

## **ALCOHOL STRATEGY CONSULTATION**

### **SUMMARY**

- 1.1 The Home Office have issued a consultation document delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour.
- 1.2 The report provides information on the consultation process and proposes draft responses to the questions that have been set out.

### **RECOMMENDATION**

- 2.1 To consider the information in the report regarding the request for views on the consultation document.
- 2.2 To respond to the consultation questions on behalf of the Council.

### **REASONS FOR RECOMMENDATION**

- 3.1 To allow members to provide the Home Office with their views on the proposals within the consultation document.

### **SUPPORTING INFORMATION**

- 4.1 The government has already legislated for a wide set of reforms to tackle binge drinking and the effect it has on individuals and communities but believes that more needs to be done and has launched a consultation on delivering its policies to cut alcohol fuelled crime and anti-social behaviour.

- 4.2 In March 2012, the Government published its Alcohol Strategy which included commitments to:
- introduce a minimum unit price for alcohol
  - consult on a ban on the sale of multi-buy alcohol discounting
  - introduce stronger powers for local areas to control the density of licensed premises including making the impact on health a consideration for this
  - pilot innovative sobriety schemes to challenge alcohol-related offending
- 4.3 This consultation seeks views on a number of measures set out in the Government's Alcohol Strategy. The consultation will run for 10 weeks from 28 November 2012 until 6 February 2013.
- 4.4 This consultation is 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 while maintaining the integrity of the licensing system
  - minimum unit pricing, ensuring for the first time that alcohol can only be sold at a sensible and appropriate price
- 4.5 These topics have been brought together into one consultation to minimise the burden on respondents. A glossary has been provided in the full consultation document to assist respondents with the more technical terms that relate to the licensing regime.
- 4.6 A summary of the topics under consultation are set out below:

#### **Minimum unit pricing**

Alcohol misuse costs around £21 billion per year and is associated with a range of related harms. There is consistent evidence that limiting the availability of alcohol through an increase in price leads to a reduction in consumption, and in turn, reductions in alcohol related harm. Currently, there is no minimum price threshold in place that prevents retailers from selling alcohol at very low or heavily discounted prices. Government intervention, as set out in the Alcohol Strategy, would therefore set a minimum unit price (MUP) for alcohol and increase the price of alcohol sold at very low or heavily discounted prices.

The objective of MUP is to reduce the consumption of alcohol by harmful and hazardous consumers in particular, whilst minimising the impact on responsible consumers. This will be achieved by increasing the price of alcohol sold at very low or heavily discounted prices. The intended effect is to reduce the harms associated with excessive consumption such as the number and associated costs of alcohol related crimes; alcohol related health problems, and deaths due to alcohol. Minimum unit pricing is a targeted policy and forms part of a comprehensive package of measures as set out in the Government's Alcohol Strategy.

MUP is part of a comprehensive approach to tackle harmful drinking. It is taken on top of, not instead of, other regulatory and non-regulatory measures to achieve the necessary impact. The level of impact will be determined by the MUP set out in legislation. The Government has recommended a price level of 45p per unit of alcohol and will consult on this level.

### **Multi-buy promotions**

Excessive alcohol consumption is a problem which impacts on crime and disorder and causes health harms. There are currently a large number of multi-buy promotions available in the off-trade market. The purpose of these promotions is to incentivise the purchase of multiple alcohol products by linking price reductions to the amount of alcohol bought. This retail strategy is well established across the food and drink sectors. Studies show that this often leads to consumers purchasing and consuming more than they otherwise would. Because of the particular health and crime impacts of excessive alcohol consumption, particularly binge drinking, the Government feels it may be necessary to intervene to tackle such incentives.

The aims of the policy would be to stem the availability of irresponsibly priced alcohol and so to reduce excessive consumption, particularly binge drinking and regular drinking at harmful levels. It would do so by removing incentives for consumers to buy and consume more alcohol than they otherwise would, and so to change behaviours. This should be placed in the broader context of encouraging people to be aware of how much they drink, and of the risks of excessive drinking. This policy would aim to contribute to an overall reduction in health and crime and disorder costs. It would run in parallel to the introduction of minimum unit pricing, which also aims to tackle the issue of excessive alcohol consumption and the availability of irresponsibly priced alcohol.

