



Home Office Consultation: Delivering the Governme

- Q1** *Do you agree that this MUP level (45p per unit) would achieve these aims?*
- Q2** *Should other factors or evidence be considered when setting a minimum unit price for alcohol?*
- Q3** *How do you think the level minimum unit price set by the Government should be adjust over time?*
- Q4** *Do you think that there are other people, organisations or groups that could be particularly affected by a MUP for alcohol?*
- Q5** *Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?*
- Q6** *Are there any further offers which should be included in a ban on multi-buy promotions?*
- Q7** *Should other factors or evidence be considered when considering a ban on multi-buy promotions?*
- Q8** *Do you think that there are other groups that could be particularly affected by a ban on multi-buy promotions?*
- Q9** *Do you think each of the mandatory licensing conditions is effective in promoting the licensing objectives?*
- Q10** *Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs?*
- Q11** *Are there any other issues related to the licensing objectives which could be tackled through a mandatory licensing condition?*
- Q12** *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?*
- Q13** *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 a consideration of health?*
- Q14** *Do you think any aspects of the current CIP process would need to be amended to allow consideration of data on alcohol-related health harms?*

- Q15 *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?*
- Q16 *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?*
- Q17 *If special provisions 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?*
- Q18 *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?*
- Q19 *[Ancillary sellers]. Do you think that the qualification criteria proposed in 9.6 meet this aim [minimising loopholes and maintaining effective enforcement]?*
- Q20 *Do you think that these proposals would significantly reduce the burdens on ancillary sellers?*
- Q21 *Do you think that the following proposals would impact adversely on one or more of the licensing objectives?*
- Q22 *What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation?*
- Q23 *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?*
- Q24 *What impact do you think a locally determined notification would have on organisers of community events?*
- Q25 *Should the number of TENS which can be given in respect of individual premises be increased?*
- Q26 *If YES (to Q25) please indicate which option you would prefer [increased numbers of TENS].*
- Q27 *Do you think that licensing authorities should have local discretion around late night refreshment etc.?*
- Q28 *Do you agree that motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment?*
- Q29 *Please describe any other types of premises to which you think a nationally prescribed exemption should apply?*

- Q30 *Do you agree with each of the following proposals - removing newspaper notice, prohibition of alcohol sales at motorway service areas, removing residential (lodges) alcohol prohibition at MSAs, remove or simplify personal licences?*
- Q31 *Do you think each of the above (Q30) would reduce the overall burden on business?*
- Q32 *Do you think each of the above (Q30) would impact adversely on the licensing objectives?*
- Q33 *What sections or processes of the Licensing Act 2003 could be simplified to reduce the burden (including on LAs)?*
- Q34 *Do you think that the Impact Assessments related to the consultation provide an accurate representation of the costs and benefits of the proposals?*
- Q35 *Do you have any further comments on the methodologies or assumptions used in the impact assessments?*

nt's policies to cut alcohol fuelled crime and anti-social behaviour (Novemb

We would like to see a comparison range of MUP and potential impact of each on these aims - including a reference to the 50p MUP in Scotland. We can see from the Impact Assessment that the effect of MUP on high strength/low cost ciders and 'own brand' spirits may make a positive difference including to vulnerable and underage persons. However, on super-strength lagers and some other drinks the effect seems minimal. We have concerns that once implemented the MUP may become a variable 'knee-jerk' and reactionary tool and other measures/strategies for reducing alcohol harms may be diminished. We would therefore like to see a robust impact assessment on the *actual* effects conducted after a suitable period of bedding-in. We would not wish to see MUP disproportionately affecting the industry, alcohol duty and sensible, moderate drinkers. The MUP, and multi-buy restrictions, needs to be consistent and as easy to understand for alcohol retailers (including smaller independents) and consumers as possible so they can make informed choices. If the formula for pricing is too complex, loopholes and inconsistencies may be created. Pricing linked to units/ABV seems the most logical way. As referred to in Q1. Over-reliance on MUP should be avoided and it should remain part of a wider strategy. Robust impact assessments must be conducted regularly and considered carefully before MUP increases are made. Increases to MUP are increasingly likely to impact on sensible, moderate drinkers and businesses. The MUP should remain targeted at the irresponsible end. Caution needs to be exercised so that specialist sectors of the drinks industry (for example stronger craft beers and ales/micro breweries etc), consumer choice and businesses are not disproportionately effected by MUP. Views of organisations such as CAMRA should be carefully considered. This area needs to be interlinked carefully with MUP. 'Irresponsible' multi-buy promotions, leading to issues like pre-loading or health harms being 'encouraged' by excessive consumption should be cracked-down upon, but is a blanket BAN a proportionate step? A carefully created mandatory code of licence conditions -expanding on the current 'irresponsible' drinks promotions that apply to the on-trade under the LA2003 - may also have much the same effect as legislating? This should be carefully balanced to ensure that loopholes are not created or moderate/sensible drinking and consumer choice/business is not disproportionately impacted. Would trade wholesale be affected by a ban on such promotions? Also how would discounted sales linked to store, loyalty or dividend cards. The mandatory licence conditions should be carefully revisited in terms of irresponsible drinks promotions for both the on *and* off trade. Ambiguity should be designed out of the system where viable even if that requires some more prescriptive or lengthy conditions. This will aid compliance and enforcement. Regular impact assessments should be undertaken following implementation.

