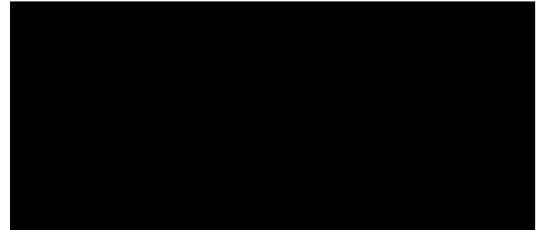




Drugs and Alcohol Unit
Home Office
4th Floor Fry Building
2 Marsham Street
London, SW1P 4DF



Dear Sir / Madam,

A Consultation on Delivering the Government's Policies to Cut Alcohol Fuelled Crime and Anti-Social Behaviour (November 2012)

Southwark Council is pleased to have the opportunity to comment upon the Government's policies to cut alcohol fuelled crime and anti-social behaviour.

The views of the council as licensing authority are provided below:

Consultation Question 1 –Do you agree that this MUP level (45p) would achieve these aims? (Please select one option)

Yes, though attention is drawn to the response made under question 2.

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)

Although accepting that a MUP of 45p will have a targeted effect on very cheap and very strong alcohol, it is considered that a higher MUP of up to 50p would provide a more significant impact in terms of both alcohol related crime reduction and health harm. This would also be consistent with the position in Scotland.

Pre-loading of alcohol, particularly among young drinkers, is viewed as a main contributing factor to the anti-social behaviour and violence experienced in our night-time economy. While an MUP of 45p may have significant impact upon the price of super-strength lagers (440 ml can @ 9% becomes £1.78); cider (2000 ml bottle @ 7.0% becomes £6.30); and the likes of lambrini (a 75cl bottle @ 7.5% becomes £2.53), the impact upon other popular 'pre-loading' drinks is less marked. For instance, within London, the price of many regular lagers available in most outlets (440ml can @ 5.0% becomes £0.99) and many spirit 'ready to drinks' (RTDs) (257ml bottle @ 4.5% becomes £0.56p) may be unaffected in most outlets.

An MUP of 45p may, thereby, promote some movement to cheaper alternative lower strength brands of alcohol, but is unlikely to be sufficient to deter pre-loading practice. An MUP of 50p, placing another 11p on the 440ml can of 5% lager or 6p on the RTD, may begin to have more impact.



Consultation Question 2 – Should other factors or evidence be considered when setting a minimum unit price for alcohol? (Please select one option)

Yes. Alcohol is enjoyed by many and does have a place in our society. While, the consultation states that the intention here is to reduce excessive alcohol consumption and reduce the availability of heavily discounted alcohol, there will be other impacts.

Following a 'price levelling' initiative it may be expected that off-sales trade will swing from small grocers to large supermarkets and those supermarkets will receive additional income. There might also be movement from off-sale consumption back to the on-sales trade, as the financial incentive for home-drinking reduces. The alcohol industry may also be expected to turn attention to cheaper, lower strength alcoholic drinks, with taste becoming more important than strength. However, there is little precedence for exactly what changes in individual habit or business operation might take place. Beyond implementation, all of these social and commercial factors should be monitored to understand how the alcohol industry and consumers react, before determining how this approach might be developed or adjusted.

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)

The minimum unit price should be reviewed after a set period.

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 there are any other people, organisations or groups that could be particularly affected by a minimum unit price for alcohol?

All persons who purchase alcohol will potentially be affected and those with small disposable income most of all. However, this targeted approach should ensure that the main impact will be upon those who drink at harmful and hazardous levels.

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.

Consultation Question 6 – Are there any further offers which should be included in a ban on multi-buy promotions? (Please select one option) If 'yes' please specify in box below (keeping your views to a maximum of 100 words)

No. This proposal complements the existing controls on irresponsible promotions in on-licensed premises.

Consultation Question 7 – Should other factors or evidence be considered when considering a ban on multi-buy promotions? (Please select one option) If 'yes', please specify in the box below (keeping your views to a maximum of 200 words)

Yes. There must be a general principle that it should not be possible to buy a bottle, can or other item of alcohol as part of a multi-buy promotion for less than the MUP that would apply to that item if it had been bought individually.