This policy is being considered as part of a comprehensive package of measures to tackle harmful drinking. It would be introduced in conjunction with other measures, including non-regulatory steps, to achieve the desired impact. This includes the introduction of a minimum unit price for alcohol.

**Including a health objective specifically in the relation to cumulative impact**

The Government set out a range of actions in the Alcohol Strategy to tackle alcohol-related harm, which it sees as unacceptably high. It is committed to enabling local authorities to take wider alcohol-related health harm into account in licensing decisions; a current gap, which would need to be amended through legislation. Some local areas experience significantly higher levels of harm. Recent evidence shows levels of health harm can be linked to the density of licensed premises. Local areas can introduce cumulative impact policies (CIPs) to limit density, but only based on the existing licensing objectives, which exclude health harms so they cannot consider the full range of impacts from alcohol, including chronic health harms.

The objective is to enable licensing authorities to consider all alcohol-related health harms (including liver disease, alcohol-related deaths or hospital admissions for example) when considering cumulative impact, in addition to evidence relating to the existing four licensing objectives. This would enable local areas to use CIPs to restrict the number of new premises selling alcohol, if there is evidence of significant local alcohol-related health problems. The power to introduce a CIP would remain discretionary, and as now, would introduce a rebuttable presumption that new licence applications and some variations will be refused. We will test the assumptions we have made about the impacts of the policy during the consultation process.

The Government has committed to providing local areas with additional powers to tackle alcohol-related harm and giving health harms greater consideration in the licensing process; doing nothing will not achieve this. A health-related licensing objective linked to CIPs is a proportionate measure supported by the evidence base and the Government is consulting on how best to deliver this. Following earlier consultations, the Government has dismissed simply introducing health as a fifth objective alongside the existing four as being disproportionate given the evidence base and anticipated larger costs to business.

**Proposals to reduce burdens of licensing on those who sell limited amounts of alcohol as part of a wider service (“ancillary sellers”)**

Respondents to the hospitality theme of the Red Tape Challenge suggested that the licensing regime of the Licensing Act 2003 (the 2003 Act) deterred businesses that wished to sell alcohol only as an ancillary part of a wider service. The most prominent examples were small accommodation providers, such as guesthouses and self-catering establishments, who may wish to provide a small amount of wine with an evening meal or a “welcome pack”.

To consider whether and how to lower the burden of licensing on “ancillary” sellers of alcohol, without causing enforcement challenges and undermining public protection. The consultation will consider alternative approaches to this objective, and whether they can be extended across other types of sale or premises.

Alternative approaches are to do nothing or to introduce a process by which ancillary sellers who hold; or are applying for; a premises licence can apply to vary their licence to remove, or to exclude, the requirement for a personal licence holder at their premises or introduce a new form of authorisation under the 2003 Act, enabling ancillary sellers who hold a personal licence to issue a notice authorising them to sell alcohol, which we will refer to as an “Ancillary Sales Notice”, (ASN). This would authorise strictly limited types of alcohol sales, without the need for a premises licence. There is no preferred option at this stage.

### **Temporary Event Notices (TENs): Reducing the burdens of the Licensing Act 2003**

The Government is committed to reducing administrative burdens and giving more flexibility to local authorities to take decisions that reflect the needs of their local community and are committed to consult on an increase in the number of Temporary Events Notices (TENs) allowed each year and/or introducing a simplified TENs system that licensing authorities (LAs) could set and operate locally. The current TENs system has been challenged by some for being unnecessarily bureaucratic and burdensome for LAs and TENs users and community organisations. A simplified system based on local needs and/or an increase in the number of TENs allowed is expected to contribute to the Government’s aim to cutting red tape and supporting growth and to reduce the unnecessary bureaucratic burdens of the licensing process, without undermining the four objectives of the Licensing Act 2003: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