See our response to Q5. Trade views should be carefully considered and competition law.

The current mandatory conditions around irresponsible promotions are not clear and are in need of revision and inclusion of the off-trade. Enforcement of 'irresponsible' drinks promotions is often problematic and inconsistent. Two-for-one/happy hour offers if small measures/limited range or low alcohol ABV may not be 'irresponsible', and there is current inconsistency between the type of controlled/risk assessed promotions the on-trade can put on when compared to the cheap alcohol/promotions in supermarkets or heavily discounted off retailers. A fifth licensing objective around public health, as proposed for consideration with CIP, may benefit. No. See above for Q9. They are too ambiguous and inconsistent and need revision. However, it is fair to observe that promotions are better controlled on licensed premises than off licensed premises (i.e. at home, underage drinking or street-drinking).

The Secretary of State is currently limited by legislation to 9 mandatory conditions. Therefore priorities should be carefully considered, and strategic conditions affecting the whole alcohol sector should be set centrally as mandatory and consistent rather than locally and only where discretion is engaged.

No. See responses above. The off trade contribute to issues in relation to pre-loading, later town centre management and promotion of the licensing objectives generally. Mandatory conditions should be considered for the off trade unless any legislative changes to MUP/multi-buy have much the same effect.

Our concern is that the licensing authority consideration is confined to promotion of the *four* licensing objectives. If public health is *not* added as a fifth LO then may it lawfully apply to CIP considerations? As the PCT/Director if Public Health are already/will be a responsible authority, evidence of health harms in an area would logically need to be provided at least in part by local health care providers. Evidencing problems from licensed premises cumulative impact rather than wider social/economic factors and individual choices and behaviours may be difficult? Risks around evidence gathering and patient confidentiality would also need to be mitigated. See response to Q13 above.

Our areas are currently not subject to any CIP. No additional commentary/evidence beyond Q13/Q14 above.

The parameters for any dispensation must be clearly set out and potential for creation of loopholes very carefully considered in advance. There is significant potential burden on LAs in assessing and advising on the 'key criteria'. This could get very involved. There is also little point in reducing red-tape only to introduce it elsewhere. Statutory guidance should list some clear types and scenarios and be as prescriptive as possible rather than leaving it to individual LAs to navigate/create inconsistency.

A - Accommodation providers. Don't know in all scenarios but generally no. Depends on the scale, whether they have a public bar in addition. Late night NTE related business? B - Yes exempt hair and beauty salons. Small scale/low key. Business/goodwill gesture. Generally low risk to promotion of LOs and ancillary. C - Florists. No, albeit specialist is selling alcohol to the public. Consumption will be off the premises. May be larger bottles (champagne etc.). D - cultural organisations. Depends on nature and scale. A complimentary small glass of wine etc. is generally low risk, but an open bar gives rise to issues relevant to promotion of licensing objectives. Also defining 'cultural' for these purposes may be problematic. E - 'regular charitable events' should NOT be exempt as promotion of the LOs is active. Many music festivals and other events are intended to make profit (even if charitable beneficiary). Event organisers should have to commit to a regulatory process for selling alcohol and take responsibility. No further commentary beyond our points stated above.

Any person selling or giving away alcohol for any purpose should take that responsibility seriously, and a mechanism for enforcement be made available. Controlling and defining the ancillary criteria seems sensible and should promote consistency. Also ensuring that the tipping-point to regulated activity is clear will be crucial.

