fast action to tackle the health and crime harms caused by excessive alcohol consumption. The policy context of these proposals is set out in the Strategy, which should be read alongside this document, as should the impact assessments related to the individual proposals. All these documents can be found on the Home Office website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).



## Turning the tide on irresponsibly priced alcohol

- vi. In 2010, £42.1 billion was spent on alcohol in England and Wales alone.<sup>3</sup> Alcohol has been so heavily discounted that it is now possible to buy a can of lager for as little as 20p or two litre bottle of cider for £1.69. Behaviour has also changed, with increasing numbers of people drinking excessively at home, including many who 'pre-load' before going on a night out. There has been a 45% increase in purchasing alcoholic drinks for consumption in the home, from 527ml per person per week in 1992, to 762ml in 2010.<sup>4</sup>
- vii. There is extensive and consistent evidence that increasing the price of alcohol reduces consumption, leading to reductions in alcohol-related harms particularly around health.<sup>5</sup> For instance, recent analysis of the effectiveness of 'social reference pricing' in a Canadian province found that a 10% increase in the minimum price of any given alcoholic product reduced its consumption by between 14.6% and 16.1%.<sup>6</sup> This supports the Government's intentions, as set out in the Strategy, to end the availability of the most irresponsibly priced alcohol, by introducing a minimum unit price, and to consult on the introduction of a ban of multi-buy promotions in the off-trade.

## Tackling alcohol-related harms

- viii. Where possible, action to tackle problem drinking should be taken locally, by those who understand the problems that a particular community is facing. We have already taken significant steps to provide local communities with the powers and tools they need. A number of legislative changes came into force in April, such as reducing the evidential threshold under the Licensing Act 2003 ("the 2003 Act") from 'necessary' to 'appropriate' so that it is easier for licensing authorities to review, revoke or impose conditions on a licence to sell alcohol.
- ix. Health considerations and agencies also have an important part to play in tackling alcohol-related harms. The Government has already given local health bodies 'responsible authority' status under the 2003 Act, ensuring that they are automatically notified of an application for, or review, of a licence. We now propose that licensing authorities should be able to take alcohol-related health harms into account when they make decisions on cumulative impact policies (CIPs). CIPs are an existing mechanism by which licensing authorities can take into account the potential impact on the statutory licensing objectives of a significant number of licensed premises concentrated in one area. Under the 2003 Act, licensing authorities must carry out their duties with a view to promoting the statutory licensing objectives, which are:
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.

3 Clancy, G (2011). Consumer Trends Quarter 1 2011, No.60. Office for National Statistics.

4 Family Food Module of Living Costs and Food Survey (LCFS) 2010. Defra/ONS

5 For more information on the range of evidence on price and consumption and reduction in harms see pages 6-8 in the Minimum Unit Pricing Impact Assessment, published alongside this consultation and available on the Home Office website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).

6 Stockwell, T., Christopher Auld, M., Zhao, J. and Martin, J. (2012) Does minimum pricing reduce consumption? The experience of a Canadian province. (2012) *Addiction*. Volume 107. Pages 912-920.



- x. While the Government wishes to promote local decision making, there are circumstances when national action is appropriate to support the reduction of alcohol-related harms. As part of our commitment to reviewing the current mandatory licensing conditions in relation to the supply of alcohol, this consultation also invites views on the impact of those conditions on the promotion of the statutory licensing objectives. The Government is keen to ensure that the conditions are sufficiently targeting problems such as irresponsible promotions in pubs and clubs, and to consult on whether the mandatory licensing conditions should apply to all sectors involved in the sale of alcohol, when they are relevant.

## Freeing up responsible businesses

- xi. The Government is committed to removing or reducing unnecessary regulatory burdens on business, where possible, to support local growth, including those stemming from the regulation of alcohol sales, late night refreshment and regulated entertainment.<sup>7</sup> Millions of people work or volunteer in sectors affected by licensing. For example over 400,000 people hold personal licences, which enable them to authorise sales of alcohol. Well-run pubs and other businesses are an important part of the fabric of neighbourhoods and provide local employment opportunities.
- xii. Reforms earlier this year have already reduced the burden of licensing regulation. For example, temporary event notices (TENs) can now be submitted within the normal deadline of ten working days, and the Government has extended the maximum period of time that a TEN can have effect, making it easier for businesses and community groups to carry out licensable activities on an occasional basis. Since 1 October, the licensing requirements for live music have been significantly reduced.
- xiii. This consultation proposes a number of ways to reduce the burden of the licensing regime further, developing a more targeted, proportionate and flexible system that can support responsible growth while maintaining its integrity to protect individuals and society from irresponsible activities. Some were raised in the recent 'Red Tape Challenge' process: simplifying the TENs regime process further, reducing the burden on businesses making minimal alcohol sales and giving local areas greater flexibility on the licensing of late night refreshment. Other proposals go further, such as removing the requirement to advertise applications for, and variations, to licences in a local newspaper. As part of this consultation, we will also be considering how these proposals could affect licensing authorities, the police and other enforcement agencies.