A number of options are proposed. The first is to make no changes (do nothing). A second is to introduce a simplified, locally determined TENs process. This option would enable a licensing authority, after consultation with the police, to decide that it will permit licensable activities to go ahead on an occasional basis according to a simplified local process and criteria that it stipulates (in other words, for example, one in which persons applying for TENs would not have to complete the current full prescribed form and the process of the LA agreeing if a temporary event could go ahead would be more light-touch). A third option to consider is to increase the current limit for TENs that can be used at any single premises from 12 per year to 15 or 18 per year.

## **Late Night Refreshment - Reducing the burdens of the Licensing Act 2003**

The Government is committed to reducing administrative burdens and giving more flexibility to local authorities by giving them greater freedom to take decisions that reflect the needs of their local community. Under the Licensing Act 2003 (the 2003 Act), the “provision of late night refreshment” (LNR), the supply of hot food and drink after 11pm, is a licensable activity in much the same way as the sale of alcohol. This assessment evaluates the Government’s proposals to consult on reducing the burdens on those who provide LNR but do not provide other licensable activities. The policy objectives and the intended effects of this proposal are to reduce the unnecessary bureaucratic burdens of the licensing process, without undermining the public protection objectives of the licensing system.

### **Consultation on removing the duty to advertise licensing applications in a newspaper or circular**

Under the Licensing Act 2003, certain licensing applications (such as new applications for premises licences) need to be advertised in a local newsletter, circular or similar document circulating in the area in which the premises are situated. The Government has recently introduced measures to ensure that these applications are advertised on the website of the relevant licensing authority. The existing duty to advertise on a physical notice at the premises will remain. Therefore, the Government is consulting on whether the relatively burdensome duty to advertise them in a newspaper or circular is still necessary.

The aim of this proposal is to reduce the unnecessary bureaucratic burdens of the licensing process, without undermining the public protection objectives of the licensing system.

### **Consultation on removing the prohibition of the sale of alcohol at motorway service areas**

Under section 176(2) of the Licensing Act 2003 and Department for Transport circular guidance (DfT Circular 01/2008), the sale or consumption of alcohol is prohibited at Motorway Service Areas (MSAs). This ban covers all premises within MSAs including hotels and lodges providing overnight accommodation within the MSA. The Government is considering whether such central prescription is needed and whether local licensing authorities should be enabled to consider licence applications for premises within MSAs as these applications would still be subject to the existing safeguards of the licensing regime.

### **Consultation on simplifying the duties of personal licence holders under the Licensing Act 2003 to renew their licences**

Under the Licensing Act 2003 ("the 2003 Act"), those who authorise the sale of alcohol by retail in the on or off-trade must have a personal licence. Personal licence holders (PLHs) are required to renew their licences every ten years. This is in addition to other renewal requirements, for example, for changes of address. The ten year renewal requires PLHs to re-apply to the licensing authority, by paying a fee and paying for and under-going a Criminal Records Bureau (CRB) check. As part of efforts to generate economic growth, the Government is committed to reducing unnecessary administrative burdens on businesses and will consult on whether to change or simplify the processes for personal licences, including the renewals process.

The key policy objective is to reduce the unnecessary bureaucratic burdens of licensing processes, without undermining the public protection objectives of the licensing system. The original intention behind a ten year renewal process was to provide a safeguard and a mechanism for identifying PLHs, who had got convictions for relevant criminal offences (which could - under the licensing system - result in their licences being revoked) but who had failed to declare them in contravention of the law. Implementing this proposal would remove this safeguard but the rationale for the proposal is that other safeguards already exist to achieve this aim, including random police checks and the rights of the courts to order PLHs to forfeit their licences.

