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Alcohol Strategy Consultation

Purpose of report

To agree the overall approach to the LGA's joint Safer Communities Board and Community Wellbeing Board response to the Alcohol Strategy Consultation.

Summary

This consultation invites views on five key issues set out in the Government's Alcohol Strategy published on 23 March 2012. These are:

- A minimum unit price for alcohol
- A ban on multi-buy promotions in the off-trade
- Reviewing the mandatory licensing conditions
- Health as a licensing objective for cumulative impact policies
- Freeing up responsible businesses

The general direction of the consultation is positive, providing councils with additional powers to control the sales of alcohol in their area. The consultation recognises the important role of local authorities, particularly in taking on new responsibilities for public health.

This briefing has been developed with the input of the Community Wellbeing programme team and copies will go to the Community Wellbeing Board and the Culture, Tourism and Sport Board for information.

Recommendation

Members are asked to comment on the draft response below.

Action

Officers to develop key lines subject to Members' comments.

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Background

This consultation invites views on five key issues set out in the Government's Alcohol Strategy published on 23 March 2012. These are:

A minimum unit price for alcohol

- The price level;
- The mechanism for adjusting the price over time; and
- The impact of a minimum unit price.

The Board has discussed this issue on a number of occasions, most recently in May 2012. Mixed views were expressed with a number of Members raising concerns about the effectiveness and impact of such a policy. We have continued to acknowledge minimum pricing as part of a package of tools which should also include education and information work, but we have resisted being drawn into a debate about what the minimum price should be, and on what products.

Newcastle has recently introduced, with the agreement of the applicants, a minimum unit price as a licensing condition. This price is roughly three times the proposed national price.

A ban on multi-buy promotions in the off-trade

- Whether to introduce a ban on multi-buy promotions; and
- The impact of such a ban.

Reviewing the mandatory licensing conditions

- Views on the current set of mandatory licensing conditions;
- Whether the current set of mandatory licensing conditions sufficiently targets problems such as irresponsible promotions in pubs and clubs; and
- The application of the conditions to the on- and off-trade.

Health as a licensing objective for cumulative impact policies

- Views on introducing health as a licensing objective for cumulative impact policies; and
- The impact of such a licensing objective for cumulative impact policies.

Freeing up responsible businesses

- Proposals to develop a more targeted, proportionate and flexible licensing regime that can support responsible growth while maintaining the integrity of the licensing system; and
- The impact of these proposals on businesses and on the licensing objectives.

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Draft Response: overarching comments

We welcome the cross-government approach to this strategy and the addition of new tools that councils can use to tackle local problems. The introduction of a health objective is particularly welcome and will provide a valuable mechanism for health authorities to comment on licensing applications, enabling them to use their expertise to make decisions which protect the health of the local population.

The consultation seeks views on a number of new, innovative ideas to devolve responsibility to a local level and we welcome the statement that action to tackle problem drinking should be “taken locally, by those who know the area.” Councillors value their ability to protect residents and support economic growth through judicious and innovative use of their licensing responsibilities and many proposals in the consultation will enhance this ability.

We are supportive of many of the measures and have therefore commented only on those where we feel we can materially improve the proposal or feel that the proposal may not meet its intention as presented.

In particular, we welcome the consultation on a health objective and would like to make a number of suggestions to be considered when designing it. We would be happy to be involved in any technical groups to help with its introduction. We also believe the principle of banning multi-buy promotions is positive and helpful.

However, we do have concerns that in a few areas the consultation loses sight of the importance of using local knowledge to regulate businesses in the way that supports them to protect their customers, rather than hinders them. The proposals on mandatory conditions particularly work against this objective and we ask Government to rethink what it hopes to achieve by this proposal.

It will be important that support is provided to those delivering the new health involvement in licensing and the Home Office and Department for Health should display leadership in building awareness of this opportunity to manage public health.

Comments on specific issues: Minimum pricing

We remain committed to the principle of a minimum unit price that is meaningful but does not unfairly penalise those who enjoy a responsible drink. We believe that minimum pricing can only work as part of a package of tools which should also include education and information work.

Unfortunately, the evidence base on setting a price continues to be unclear and contradictory. Our own analysis of the marketplace shows that current proposals would impact on only a very few products and that impact could therefore be limited. We therefore think Government needs to do more work to reconcile the currently

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contradictory positions before a price is established, and to clarify the legal position on a minimum price with the European Union.

Banning of multi-buy promotions

We agree that the sale of multi-buy promotions is a significant factor in encouraging pre-loading and excessive consumption and we welcome work to address this issue. However, retailers are highly astute in marketing products while consumers will seek to maximise their purchasing power.

We therefore do not expect the Government's stated intention of raising the awareness of the dangers of excessive consumption to be realised through this measure and feel this needs to be accompanied by greater investment in Community Alcohol Partnerships and improved labelling.

Mandatory Licensing Conditions

The power to impose licensing conditions that are proportionate and appropriate for local areas is at the heart of establishing effective control of alcohol consumption in an area, while also ensuring that businesses are not disadvantaged.

We are pleased that Government acknowledges the importance of local knowledge in the opening sections of the consultation, but we are unconvinced of the need to review or maintain mandatory conditions. They were fit for purpose when licensing authorities were adapting to new legislation, but are no longer necessary.

We do not envisage any instances where the intent of the mandatory conditions could not be delivered by a locally determined condition; and one that could be more appropriate and proportionate because of being refined by use of local knowledge.

Health as a licensing objective

This is a very welcome proposal and we are pleased that Government is acting on its promise to introduce this objective for cumulative impact policies.

We agree with Government's position that it will be difficult to consider health issues in connection with individual licence applications, so it is appropriate that the objective be limited to the consideration of cumulative impact. However, it remains a cause for concern that councils continue to be challenged in court on the use of cumulative impact policies. In order to make this provision effective we would ask the Home Office and Department for Health to consult local government on the detail of the new objective and consider how they can support councils to effectively deploy them as part of this new objective.

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Some councils are already making use of accident and emergency data to inform decisions, as well as the local authority alcohol profiles provided by the North West Public Health Observatory. However, the Home Office should avoid listing specific types of data that should be used as local requirements may vary. Nor should any particular model be recommended as methods such as the Cardiff model have been found to have limitations when used outside their area of origin.

It should be noted that councils can struggle to obtain health data and that it is not always fit for purpose. The Home Office and Department of Health should work together to ensure that local health bodies are aware of their role in providing data and give them the flexibility to deliver this.

We hope that Government will help us to work with them to develop the technical wording of the objective which will be absolutely critical if it is to effectively deliver public health outcomes.

Reducing the burdens on business

The proposal on ancillary sales fits well with council's desire to make it as easy as possible for local businesses to thrive, while maintaining appropriate levels of consumer assurance and confidence.

We believe that, to achieve the best and most appropriate effect, this classification should be able to be locally determined by the licensing authority. It is impossible to nationally classify groups of businesses that will only make or not make ancillary sales, while licensing authorities will be able to make an on the ground assessment and check that this is indeed the case. This allows the licensing authority to effectively assess the situation and determine the need based on the size of the business and level of custom.

We would suggest that the Home Office looks to the recent Live Music Act for an example of how this process could work; a suspension of conditions on introduction, but the possibility of reintroducing full licence requirements at a review if the alcohol is found to be served irresponsibly. This rewards well-run businesses while continuing to protect residents and customers from nuisance and public disorder.

The same principles should apply to the proposals around late night refreshment. We do not see a need for national exemptions which are inflexible and risk either exempting nuisance businesses or still imposing an unnecessary burden on well-run businesses that are a welcome addition to the night time economy.