



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: 29th January 2013

Subject: **Government Consultation:**
Delivering the Government's Policies to cut alcohol fuelled crime
and anti-social behaviour

Author of Report: Claire Bower – 203 7751

Summary: The consultation seeks views on a number of measures set out in
the Government's alcohol strategy.

Recommendations: That Members consider carefully the details of the consultation
document and make any relevant comments that they wish to be
included in the formal Licensing Authority response.

Background Papers:

Category of Report: OPEN

**LICENSING ACT 2003
HOME OFFICE CONSULTATION – Proposals on five key areas set out in
the Government's Alcohol Strategy**

1.0 PURPOSE AND OUTCOMES

- 1.1 The purpose of this report is to inform Members of a consultation paper that has been released by the Home Office, to consult with Members regarding the new proposals and obtain comments for the Licensing Authority's response.
- 1.2 The full consultation document and nine impact assessment papers can be downloaded at the following website: <http://www.homeoffice.gov.uk/publications/about-us/consultations/alcohol-consultation/>. Due to the amount of literature, the documents have not been attached to the report.
- 1.3 The outcomes of this report are to ensure that Members are aware of the content of the consultation paper and to allow Members the opportunity to input their comments into the Licensing Authority's formal response.

2.0 WHAT DOES THIS MEAN FOR THE PEOPLE OF SHEFFIELD

- 2.1 The Home Office have stated in their consultation document that there is a significant minority in our country who do not drink responsibly and it is responsible drinkers, businesses and the wider community who are paying the price in terms of crime and disorder on the streets.
- 2.2 If some of the proposals in the document are introduced, they would assist the Council in achieving some of the priorities, values and outcomes in "Standing up for Sheffield: Corporate Plan 2011-14" such as:-

Priorities

- Supporting and protecting communities
- Business friendly

Values

- Long term view
- Prevention
- Enable individuals and communities
- Working better together

Outcomes

- Better health and well being
- Tackling poverty and increasing social justice

- A great place to live
- Safe and secure communities

3.0 BACKGROUND

3.1 Further to the reforms the Government has made to legislate against binge drinking, they are now working on continuing to tackle the anti-social behaviour and crime in our communities caused by alcohol.

3.2 The Home Office consultation is looking at five key areas:

- Minimum unit pricing, ensuring for the first time that alcohol can only be sold at a sensible and appropriate price;
- 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 pub and clubs;
- Health as a new alcohol licensing objective for cumulative impact so that licensing authorities can consider alcohol related health harms when managing the problems relating to the number of premises in their area; and,
- Cutting red tape for responsible businesses to reduce the burden of regulation on business while maintaining the integrity of the licensing system.

3.3 The closing date for comments to the Home Office consultation paper is 6th February, 2013.

4.0 CONSULTATION

4.1.1 A draft response to the consultation is attached at Appendix "A". The draft response is for Members to add further comment, or to consider removing anything they are not in agreement with.

5.0 AFTER THE CONSULTATION

5.1 Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public.

6.0 FINANCIAL IMPLICATIONS

6.1 The forecast financial implications of each proposal have been published in nine consultation impact assessments alongside the consultation.

7.0 RECOMMENDATIONS

- 7.1 That Members consider carefully the details of the consultation document and make any relevant comments that they wish to be included in the response.
- 7.2 That Members make amendments or additions to the draft response to the Government consultation.

Steve Lonnia
Chief Licensing Officer
Head of Licensing

January 2012

HOME OFFICE CONSULTATION

Delivering the Government's Policies to cut alcohol fuelled crime and anti-social behaviour

DRAFT - Licensing Authority Response

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
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Consultation Question 2:
 Should other factors or evidence be considered when setting a minimum unit price for alcohol?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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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):

Do nothing – the minimum unit price should not be adjusted	<input type="checkbox"/>
The minimum unit price should be automatically updated in line with inflation each year	<input type="checkbox"/>
The minimum unit price should be reviewed after a set period	<input checked="" type="checkbox"/>
Don't know	<input type="checkbox"/>

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? (Please select one option):

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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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 No Don't Know

Consultation Question 6:

Are there any further offers which should be included in a ban on multi-buy promotions? (Please select one option):

Yes No Don't Know

Consultation Question 7:

Should other factors or evidence be considered when considering a ban on multi-buy promotions? (Please select one option):

Yes No Don't Know

Consultation Question 8:

The aim of a ban on multi-buy promotions is to stop promotions that encourage people to buy more than they otherwise would, helping people to be aware of how much they drink, and to tackle irresponsible alcohol sales. Do you think that there are any other groups that could be particularly affected by a ban on multi-buy promotions?