- 4.7 A full copy of the consultation document can be found via the Home Office website at <http://www.homeoffice.gov.uk/publications/about-us/consultations/alcohol-consultation/>.
- 4.8 Proposed responses to the consultation questions have been sought from officers within the licensing team and from the substance misuse team in the Public Health Directorate and the crime prevention team in the City and Neighbourhood Partnership. These are set out for consideration at Appendix 2.
- 4.9 A separate consultation response is expected to be submitted by Derbyshire Constabulary. It's understood that alcohol is high on the Police Commissioners agenda and that he is considering holding an 'alcohol summit' during 2013 with relevant agencies.



- 4.10 The Local Government Association and Alcohol Research UK have published a briefing on public health and alcohol licensing in England.

The briefing has been issued ahead of the transfer of responsibility for public health from the NHS to local authorities in April 2013. It sets out for councillors and officers the challenges facing councils and the opportunities they have to tackle alcohol-related harm through the licensing process. It also highlights the changes brought about by the Police Reform and Social Responsibility Act 2011 which if Members recall, amended licensing legislation to give health authorities a statutory role in the licensing process.

The briefing covers:

- The Licensing Act 2003
- The role of health authorities in alcohol licensing, and the form representations should take
- The policy context and in particular the Government's consultation on the 2012 Alcohol Strategy
- Partnerships and support

The briefing can be accessed from the following link

[herehttp://www.local.gov.uk/c/document\\_library/get\\_file?uuid=507d95e6-f375-4691-8c9a-03e668ec9b21&groupId=10171](http://www.local.gov.uk/c/document_library/get_file?uuid=507d95e6-f375-4691-8c9a-03e668ec9b21&groupId=10171)

## OTHER OPTIONS CONSIDERED

- 5.1 Not applicable.

This report has been approved by the following officers:

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	John Tomlinson
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<b>For more information contact:</b> <b>Background papers:</b> <b>List of Appendices:</b>	Michael Kay, Tel. 01332 641940, e-mail michael.kay@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Proposed Responses to the Consultation Questions
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## IMPLICATIONS

### Financial

- 1.1 None related to the consultation process itself but there may be some financial implications for Council depending on what changes are made.

### Legal

- 2.1 These are outlined in the report in the relevant sections.

### Personnel

- 3.1 None directly arising from this report.

### Equalities Impact

- 4.1 Any proposed changes will apply equally to all groups within the community and no particular group(s) will be disadvantaged.

### Health and Safety

- 5.1 None directly arising from this report.

### Carbon commitment

- 6.1 None directly arising from this report.

### Value for money

- 7.1 None directly arising from this report.

### Corporate objectives and priorities for change

- 8.1 The information set out in this report supports the corporate priorities so the people of Derby **enjoy being safe and feeling safe** and the Council provides **good quality services that meet local needs**.

## Proposed Responses to the Consultation Questions

Question	Licensing Response	Public Health Response	Crime Prevention Response
<p>Consultation Question 1: Do you agree that this Minimum Unit Pricing level would achieve these aims?</p>	<p>Support the principle of minimum unit pricing.</p> <p>Why not use the Scottish model &amp; the unit price be 50p / unit of alcohol?</p> <p>Why the need to have a 2-tier system?</p>		<p>Fully supportive of the principle and introduction of minimum pricing at £0.45 to 0.50p per unit.</p> <p>Minimum pricing will help with reducing levels of consumption in those 'visibly' misusing alcohol. Street drinkers / vulnerable dependant drinkers tend to drink high percentage volume drinks, Strong Lagers etc, Ciders etc. Undoubtedly, increasing the cost will help reduce consumption. The foreseeable consequence of this policy would be increases in street begging.</p> <p>Minimum pricing will not affect responsible drinkers or those drinking within licensed premises.</p>
<p>Consultation Question 2: Should other factors or</p>	<p>Yes, need to look at implications on NHS / Police</p>		

evidence be considered when setting a minimum unit price for alcohol?	etc. Also need to look at Local Authority Housing, Child Protection and other Charity / Voluntary organisations.		
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 be reviewed after a set period of time.	We believe the new minimum price has been set too low and would therefore advocate for a price of 50p – or, even better, 60p – which would be more effective. We would recommend an inflation-proofed unit price of at least 50p.	
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?	Tax payers, as the duty raised from alcohol will be reduced. Legitimate responsible drinkers.		
Consultation Question 5: Do you think there should be a ban on multi-buy promotions involving alcohol in the off-	Yes		We support this measure in principle. This should not be limited to supermarkets and off-licences, but also to

