



Alcohol Consultation
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Consultation on delivering the Governments policies to cut alcohol fuelled crime and anti social behaviour

Business In Sport and Leisure represents over seventy private sector companies and organisations in the important sport, leisure and hospitality industry. Its membership is comprised of a mixture of leisure operators, a majority of whom provide a licensed bar or other licensable activity even where it is not their primary business. Membership also includes a large number of professionals from law and finance that support the sector. BISL was an active member of the DCMS Advisory Group on licensing during the passage of the Licensing Act 2003 and subsequently has continued that dialogue with the Home Office through the technical panels and workshops around EMROs, the Late Night Levy, the Alcohol Strategy and Red Tape.

Question 1 & 2 Minimum Unit Pricing

Whilst BISL understands that research, albeit to date on quite a narrow front, has claimed that an increase to a minimum unit price purports to cut alcohol consumption and that such minimum unit pricing might level the competitive playing field between low cost supermarket sales and traditional pub and bar prices There remains a genuine concern about the longer term implications of government interference in free market pricing structures.

Question 3 Minimum Unit Pricing adjustment

In the event that a MUP was introduced BISL would not wish any automatic adjustment to the price over time, this being precisely the concern about government interference in the market.

Question 6, 7 & 8 Ban on multi buy promotions in the off trade

BISL understands that such a ban on multi buy promotions in the off trade is anticipated to lead to a reduction in sales of low cost alcohol, albeit this would not impact on the discounting of the price where it is not linked to the purchase of multiple bottles, but it may contribute towards levelling of the playing field with supervised on trade sales.

Questions 9, 10, 11 and 12 Reviewing the mandatory licensing condition

BISL members have attended the Home Office technical group on changes to the mandatory conditions and have reviewed those meetings against a background where the Secretary of State can prescribe up to nine mandatory conditions and the already adequate legislation to target premises that contravene licence conditions. There is a strong view that there should be no change at all to those mandatory conditions that

are in place, apart perhaps for the removal of the holographic mark on age verification documents. Looking at each of the mandatory conditions in turn:

Irresponsible Promotions: BISL are aware of few if any reviews or prosecutions for breaches of the code on irresponsible promotions by premises and consequently see no rationale to amend it. The requirement for the promotion to be irresponsible goes to the heart of the reason for this condition and its relation to the licensing objectives. If a promotion is not irresponsible, there is no reason to ban it. What may be an irresponsible promotion in one premise may not be in another because of the way it is managed.

E.g. The wording for IP s above currently states few if any reviews etc. Should we not be stressing that the condition is therefore doing its job with operators following the guidelines?

Dispensing **Alcohol Directly** into the Mouth of Another: BISL s understanding is that this always was only a very limited promotional practice and not worthy of amendment.

The **availability of tap water** is beneficial to customer s health and rarely if ever is the availability an issue. BISL would, however, be resistant to any requirement for a fixed notice advertising its availability which would be an unnecessary increase in red tape and extremely burdensome to busy licensees, whilst achieving very little.

Age Verification Policy: licensees and premises owners are now well aware of the rules on serving under 18s and the only amendment that would be helpful is removal of the holographic mark on age verification documents (see below) as this is not present on some overseas passports.

Mandatory provision of Small Measures: Any condition requiring a smaller measure is strongly opposed by BISL as it would incur considerable cost to the trade in purchasing different optics. Further it is likely to encourage customers to buy doubles and so increase the consumption of alcohol, not lessen it. BISL would also oppose any condition requiring a fixed notice to ensure awareness of the availability of smaller measures as this would be an increase in red tape and be very burdensome to busy licensees, while achieving little. The offence would therefore be for not having a notice, which is not related to the licensing objectives.

Questions 13, 14 and 15 Health as a Licensing Objective in Cumulative Impact Policies

BISL has an inherent objection to the introduction of Cumulative Impact Policies on the grounds that they fail to deal with applications on their merits and put an unrealistic and usually insurmountable burden of proof on a new applicant. This can unfairly stem competition in the market place, promote stagnation in a town centre and BISL questions the effectiveness of such policies in terms of the licensing objectives, apart from reducing overall capacity for the sale of alcohol

BISL opposes the proposal that licensing authorities should be able to take evidence of alcohol-related health harm in an area into account in deciding whether to introduce and define the extent of a CIP. BISL believes that it has already been demonstrated in Scotland that there are significant difficulties around the collection of health data attributable to specific premises. Further, alcohol-related health problems related to the residential population in a defined area will be unaffected by visitors drinking in the pubs, bars, restaurants and hotels in that area, and are irrelevant as residents can and do drink or purchase alcohol in other areas.

Questions 16, 17, 18 and 19 Freeing up responsible business.

BISL welcomes the Government commitment to a reduction in the administrative and financial burden of the licensing process for responsible businesses. Prior to the transfer of the portfolio to the Home Office, BISL prepared a list of further opportunities to remove red tape. In addition to the response around the consultation question 33(?), BISL is updating its response to the red tape challenge and its list is attached.