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):

No.

Consultation Question 9 – Do you think each of the mandatory licensing conditions is effective in promoting the licensing objectives? Please state Yes / No / Don't know in each box.

		Prevention of crime and disorder	Public safety	Prevention of nuisance	Protection of children from harm
A	Irresponsible promotions	Yes	Yes	Yes	Yes
B	Dispensing alcohol directly into the mouth	Yes	Yes	Yes	Yes
C	Mandatory provision of free tap water	Yes	Yes	Yes	Yes
D	Age verification policy	Yes	Yes	Yes	Yes
E	Mandatory provision of small measures	Yes	Yes	Yes	Yes

Consultation Question 10 – Do you think that the mandatory conditions do enough to target irresponsible promotions in pubs and clubs? (Please select one option). If no, please state what more could be done in the box below (keeping your views to a maximum of 100 words)

No.

We currently have local concerns over large quantities of alcohol being sold in premises. By this we refer to the practices of

- Selling spirits to customers by the bottle, becoming more common practice in late night venues; and
- The recent introduction in public houses of 8 pint 'booze tubes' which are sold to customers and provided to their table for them to pour and consume at their own rate.

While neither practice may be of concern if the volume of drink is shared among a group, there is no control over individuals consuming excessive amounts or over individuals continuing to drink once drunk.

There is possibly argument for maximum measures alongside minimum.

We would also suggest that the requirement under mandatory condition C for free tap water to be provided upon request should state that customers be made aware of the availability of such.

The requirement under mandatory condition D concerning age verification policies relating to persons who appear to be under 18 years of age, should require a) all persons who appear to be under the age of 21 or 25 years of age be challenged and

asked to provide ID; and b) that all staff who are authorised to sell alcohol must be trained in the policy with evidence maintained of that training and update.

Consultation Question 11 – Are there other issues related to the licensing objectives which could be tackled through a mandatory licensing condition?

A personal licence holder should be upon the premises at all times that the premises are open for the sale of alcohol.

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? (Please select one option). If no, please explain why you think the current approach is not the best approach in the box below (keeping your views to a maximum of 100 words)

No.

Responsible authorities within our borough have a higher level of concern over potential for under-age sales, in particular, within the off-licensed trade. We would wish to see the extended mandatory condition regarding age-verification policies proposed under the response to consultation question 11 and the additional mandatory condition suggested regarding the presence of a personal licence holder, applied to the off-licensed trades also.

Consultation Question 13 – What sources of evidence on additional-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? Please specify in the box below, keeping your views to a maximum of 200 words.

This authority currently has three CIPs in place.

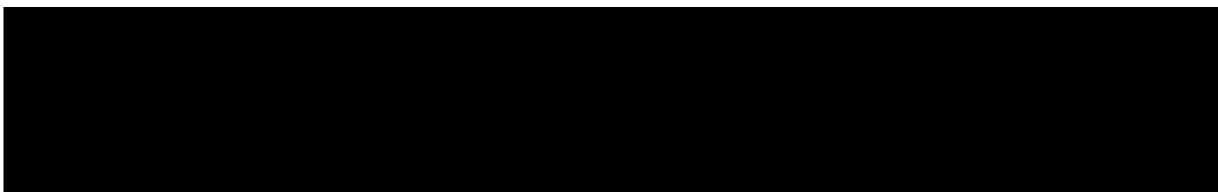
Cumulative impact is reviewed annually by the council's licensing committee. Each year the committee considers:

- A statistical analysis from the police / council partnership analyst of alcohol related violence against the person (VAP) and calls to the police regarding alcohol related crime and disorder (CAD);
- A report from the council's environmental protection team on nuisance complaints concerning licensed premises; and
- A report from the London Ambulance Service (LAS) on alcohol related ambulance pick-ups.

The LAS report is developing and improving each year but is currently of limited value due to current methods of reporting, which identify where pick-ups are made. The information provided would be of greater value if it could report on where individuals picked up had been drinking and if this could be amalgamated with information from other alcohol-related attendances at A&E / safe havens etc.