trade?			the on-trade. For example it could also include 2-4-1's in the last hour of trading especially when combined with ERO's thus displacing problems away from the licensed premises in question but creating issues elsewhere.
Consultation Question 6: Are there any further offers which should be included in a ban on multi-buy promotions?	Should not be any multibuy related to alcohol. The suggested banned offers do not go far enough. Isn't 2 for 1 the same as half price??		
Consultation Question 7: Should other factors or evidence be considered when considering a ban on multi-buy promotions?	See answer to Question 2		
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	Yes, community groups holding their own event. Not affected as an individual by irresponsible drinking, buying for re-sale.  Also legitimate responsible drinkers.		

other groups that could be particularly affected by a ban on multi-buy promotions?			
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)?	<p>A. Irresponsible promotions – yes to all 4 licensing objectives</p> <p>B. Dispensingalc . directly into mouths – yes to all 4 licensing objectives</p> <p>C. Mandatory [provision of free tap water – yes to all 4 licensing objectives</p> <p>D. Age verification policy – yes to all 4 licensing objectives</p> <p>E. Mandatory provision of small measures – yes to all 4 licensing objectives</p>	The Public Safety licensing objective places limitations on the types of health related data that can be considered i.e. primarily information related to alcohol related harm. The government suggests the Cardiff model of data collection is implemented for this purpose, although nationally there has been difficulty in implementing this model effectively.	
Consultation Question 10: Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs?	<p>No. Need to be more prescriptive as to what is an 'irresponsible promotion' – to make it easier to enforce.</p> <p>Better advice, guidance, and ultimately case law?</p>		
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	Prohibiting multibuys, and sale of single cans etc.		

harm) which could be tackled through a mandatory licensing condition?			
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?	For ease of enforcement, perhaps specific mandatory conditions for each type of trade. Need to be separate for clarification as many Premise Licence Holders and Designated Premises Supervisors have little or no idea.	No as many of those individuals who are drinking at hazardous and harmful levels will be purchasing their alcohol from the off-trade.	These should be permitted based on local need and decided by LA Members. E.g. Membership of Pubwatch, minimum levels of door supervisors based on capacity and CCTV specifications to name but a few.
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?	Numbers of attendees at A&E, information to be taken in respect of area / venues the injured party had been drinking. Police arrests for drink and disorder etc. Siting of drop-in centres and support agencies.	Information on the purchasing activity of frequent flyers i.e. those individuals frequently attending A&E departments would help to provide a causal link between health related harms and specific licensed premises.	
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, health authorities to provide information as above.	Having a robust and fair process for engaging with licensing committees around health intelligence relating to alcohol use and perhaps mapping this against the density of premises and high risk buildings such as	

		<p>schools/colleges, care homes etc. may aid committees when making decisions about CIPs. This would also present an opportunity to engage with other stakeholders such as planning departments who play an active role in helping site licensed premises</p> <p>Providing information about the wider impacts of alcohol on health and wellbeing could be effective at influencing policy, even though the licensing committees may not consider the evidence directly.</p>	
<p>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.</p>	<p>Not sure, as not seen the information. CIP has relied on police evidence.</p>	<p>The challenge here relates to the difficulty in establishing a casual link between specific health related harms and proposed licensed premises.</p> <p>The following points make health related data difficult to consider when assessing the impact of individual license applications on a specified area.</p> <ul style="list-style-type: none"> <li>• Unlike evidence used to</li> </ul>	



