



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

Wiltshire Council (Community Safety Partnership) Response, February 2013:

Section 1 – Introduction

No responses required

Section 2 – About this consultation

No responses required

Section 3 – Information about you:

Company Name or Organisation (if applicable)

Wiltshire Council (Community Safety Partnership)

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

☒ Licensing authority

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)

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

N/A

If you are responding on behalf of an organisation or interest group, how many members do you have?

Number of members: 25

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

√ South West England

If you are a member of the public:

N/A

Section 4 – Confidentiality and Disclaimer:

N/A

Section 5 – A minimum unit price for alcohol:

Consultation Question 1:

Do you agree that this MUP level would achieve these aims?

Yes

Evidence as noted below suggests that minimum pricing can reduce alcohol consumption, but the optimum level being 50p per Unit. A MUP of 50p would also match Scotland's proposed implementation of legislation for alcohol MUP.

Refs:

NICE Guidance PH24 'Alcohol-use disorders: preventing harmful drinking' states: "A minimum price per unit.....would also encourage producers to reduce the strength of products. As an example of the effect of minimum pricing, over a 10 year period it is estimated that a 50p minimum price per unit would reduce the cost of alcohol related problems by £9.7bn".

'The raising of minimum alcohol prices in Saskatchewan, Canada: impacts on consumption and implications for public health' Stockwell, T et al (2012) states: "The contention that minimum price changes were an important influence was supported by calculations thata 10% increase in minimum price across all beverages was significantly associated with an 8.4% reduction in total consumption".

University of Sheffield – Alcohol Minimum Price Modelling Research: 2nd Update states: "Increasing levels of minimum pricing show steep increases in effectiveness [for example] a MUP of 45p would result in -3.5% change in consumption [as compared to] a MUP of 50p with -5.7% change in consumption".

Consultation Question 2:

Should other factors or evidence be considered when setting a minimum unit price for alcohol?

No

Consultation Question 3:

How do you think the level of minimum unit price set by the Government should be adjusted over time?

The minimum unit price should rise with the rate of inflation each year.

Consultation Question 4:

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?

Yes

MUP has potential for both positive and negative impacts for a range of groups including the drinks industry in terms of possible changes to the manufacture of alcoholic beverages (lower strength alcohol) and their promotion. Whilst acknowledging the scope for improved health outcomes and potential reductions in crime, MUP may disproportionately place increased economic strains upon lower socio-economic groups. Furthermore, thefts of alcohol (via 'walk-offs' from retail outlets) and the availability of imitation/poor quality alcohols may also increase. A more holistic approach to alcohol pricing may therefore be appropriate, such as increasing VAT rates on the off sales of alcohol.

Section 6 – A ban on multi-buy promotions in the off-trade:**Consultation Question 5:**

Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?

Yes

Consultation Question 6:

Are there any further offers which should be included in a ban on multi-buy promotions?

Yes

There is limited research on multi-buy promotions to support an evidential basis for its implementation. The proposed arrangements for multi-buy promotions are too complicated and will still allow retailers to use some forms of price discounting techniques. It is our opinion that this potential for utilising some forms of alcohol price reduction presents a conflict with the overall aims of the proposed legislation which alongside Minimum Unit Pricing is 'part of a wider strategy to reduce excessive alcohol consumption'.

Consultation Question 7:

Should other factors or evidence be considered when considering a ban on multi-buy promotions?

Yes

The following factors/evidence should be considered:

- Possibility for retailers manipulating legislation (i.e. in order to utilise other discounting techniques)

- Concentrations of retailers in particular areas with high levels of alcohol related harm
- Locations of retailers (i.e. in relation to schools, youth centres)
- Need for more research on the effectiveness (or not) of restricting multi-buy promotions in reducing alcohol related harms. NICE Guidance (PH24) and other research does suggest that restricting alcohol sales in whatever form will aid the reduction in overall alcohol consumption
- Other concerns relate to how and who would enforce the legislation in a consistent manner.

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?

Yes

A ban on multi-buy promotions is likely to have a positive impact on young people who may be less likely to buy larger quantities of alcohol. This is supported by *NICE Guidance PH24 'Alcohol-use disorders: preventing harmful drinking'* which states "There is strong evidence that alcohol advertising affects children and young people...[and] exposure to alcohol advertising is associated with the onset of drinking and increased consumption among young people who already drink". Furthermore, "evidence suggests that young people who drink and people (including young people) who drink harmful amounts tend to choose cheaper alcoholic products".

Section 7 – Reviewing the mandatory licensing conditions:

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)?

		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	Yes	Yes	Yes	Yes

	provision of free tap water				
D	Age verification policy	Yes	Yes	Yes	Yes
E	Mandatory provision of small measures	No	No	No	No

Consultation Question 10:

Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs?

Yes

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) which could be tackled through a mandatory licensing condition?

Yes

Removal of glass from on- premises.

Provision and retention of training records in responsible alcohol sales.

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?