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<sup>7</sup> The Government has consulted on proposals to deregulate entertainment licensing. The Government will publish its response to the consultation shortly.



## 2. About this consultation

### Scope of the consultation

Topic of this consultation:	<p>This consultation invites views on five key issues set out in the Government's Alcohol Strategy published on 23 March 2012. These are:</p> <p><b>A minimum unit price for alcohol</b></p> <ul style="list-style-type: none"><li>• The price level;</li><li>• The mechanism for adjusting the price over time; and</li><li>• The impact of a minimum unit price.</li></ul> <p><b>A ban on multi-buy promotions in the off-trade</b></p> <ul style="list-style-type: none"><li>• Whether to introduce a ban on multi-buy promotions; and</li><li>• The impact of such a ban.</li></ul> <p><b>Reviewing the mandatory licensing conditions</b></p> <ul style="list-style-type: none"><li>• Views on the current set of mandatory licensing conditions;</li><li>• Whether the current set of mandatory licensing conditions sufficiently targets problems such as irresponsible promotions in pubs and clubs; and</li><li>• The application of the conditions to the on- and off-trade.</li></ul> <p><b>Health as a licensing objective for cumulative impact policies</b></p> <ul style="list-style-type: none"><li>• Views on introducing health as a licensing objective for cumulative impact policies; and</li><li>• The impact of such a licensing objective for cumulative impact policies.</li></ul> <p><b>Freeing up responsible businesses</b></p> <ul style="list-style-type: none"><li>• Proposals to develop a more targeted, proportionate and flexible licensing regime that can support responsible growth while maintaining the integrity of the licensing system; and</li><li>• The impact of these proposals on businesses and on the licensing objectives.</li></ul>
Scope of this consultation:	<p>The Government intends to introduce primary legislation to enable a minimum unit price for alcohol to be introduced but would like to hear views on the price level and related mechanisms.</p> <p>All measures in the consultation would require legislation.</p>
Geographical scope:	<p>This consultation applies to England and Wales. We continue to work closely with devolved administrations on a number of these proposals.</p>
Impact assessment (IA):	<p>Nine consultation stage IAs are published alongside this consultation document.</p>

## Basic Information

Who is this consultation aimed at:	We are keen to hear from everyone who will be affected by these measures, including: members of the public who consume alcohol; those who live close to licensed premises; those who own or work in pubs, clubs, supermarkets and shops; criminal justice agencies; the police; local health bodies; licensing authorities and trade associations representing those who produce and sell alcohol.
Duration:	The consultation runs for 10 weeks until 06 February 2013
Enquiries:	<a href="mailto:alcohol.consultation@homeoffice.gsi.gov.uk">alcohol.consultation@homeoffice.gsi.gov.uk</a>
How to respond:	<p>Information on how to respond to this consultation can be found on the Home Office website at <a href="http://www.homeoffice.gov.uk/about-us/consultations">http://www.homeoffice.gov.uk/about-us/consultations</a>. Responses can be submitted online through the Home Office website or by post by sending responses to:</p> <p>Alcohol Consultation, Drugs and Alcohol Unit, Home Office, 4th Floor Fry Building, 2 Marsham Street, London, SW1P 4DF</p>
Additional ways to become involved:	Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio. The Department is obliged to both offer, and provide on request, these formats under the Equality Act 2010. We can also offer a version of the consultation in Welsh on request.
After the consultation:	Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public, unless the respondent states otherwise (see p.13).

## Background

Getting to this stage:	The Government published its Alcohol Strategy in March 2012. This sets out its approach to tackling problem drinking. This consultation considers five key areas of the Strategy.
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### 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:

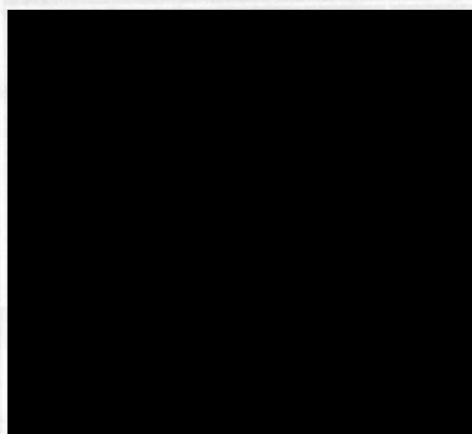
Please select one box from the list below that best describes where you live or where your organisation is based:

- |                          |                          |
|--------------------------|--------------------------|
| North East England       | <input type="checkbox"/> |
| North West England       | <input type="checkbox"/> |
| South East England       | <input type="checkbox"/> |
| Yorkshire and the Humber | <input 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?<br>(Please select one option) | Female            | <input type="checkbox"/>            |
|  | Male              | <input checked="" type="checkbox"/> |
|  | Prefer not to say | <input type="checkbox"/>            |

What is your age? (Please tick one)





## 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>**



## 5. A minimum unit price for alcohol

### Introduction

- 5.1 In the Strategy, the Government committed to introducing a minimum unit price for alcohol in England and Wales. This consultation will contribute to the debate on the most appropriate price per unit and the mechanism by which, once set, minimum unit pricing would remain effective.<sup>8</sup> It is also an opportunity for interested parties to raise other issues around minimum unit pricing.
- 5.2 Minimum unit pricing forms part of the comprehensive package of measures set out in the Strategy. The Government has already taken measures to reduce the availability of alcohol sold at irresponsible prices, for instance by changing the rules on the juice content of cider to prevent irresponsibly priced white ciders from qualifying for lower rates of duty. However, a minimum unit price for alcohol will ensure - for the first time - that alcohol can only be sold at a sensible and responsible price.
- 5.3 The purpose of minimum unit pricing is to reduce excessive alcohol consumption, particularly by the most hazardous and harmful drinkers who tend to show a preference for the cheapest alcohol products.<sup>9</sup> Unlike moderate drinkers, they are less likely to switch to cheaper drinks, if prices rise. Crucially, evidence enables researchers to estimate in a statistically robust way (as set out in the Impact Assessment) that harmful drinkers in particular reduce their consumption more as a result of a minimum unit price set at a proportionate level than moderate drinkers.
- 5.4 As a result, we can estimate that there will be a reduction in the associated crime and health harms, especially the numbers of hospital admissions, alcohol-related deaths and alcohol-related crimes.<sup>10</sup> Minimum unit pricing is not intended to disproportionately affect responsible drinkers or particular social groups but to reduce the availability of alcohol sold at very low or heavily discounted prices.
- 5.5 The actual impact of minimum unit pricing will depend on the price per unit of alcohol. The Government wants to ensure that the chosen price level is targeted and proportionate, whilst achieving a significant reduction of harm. The Government is therefore consulting on the introduction of a recommended minimum unit price of 45p. The table below shows the best available estimated impacts of this level of minimum unit price. This includes an estimated reduction in consumption across all product types of 3.3%, a reduction in crime of 5,240 per year, a reduction in 24,600 alcohol-related hospital admissions and 714 fewer deaths per year after ten years.

8 A 'unit' of alcohol is defined as 10 ml by volume, or 8g by weight, of pure alcohol (ethanol). The number of units in a particular alcohol product will therefore depend on the volume of that product and its alcoholic strength (alcohol by volume or abv).

9 See the Impact Assessment on minimum unit pricing for further details.

10 See the Impact Assessment on minimum unit pricing for further details.



### Impacts of a 45p minimum unit price<sup>11</sup>

Total reduction in alcohol consumption	-3.3%
Reduction in number of crimes per year	5,240
Crime savings per year (including QALYs <sup>12</sup> related to crime)	£12.9m
Number of deaths saved per year (at full effect)	714
Number of hospital admissions saved per year (at full effect)	24,600
Direct health care cost savings per year (at full effect)	£82.0m
Health QALY savings per year (at full effect)	£319m
Increase in spending for moderate drinkers (per year)	£7
Increase in spending for hazardous drinkers (per year)	£49
Increase in spending for harmful drinkers (per year)	£118
Increase in revenue to business (in year 1)	£1,040m
Impact on the public purse (as a result of a loss in alcohol duty)	-£200m

5.6 As the above table demonstrates, there are other issues to consider alongside the benefits of minimum unit pricing. As the level of minimum unit price rises, it affects moderate drinkers' consumption more and so is less targeted. Further, the expected reduction in alcohol consumption following the introduction of a minimum unit price would also reduce the amount of alcohol duty received by the Government, with consequences for the public purse. For further detail please see the impact assessment published alongside this consultation on the Home Office website.

5.7 In June 2012, following consultation, the Scottish Government passed legislation which would enable it to introduce a minimum unit price for alcohol in Scotland. It is intended that the minimum price will be set at 50p per unit of alcohol. The Northern Ireland Executive has also consulted on whether to introduce a minimum unit price for alcohol. The Government continues to monitor developments and progress in these areas and will consider any issues arising alongside the consultation.

<sup>11</sup> Please note that these figures are subject to change in the Government's final impact assessment, and following this public consultation.

<sup>12</sup> Gains in health-related quality adjusted life years (QALYs) show the increase in the number of life years in good health as a result of reductions in mortality and morbidity from alcohol-related conditions.