Yes No Don't Know

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 & Disorder	Public safety	Prevention of public nuisance	Protection of harm from children
Irresponsible promotions	No	No	No	No
Dispensing alcohol directly into the mouth	Yes	Yes	Yes	Yes
Mandatory provision of free tap water	Yes	Yes	Yes	Yes
Age verification policy	Yes	Yes	Yes	Yes
Mandatory provision of small measures	Yes	Yes	Yes	Yes

Consultation Question 10:

Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs? (Please select one option).

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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If no, please state what more could be done in the box below (keeping your views to a maximum of 100 words).

It is our opinion that the condition relating to irresponsible promotions is difficult to interpret and therefore, difficult to enforce.

Consultation Question 11:

Are there other issues related to the licensing objectives which could be tackled through a mandatory licensing condition? (Please select one option).

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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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).

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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Should the ban on multi-buy promotions be passed, this would be adequate in tackling our concerns.

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?

- Ambulance call out records
- A&E Admission records
- Street angel / pastor evidence
- Police records of assaults
- Local resident complaints

For both patients admitted as a direct result of the affects of alcohol and for those that have been assaulted by another person under the influence of alcohol

There will always be a concern that alcohol related health harm cannot be pinpointed to a specific location / 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? (Please select one option).

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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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.

It could give additional weight to the consideration of any potential CIP but any alcohol related data can be guaranteed to come from a specific area/premises. Pre-loading etc

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 qualification 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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?

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

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?

Large department stores offering gift sets such as whiskey, cheese and wine, etc

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 this aim? (Please select one option):

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
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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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C Introduce a new, light touch form of authorisation for premises making ancillary sales - an ASN - with no requirement for a personal licence holder.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 21:

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

	Yes	No	Don't know
A Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C Introduce a new, light touch form of authorisation for premises making ancillary sales - an ASN - with no requirement for a personal licence holder.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Question 22:

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

Ensure there is still a need to promote the licensing objectives and having the option to attach conditions.

The criteria would need to be explicit to ensure compliance and effective enforcement.

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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
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Consultation Question 24:

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

		Yes	No	Don't know
A	Reduce the burden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Increase the burden	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation Question 25:

Should the number of TENS which can be given in respect of individual premises be increased?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
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Consultation Question 26:

If yes, please select one option to indicate which you would prefer:

15	<input checked="" type="checkbox"/>
18	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Determining that certain premises types are exempt in their local area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 one option)

		Yes	No	Don't know
A	Motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Consultation Question 29:

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

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.	✓		
B Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.			✓
C Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – "lodges".			✓
D Remove or simplify requirements to renew personal licences under the 2003 Act.		✓	

Consultation Question 31:

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

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

Consultation Question 32:

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

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

Consultation Question 33:

In addition to the suggestions outlined above what other sections of or processes under the 2003 Act could in your view be removed or simplified in order to impact favourably on businesses without undermining the statutory licensing objectives or significantly increasing burdens on licensing authorities?

Consultation Question 34:

Do you think that the Impact Assessments related to the consultation provide an accurate representation of the costs and benefits of the proposals?

	Yes	No	Don't know
A Minimum unit pricing			✓
B Multi-buy promotions			✓
C Health as a licensing objective for cumulative impact			✓
D Ancillary sales of alcohol			✓
E Temporary event notices			✓
F Late night refreshment			✓
G Removing the duty to advertise licence applications in a local newspaper			✓
H Sales of alcohol at motorway service stations			✓
I Personal licences			✓

Consultation Question 35:

Do you have any comments on the methodologies or assumptions used in the impact assessments? If so, please detail them, referencing clearly the impact assessment and page to which you refer.

No