The ancillary sale of alcohol. BISL acknowledges that for some businesses the sale of alcohol is only a small or even de minimis part of their primary activities; however, the clear definition of those ancillary sales is complex but essential to ensure a level playing field for full premises licence holders. BISL would favour

definition by specified sector. The monitoring of any light touch or lower cost licensing regime could still be resource intensive and mainstream business would be unhappy to subsidise such a process from its premises licence fees.

Questions 23 and 24 Community Events

In the context of the recent Live Music Act 2012 and the deregulation of some regulated entertainment there may be an opportunity for a light touch regime for community events. However, there may well be a lack of experience, particularly in volunteers in running such events and it is essential that the authority retains an option for intervention.

Questions 20 and 21 The Personal Licence.

BISL welcomes the possibility of removing the requirement of a personal licence for ancillary sales and the wider requirement for all to renew after 10 years. The renewal process in 2015 will be cumbersome and place huge strain on the CRB process with around 400k names to check. BISL recognises the need for retention of an identified point of responsible contact over and above the premises licence holder in the form of the DPS but questions the value of the PL. BISL agrees that all staff do require adequate training to understand the legislative requirement of the job and to meet customer needs.

Questions 25 and 26 TENs

BISL members have indicated significant support for an increase in the number of TENs available per premises per year from 12 to 18 but more particularly seek the removal of the 24 hour mandatory gap between TENs which is particularly difficult during sporting and cultural events. TENs have been used following the death of a premises licence holder or at insolvency. It would be much preferable in the circumstances of death, incapacity/insolvency that the licence, for a period of say 6 months to enable proper measures to be taken.

Question 27, 28 and 29 Late Night Refreshment

BISL welcomes both the options to reduce the burden on the late night refreshment sector and believes local authorities should have discretion to decide which premises in part or all of their area should be exempt from authorisation. BISL also supports further exemption on the basis of types of premises, to the current centrally prescribed exemption, and would strongly support core motorway service centres that are required by statute to provide hot food between 11.00pm and 6.00am.

Questions 30, 31 and 32 Further Reductions in Burdens

Newspaper advertising of a premises licence application is generally agreed to be a costly anachronism in the digital age and further there is a plea to remove the requirement for the site notice to be on **blue paper** as these are often sent electronically to a site where a supply of blue paper may not be readily available.

Sale of alcohol at motorway service areas. There are approximately 12 MSAs that presently have exemption from the national prohibition on the sale of alcohol, in part due to the nature of the lease from the Secretary of State. However where such trading already occurs at MSAs that are a matter of yards from a motorway and both on and off sales are permitted from premises at the side of trunk roads the continued prohibition appears a complete anomaly. BISL are pleased to support option (B) to remove the centrally imposed prohibition on the sale of alcohol at all MSAs for the on and off-trade

BISL does not believe that any of these changes would have an adverse impact on the licensing objectives, and its members are not aware of any problems arising because of the location of these places.

Furthermore, BISL supports the repeal of section 176 entirely. There is no evidence to support the continuation of the limitation on petrol forecourts not being garages within the meaning of the section. People drive to off licences at supermarkets and specialists to buy alcohol: there is no difference between those places and petrol forecourts, and BISL members do not consider that there is any evidence of drink driving problems arising from them.

Question 35. Proposals for further actions to reduce red tape and costs

There is a strong case for a common annual date for payment of licensing renewal fees albeit this would require new licensing approvals to be subject to pro-rata fees up to the next common national renewal date. This would be of particular help to multi-site businesses, where the payment dates are currently spread across the year.

There is an urgent need for a review of both paper premises licence application forms and also electronic forms. There is a need to ensure e- applications are accepted by all licensing authorities as required by EU Directive and BISL would like to see subsequent agreement for the licensing authority to circulate copies of the application to other responsible authorities with significant cost and environmental savings.

The current application forms are far too long, and very often most of the sections are irrelevant to an application, but the form cannot be shortened. The form can be substantially shortened but still contain all the information that is necessary, thereby saving on cost and being environmentally better. BISL members would be very happy to contribute towards the process of drafting the replacement premises licence application form.

BISL also questions the requirement to show fire information on plans submitted with a premises licence application as operators are required to carry out fire risk assessments and comply with fire/ health and safety obligations under other legislation. There is a direct cost saving as fire equipment is rarely shown on drawings for new buildings and so requires an additional annotated set of drawings which, on e.g., an application for stadia and large premises, can be costly.

The requirement to define opening hours on a premises application falls outside the legal requirement of the Licensing Act which determines the hours for the sale of alcohol. This causes confusion particularly to residents in some authorities where a premises may be open for the sale of breakfast but not alcohol or where some licences retain a drinking up condition. It should not therefore be a requirement to mention opening hours on the application; this would not prevent licensing hours being dealt with on an application if they were considered to be relevant.

BISL has further issues related to the process for minor variations.

An updated list of other red tape issues identified by BISL members will follow this consultation response.