It may generally help reduce the regulatory burden on ancillary businesses, but is the burden already *significant*? Generally option C of the stated options looks least burdensome on the operator. From an enforcement perspective knowing which premises are benefitting from exemption will be beneficial. Potential burdens on *regulators* and those with an enforcement role arising from the wider Alcohol Strategy should also not be overlooked.

In most cases it would depend on the nature and scale of the operation. If the intention is to reduce burden on business then clearly C is the least 'burden'. The issue of the ancillary seller being unaware of licensing law without a personal licence qualification may be a gap that needs filling (code of practice or training commitment etc.).

If there is any notification requirement on ancillary sellers then there should be a signed declaration that they undertake to basic training or a code of practice (based on any ancillary qualification requirements).

The problem with approach this is that it creates burden on the LA and inconsistency for the operator. There should be a national notification scheme. The prescribed forms need streamlining already and this would be a good opportunity for the Home Office to create better notice and application procedures generally. A base minimum of accurate information is needed whether set locally or prescribed. Also software providers may have difficulty in providing products if there is too much variation.

If locally determined procedures apply we see no significant benefit to the community event organisers and a burden on LAs.

No. The current system is balanced and clear that above a number of ad-hoc licensable events then a premises licence, and operating schedule, is required. It is arbitrary to raise by 3 or 6, because the next argument will be that is not enough. That said, community venues do already 'ration' and set aside TENS quotas (or in some cases run out too early in the year) but as above a premises licence may be sought in such circumstances (and may for many community premises prove to be more cost effective/flexible anyway). Already the majority of community premises have diversified to hold the licences they need so we believe it is not a significant issue. We do not prefer either option for reasons as stated in Q25.

There are already exempt supplies of LNR in schedule 2 of the LA2003. Some LNR venues in the NTE area may give rise to issues that adversely impact on the licensing objective whereas if situated in another location may not. To blanket exempt a whole type without any remedy may give rise to problems. A centrally expanded set of exemptions is therefore in our view beneficial for consistency - provided it is proportionate to reduce perceived burden without impacting on LOs. Yes we agree and envisage limited impact if exemption is given.

We do not see any immediate concerns from exempting any premises with restricted access to the public. Some garage forecourt stores can be congregation points on pedestrian routes to and from NTE areas. Many now offer off sales of alcohol as well as hot

A - No we strongly do not agree. Applications should be advertised widely to reach those that may be affected. Licences are often of unlimited duration or have impact wider than the immediate area of the activity (e.g. music festivals). Those members of the community not within sight of the on-site notices or without access to a PC to access (limited) Council advertising of the application will be disadvantaged by removal of press notice. B - alcohol sales anywhere should remain licensable, unless they are covered by adequate 'ancillary' provisions or (section 192) trade supplies exemption. C - same as for B. D - the personal licence and 10 year duration should stay in place. We have not seen any renewal as yet as the first were issued in 2005. Competence, suitability and responsibility should not be reduced.

A - It is in the interests of operators to advertise their applications widely and engage with the community and other persons affected by the application. A one-off advertising requirement is not considered a burden for a business or event licence which may be of unlimited duration or commercially lucrative. B - no view. C - no view. D - the current system is not in our view overly burdensome.

A - yes this would reduce community and other person engagement and may disadvantage elements of our community. B - yes. C - yes in some cases. D - yes.

The prescribed application and notice forms could and should be streamlined. A holistic view of recent and future Licensing Act 2003 processes must be taken as the licensing/exemption system is fast becoming unworkable as ad-hoc changes are now being made without opportunity for practical impact assessment. Care must be taken that one set of burdens is not replaced by another or by unintended consequences. There are already multiple-inconsistencies and weaknesses around 'sub-division' of premises and 'workplace' exemptions. Self-set fee regulations must also be activated as this is now overdue from October 2012. The areas of the Act around mediation and avoiding costly hearings where no party is prejudiced should be strengthened (such as section 18(2)). We support any changes that contribute towards a reduction in alcohol harms from pre-loading, excessive drinking, irresponsible retailing and street/underage drinking and in doing so help to support responsible businesses.

Impact assessments should be repeated for all elements where they come into force. We have read the impact assessments although we are not in a position to offer any view on the statistical evidence and many of the assumptions provided. We would urge the Home Office to carefully consider and balance the views of all stakeholders.

No further commentary beyond our points stated above.

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