We would also see value in understanding the local correlation between density of alcohol licensed premises and alcohol dependency and numbers of persons receiving intervention, support or treatment.

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 (Please select one option). If yes, please specify which aspects in the box below, keeping your views to a maximum of 200 words.

Our experience of operating CIPs to date has been that, because licensing authorities

are required in law to consider each application for a licence on its own merits, it has been difficult to refuse applications for licences in CIPs if the application is demonstrably considered and well presented, irrespective of the rebuttable presumption.

If this position cannot be addressed (and this may prove difficult given this requirement arises from the rules of natural justice) it may be that licence applicants need only to address how they intend to promote sensible drinking messages and provide non-alcoholic alternatives to gain a licence in a CIP.

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 specify in the box below, keeping your views to a maximum of 200 words. Please provide evidence to support your response.

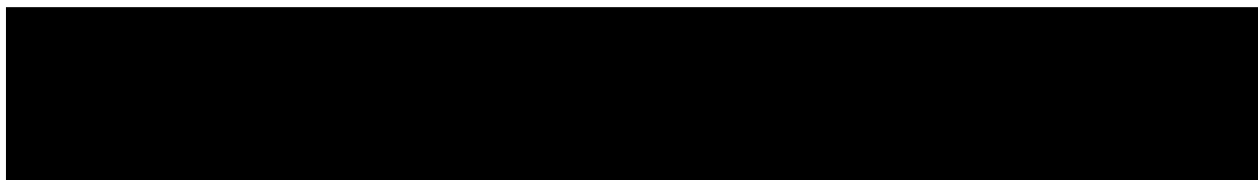
If the issue raised under the response to consultation question 14 can be addressed, then the additional consideration of data on alcohol-related health harms may consolidate the position of CIPs. As most existing CIPs can be expected to be applied in areas where alcohol licensed premises are already most densely collected, this is likely to raise an additional issue to take into account and one that might not so readily be addressed by individual premises management.

There is also potential that consideration of data on health harms could extend CIPs to broader areas than exist as at present. Current CIPs tend to focus on town centre or high street areas with a busy late night economy and high levels of alcohol related violence. The introduction of a health objective may see these extended to areas of deprivation with high levels of alcohol dependency and dense daytime alcohol outlets. In effect, addressing the cumulative impact of the off-licensed trade, as opposed to the on-licensed trade.

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 meet certain criteria for limited or incidental sales? (Please select one option in each row)

		Yes	No	Don't know
A	The provision should be limited to a specific list of certain types of business and the kinds of sales they make	Yes		
B	The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller		No	
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		No	

Consultation Question 17 – If special provision to reduce licensing burdens on ancillary sellers were to include a list of certain types of business, do you think it should apply to the following? (Please select one option in each row)



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

Consultation Question 18 – Do you have any suggestions for other types of businesses to which special provision could apply without impacting adversely on one or more of the licensing objectives? Please write your suggestions in the box below, keeping your views to a maximum of 200 words.

Aside from accommodation providers, where alcohol provided should be for consumption by residents only, we take the view that any further exemptions should be for very specific circumstances where there is adequate control exerted over both the persons receiving the alcohol and the quantity of alcohol received.

Proposals D and E above are rejected because we consider there is too great a potential for the exemption to be used as a loophole allowing more than ancillary sales to take place. Proposal B is also rejected as we have experience in this borough of hairdressers that become virtual club venues at night and we believe there is too much room for complication in legal requirements.

Proposal C might be an area where there is room for exemption but we caution that very careful consideration is given to the wording to be used.

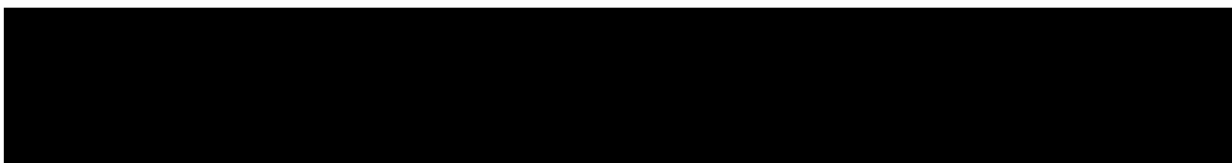
Other controlled circumstances that might be appropriate for exemption (again with careful thought) are

- Limited quantities of alcohol provided as part of a wine tasting course;
- Limited samples of alcohol at tours of vineyards, wine museums or brewery or distillery; and
- A single complimentary alcoholic drink provided at an event such as a book signing.

