

**Sandwell Metropolitan Borough Council**

**Report to the Licensing Committee**

**30<sup>th</sup> July, 2009**

**Safe.Sensible.Social. Selling Alcohol responsibly:  
Consultation on New Code of Practise for Retailers**

**1. Summary Statement**

- 1.1 The Government and Licensing Authorities play an important role in ensuring people make informed choices about the amount they drink, and in making people who sell alcohol do so responsibly.
- 1.2 The government announced its intention to create a mandatory code of practise for the retail trade in December 2008, to target irresponsible promotions in pubs, clubs and off-trade premises that could lead to alcohol-related crime and disorder.
- 1.3 The Home Office has released a consultation document “Safe. Sensible. Social. Selling Alcohol Responsibly: A Consultation on the New Code of Practice for Alcohol Retailers” attached as appendix 1.
- 1.4 The code contains proposals on:-
  - a) mandatory conditions that will apply to all new and existing alcohol licences(pages 19 -26);
  - b) a requirement to display alcohol unit content and health related information;
  - c) discretionary local conditions (a fixed list set by central government) that can be applied to 2 or more premises in any local area that have been clearly linked to alcohol related nuisance and disorder (pages 28 – 43)
  - d) statutory guidance to support the conditions and requirements, maximising the positive impact of the code, and good practice guidance on how the local conditions could be applied and appealed (pages 44 – 50)
- 1.5 The consultation exercise seeks views from the police, local authorities and alcohol industry trade associations on how to best encourage pubs and clubs to improve safety in and around licensed premises.

- 1.6 The document also invites views from members of the public as well as businesses, industry groups and interested organisations. It will run until the 5<sup>th</sup> August 2009 and responses will be used to inform and develop a final set of conditions for premises licences; made up from a number of proposed mandatory conditions, as well as giving Licensing Authorities additional discretionary powers.
- 1.7 A specific response form for licensing authorities is detailed in the consultation. The form has been completed after consultation with Officers carrying out the enforcement duties of the statutory bodies named in the Licensing Act 2003:- Trading Standards Officers, Environmental Health and Health and Safety enforcement officers and is attached as Appendix 2 for members' consideration.
- 1.8 A final copy of the response form, amended following discussion and comment by the Committee will be submitted to the Home Office prior to the final date of 5/8/09

## 2. **Recommendations**

- 2.1 That the draft response to the consultation, attached at Appendix 2, be approved for submission to the Home Office.

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### **3. Strategic Resource Implications**

- 3.1 The effectiveness of any conditions or restrictions on the sale of alcohol is dependant on the statutory agencies being adequately resourced to effectively monitor, collect evidence and enforce legislation.

### **4. Legal and Statutory Implications**

- 4.1 The Council as the Licensing Authority has a legal duty under the Licensing Act 2003 to fulfil the role, carry out the duties in accordance with the act, and statutory guidance issued under section 182 of the Act and any other official guidance issued by Government.

### **5. Implications for the Council's Corporate Priorities**

- 5.1 The licensing objectives that must be promoted by the Council as Licensing Authority are:-
- a) the prevention of crime and disorder;
  - b) public safety;
  - c) the prevention of public nuisance; and
  - d) the protection of children from harm.

### **6. Background Details**

#### **Safe.Sensible.Social Selling Alcohol responsibly: Consultation on New Code of Practise for Retailers**

#### **6.1 Basis of Need For Change**

The document details the current problems associated with excessive alcohol consumption which includes:

- a) £8billion to £13billion cost of alcohol-related crime and disorder per year, according to government research.
- b) Nearly half of all violent crime occurs between Friday evening and Monday morning according to the British Crime Survey (BCS)
- c) A fifth of all violent crime occurs in and around licensed premises according to the 2006-2007 BCS
- d) Between 2001 and 2008 the BCS has shown violent crime falling but the proportion of alcohol-related violent crime remains static

e) 87,000 violent incidents involving glasses or bottles, according to the BCS 2007-08

f) 70% of weekend A&E attendances between midnight and 5am may be alcohol related.

6.2 As well as crime and disorder issues, 10 million people regularly exceed the daily guidelines recommended by the government. A significant factor here is poor awareness of the units in alcoholic drinks and the code also aims to educate the public in this respect.

## **7. Mandatory Conditions**

7.1 The proposed mandatory code of practice includes:

- a) Banning promotions such as 'all you can drink for £10', speed drinking competitions and 'dentist's chairs' where alcohol is dispensed directly into the mouth of any customer. These promotions encourage people to drink quickly or irresponsibly, can lead to crime or anti-social behaviour, and make it impossible for people to keep track of the units consumed.
- b) Ensuring all bars, pubs and clubs offer alcohol in two measures, so customers have the choice between a single or double measure of spirits and a large or small glass of wine.
- c) Requiring alcohol retailers to display information about the alcohol unit content of drinks etc. The idea being that customers will be able to make an informed decision about how much they drink, and the effects on their own health.

## **8. Discretionary Conditions**

8.1 The proposed discretionary conditions could be imposed by licensing authorities on two or more premises in one area where they are clearly associated with alcohol-related nuisance and disorder.

8.2 The suggested conditions include:

- a) Restricting happy hours or pub crawl promotions at particular times most associated with alcohol-related crime and disorder.
- b) Banning irresponsible bulk buy promotions where, for example, a consumer must buy more than one 24 pack of lager to obtain a discount to reduce the risk of people drinking excessive amounts of alcohol at home then going out already drunk and causing crime and disorder.
- c) Requiring staff to operate a Challenge 21 policy where anyone who may look under 21 must produce proof of age to buy alcohol.

- d) Requiring licensed door staff to conduct checks for weapons and drugs at times most associated with alcohol-related crime and disorder.
- e) Banning glass containers or ensuring glasses are collected at regular intervals to reduce the risk of violent incidents.
- f) Ensuring that CCTV is in operation at times most associated with alcohol related crime and disorder.
- g) Displaying information on the location of public transport links and taxi numbers to help people get home safely.

## **9. Enforcement**

- 9.1 Any premises that breach the mandatory code or local discretionary conditions would face a range of possible sanctions. This includes losing their licence, having additional tough conditions imposed on their licence, or on summary conviction, a maximum £20,000 fine and/or six months imprisonment.

## **10. Source Documents**

- 10.1 Home Office Paper: Problem Premises on Probation – Red and Yellow Cards: How it would Work.
- 10.2 Communities and local Government 2009: Looking after our town centres