No

The condition of the purchaser must be considered as to whether it is suitable to serve them.

Section 8 – Health as a licensing objective for cumulative impact policies:

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?

Nice Guidelines (PH24) support changes to current licensing provisions to include public health considerations. We consider the wider use of a CIP approach (to include alcohol related health harms) to be of value and identify the following sources of localised data to inform such:

Ambulance Service data, Police violent crime statistics (e.g. alcohol related assault and domestic abuse data), Hospital Episode statistics, Probation offender data from OASys assessment information, A+E and Minor Injury Unit data via Cardiff Model processes.

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?

Yes

Consideration should be given to the use of a CIP as a mandatory part of the licensing process in order to enable early involvement of alcohol related health impact data in licensing decisions.

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 provide evidence to support your response.

Use of data on alcohol-related health harms can reinforce and support data on crime and disorder incidents in a particular area. Similarly, when introducing or evidencing the need for a CIP, inclusion of Hospital A+E and Minor Injury Unit (MIU) data targeted at a particular area, can also contribute to reductions in levels of crime and disorder.

For example, in Wiltshire, between 2010-11, there was a 21% reduction in alcohol related violent crime and disorder as a result of the work of the Licensing Task Group in improving management of the Night Time Economy . This group operated a multi agency 'tactical assessment' approach utilising Police data and intelligence on crimes taking place in or near licensed premises in the previous month. Anonymised data from MIU and Hospital Emergency departments was also incorporated into the assessment to enable identification of premises linked to the highest number of crimes. The tactical assessment then enabled resources to be focussed on the top 3 problem premises.

Section 9 – Freeing up responsible businesses:**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 met key criteria for limited or incidental sales?

		Yes	No	Don't know
A	The provision should be limited to 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	√		

Consultation Question 17:

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?

		Yes	No	Don't know
A	Accommodation providers, providing alcohol alongside accommodation as part of the contract	√		
B	Hair and beauty salons, providing alcohol alongside a hair and beauty treatment	√		
C	Florists, providing alcohol alongside the purchase of flowers	√		
D	Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the ticket entry	√		
E	Regular charitable events, providing alcohol as part of the wider occasion	√		

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?

Care Homes/ Residential Homes
 Bridal shops
 Wedding cars
 School fetes
 Circus

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?

Yes

Consultation Question 20:

Do you think that these proposals would significantly reduce the burdens on ancillary sellers?

		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	√		

Consultation Question 21:

Do you think that the following proposals would impact adversely on one or more of the licensing objectives?

		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.		√	

Consultation Question 22:

What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation?

Part of the Ancillary Sales Notice application process should include a declaration that the applicant is over 18 years of age.

They should also include a declaration that a proof of age scheme will be in place before any sale of alcohol took place.

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?

No

Consultation Question 24:

What impact do you think a locally determined notification would have on organisers of community events?

		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?

Yes

Consultation Question 26:

If yes, please indicate which option you would prefer:

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Consultation Question 27:

Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways?

		Yes	No	Don't know
A	Determining that premises in certain areas are exempt.	√		
B	Determining that certain premises types are exempt in their local area.	√		

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?

Yes

Consultation Question 29:

Please describe any other types of premises to which you think a nationally prescribed exemption should apply.

Licensed gambling premises such as race tracks, casinos etc.

Consultation Question 30:

Do you agree with each of the following proposals?

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers.	√		
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.		√	
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges”.	√		
D	Remove or simplify requirements to renew personal licences under the 2003 Act.		√ every ten years is not an onerous burden on personal license holders.	

Consultation Question 31:

Do you think that each of the following would reduce the overall burdens on business?

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers.	√		
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.		√	
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs 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?

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

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?

Section 176 as it relates to Garages not (MSAs)

Removal of the limit on the number of TENs that a Personal License Holder can apply for, keep the limit for individual premises in any 12 month period.

As there is no central national register it is impossible for Local Authorities to know how many TENs a Personal License Holder has applied for so why keep it?

Reduce the length and complexity of the TENs application form, allow N/A boxes.

Section 10 – Impact Assessments:**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?

		Yes	No	Don't know
A	Minimum unit pricing.	√		
B	Multi-buy promotions.	√		
C	Health as a licensing objective for cumulative impact.	√		
D	Ancillary sales of alcohol.	√		
E	Temporary Event Notices.		√	
F	Late night refreshment.		√	
G	Removing the duty to advertise licence applications in a local newspaper.	√		
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

Temporary Event Notices (TENs): Reducing the burdens of the Licensing Act 2003
Page two; we disagree with the assumption that there would be no cost to business or community groups. At the moment the legislation is clear, however, if you introduce 68 different local systems across the country, confusion is possible and

businesses will have the cost of contacting different local authorities to see what their local rules are.

We believe the whole licensing process needs simplifying “keeping it as simple as possible”, thereby creating less burden (and confusion) for licensees, wholesalers and ‘legal unlicensed sellers’ e.g. hairdressers.