		<p>support the introduction of CIPs, such as data on crime and disorder incident, health evidence is population based (strategic) and not tactical (local/specific).</p> <ul style="list-style-type: none"> <li>• Health data is retrospective and not in real time</li> <li>• There is very little available evidence on the link between purchasing of alcohol and irresponsible consumption.</li> <li>• It would be difficult to establish a casual link between alcohol related harms (for example alcohol related hospitals admissions and liver disease) and alcohol purchases,</li> <li>• It would be difficult to establish if proposed licensed premises within different radii of identified health harms have a differing impact. E.g. the impact of an application for a license within 10 metres of an area frequented by street drinkers compared to</li> </ul>	
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		an application 15 metres away.	
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?	Do not need ancillary sellers. Alcohol is freely available 24/7 at numerous venues in the high street. Why extend it further?  If so, we need prescriptive examples of 'ancillary sellers'.		
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?	A. No B. No. C. No. D. No E. No		
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?	None see Question 16		
Consultation Question 19: The aim of a new 'ancillary seller' status is to reduce	See Question 16		

<p>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?</p>			
<p>Consultation Question 20: Do you think that these proposals would significantly reduce the burdens on ancillary sellers?</p>	<p>A. No B. No C. No</p>		
<p>Consultation Question 21: Do you think that the following proposals would impact adversely on one or more of the licensing objectives?</p>	<p>A. Yes B. Yes C. Yes</p>		
<p>Consultation Question 22: What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation?</p>	<p>No to a lighter touch, as alcohol is known to be causing serious social issues, impacting on communities &amp; future generations</p>		

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. But if so, we need a prescriptive definition of 'community events'		
Consultation Question 24: What impact do you think a locally determined notification would have on organisers of community events?	A. Don't know B. Don't know		
Consultation Question 25: Should the number of TENS which can be given in respect of individual premises be increased?	No, we believe that 12 is enough.		
Consultation Question 26: If yes, please indicate which option you would prefer: (15, 18 or another figure)	n/a		
Consultation Question 27: Do you think that licensing authorities should have local discretion around late night	A. No B. No Late Night Refreshment – takeaways – sex exploitation /		

refreshment in each of the following ways?	crime and disorder / drugs etc.		
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?	No. Doing so would introduce an opportunity for drink driving.		
Consultation Question 29: Please describe any other types of premises to which you think a nationally prescribed exemption should apply.	None.		
Consultation Question 30: Do you agree with each of the following proposals?	<p>A. No. How would the general community know of applications etc. ?</p> <p>B. No</p> <p>C. No</p> <p>D. Yes</p>		
Consultation Question 31: Do you think that each of the following would reduce the overall burdens on business?	<p>A. Yes</p> <p>B. n/a</p> <p>C. n/a</p> <p>D. Yes</p>		
Consultation Question 32: Do you think that the following	<p>A. No</p> <p>B. Yes</p>		

measures would impact adversely on one or more of the licensing objectives?	C. Yes D. No		
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?	Personal licences and the responsibility must lie with the individual.		
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?	There is no reason to assume that they do not provide an accurate representation.		
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	No comments.		

assessment and page to which you refer.			
Any other comments?	n/a	More contextual information on Health being considered as a licensing objective for CIP is set out below.	Further information from the Crime Prevention Team is set out below.

## **Public Health Briefing: Health as a licensing objective for Cumulative Impact Policies**

### **What is the problem under consideration? Why government intervention is considered necessary?**

- The government set out a range of actions in the Alcohol Strategy to tackle alcohol-related harm, which it sees as unacceptably high. It has committed to enabling local authorities to take wider alcohol-related health harm into account in licensing decisions; a current gap, which would need to be amended through legislation.
- Recent evidence shows levels of health harm can be linked to the density of licensed premises. Local areas can introduce cumulative impact policies (CIPs) to limit density, but only based on the existing licensing objectives (e.g. public safety, crime and disorder etc), which exclude health harms so they cannot consider the full range of impacts from alcohol.

### **What are the policy objectives and the intended affects?**

- The objective is to enable licensing authorities to consider all alcohol-related health harms (including liver disease, alcohol related deaths or hospital admissions for example) when considering cumulative impact, in addition to evidence relating to the existing four licensing objectives. This would enable local areas to use CIPs to restrict the number of new premises selling alcohol, if there is **evidence of significant local alcohol related problems**. The power to introduce a CIP would remain discretionary, and as now, would introduce a rebuttable presumption that new license applications and some variations will be refused. .