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. Do you think that the qualification criteria proposed in paragraph 9.6 meet the aim? (Please select one option). If no, please describe the changes you would make in the box below (keeping your views to a minimum of 200 words)

No.

We would advise any deregulation to be as specific as possible so as to prevent loopholes from being found and legal debate as to how generic terminology might be applied.



Consultation Question 20 - Do you think that these proposals would significantly reduce the burdens on ancillary sellers? (Please select one option in each row)

		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		No	
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		No	
C	Introduce a new, light touch form of authorisation for premises making ancillary sales – an 'ASN' with no requirement for a personal licence holder	Yes		

Consultation Question 21 – Do you think that the following proposals would impact adversely on one or more of the licensing objectives? (Please select one option in each row)

		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		No	
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		No	
C	Introduce a new, light touch form of authorisation for premises making ancillary sales – an 'ASN' with no requirement for a personal licence holder		No	

Consultation Question 22 - What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation? (Please specify in the box below, keeping your views to a maximum of 200 words)

For purposes of clarity the application for the light touch authorisation should give full detail of the ancillary sales intended to be covered. The application should also set out the days and times within which the ancillary sales are to take place and set out the steps that applicant intends to take to promote the licensing objectives.

While public consultation might not be necessary the licensing authority should retain the ability to determine that the ASN is inappropriate for the promotion of the licensing objectives or revoke an ASN where operation under an ASN gives rise to impact on the objectives.

For purposes of clarity also, the authorisation should be required to be displayed at the premises concerned once issued.

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? (Please select one option)

No (because this will lead to confusion and inconsistency). If the national approach is considered to be deficient then the national legislation should be amended rather than

allowing each licensing authority to determine its own local procedure.

Consultation Question 24 – What impact do you think a locally determined notification would have on organisers of community events? (Please select one option in each row)

		Yes	No	Don't know
A	Reduce the burden		No	
B	Increase the burden	Yes		

Consultation Question 25 - Should the number of TENs which can be given in respect of individual premises be increased? (Please select one option)

No.

Consultation Question 26 – If yes, please select one option to indicate which you would prefer.

N/a

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		No	
B	Determining that certain premises types are exempt in their local area		No	

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? (Please select on option)

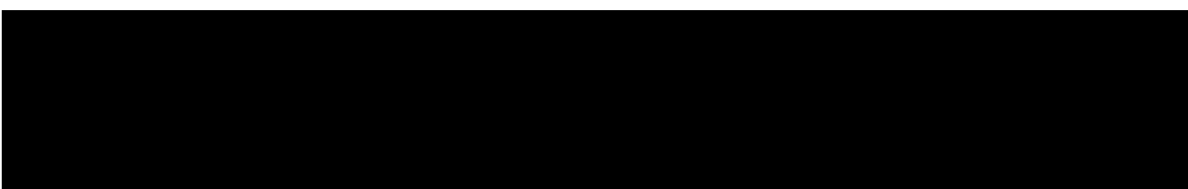
Yes

Consultation Question 29 – Please describe in the box below any other types of premises to which you think a nationally prescribed exemption should apply (keeping your views to a maximum of 100 words)

None.

Consultation Question 30 – Do you agree with each of the following proposals? (Please select one option in each row)

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



Consultation Question 31 – Do you think that each of the following would reduce the overall burden on business? Please select one option in each row)

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

Consultation Question 32 – Do you think that the following measures would impact adversely on one or more of the licensing objectives (Please select one option in each row)

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

Consultation Question 33 - In addition to the suggestions outlined above, what other sections of or processes under the Licensing Act 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? (Please specify in the box below keeping your views to a maximum of 200 words)

None

I trust that this submission is helpful. We look forward with interest to the outcome to this consultation.