### **Challenge:**

Whilst there is a good evidence base for the link between outlet density and alcohol-related harm and to suggest a reduction in density would lead to a reduction in alcohol-related health harm and crime and disorder, Public Health would challenge the assumption that the introduction of a CIP is an effective tool for managing the density of licensed premises within a specified area for the purpose of reducing health related harm

This challenge relates to the difficulty in establishing a casual link between specific healths related harms and proposed licensed premises.

The following points make health related data difficult to consider when assessing the impact of individual license applications on a specified area.

- Unlike evidence used to support the introduction of CIPs, such as data on crime and disorder incident, health evidence is population based (strategic) and not tactical (local/specific).
- Health data is retrospective and not in real time



- There is very little available evidence on the link between purchasing of alcohol and irresponsible consumption.
- It would be difficult to establish a casual link between alcohol related harms (for example alcohol related hospitals admissions and liver disease) and alcohol purchases,
- It would be difficult to establish if proposed licensed premises within different radii of identified health harms have a differing impact. E.g. the impact of an application for a license within 10 metres of an area frequented by street drinkers compared to an application 15 metres away.

## **Conclusion:**

Given the above and the lengthy consultation process that is involved in developing a CIP it is unlikely that licensing committees would implement a CIP using health based evidence alone. However, engaging licensing committees with health intelligence relating to alcohol use and mapping the density of premises and high risk buildings such as schools/colleges, care homes etc. may aid committees when making decisions about CIPs. This would also present an opportunity to engage with other stakeholders such as planning departments who play an active role in helping site licensed premises. (Derbyshire Public Health Licensing paper 2011)

Providing information about the wider impacts of alcohol on health and wellbeing could be effective at influencing policy, even though the licensing committees may not consider the evidence directly.

Kerry Hodges  
Senior Public Health Manager

Dr Richard Martin  
Assistant Director and Head of Substance  
Misuse

3.01.2013

Reference  
Derbyshire Public Health Licensing and health paper 2011

## **Further information from the Crime Prevention Team**

### **Reductions in LA funding settlements**

Reduced staffing levels will probably lead to less capacity to conduct test purchase operations. This in turn raises the risk of less compliance with responsible retailing practises. This is basic 'risk & reward theory'. There's a need to raise the penalties for non-compliance so its not worth the risk of getting caught.

### **Selling to Minors**

This is not significant problem in Derby compared to 3 years ago. Behaviour of both minors and adults has changed in that now young people are being supplied and supervised by adults within the home environment. Complaints of young people drinking in public and on parks are very small.

### **Fake Alcohol**

There is a significant and growing 'Black Market' in the production, distribution and sale of fake alcohol and the issue getting worse.

This criminal activity is highly organised with all parties contributing to a complex logistical, supply and concealment exercise.

There is a small chance of getting caught with profits out weighing the risks of getting caught.

The Courts issue minimal penalties to those caught although local licensing reviews are possible. This is a significant area of weakness.

### **Consideration should be given to the creation of a new offence - selling to an Habitual Drunkard**

If an off-licence knowingly sells to a Habitual Drunkard – they should incur a fine not exceeding £5000

The definition of a Habitual Drunkard is 'someone arrested and convicted of 3 alcohol related ASB / Public Order incidents within 12 months. On the 3rd occasion the individual becomes defined as a Habitual Drunkard for 2 years.

There would be a duty on the LA or Police to publicise the Order similar to those currently in place in relation to ASBOs.

**Consideration should be given to the prohibition of refrigeration or chilling of alcohol drinks within off-licence premises.**

Chilling drinks at the point of sale encourages them to be consumed without delay with a public environment. By not chilling drinks it would increase the likelihood of drinks being taken home and consumed within a residential setting.

Craig Keen  
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17.01.2013

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