

TO: LICENSING AND SAFETY COMMITTEE
10 JANUARY 2013

HOME OFFICE CONSULTATION ON ALCOHOL STRATEGY
Director of Environment, Culture and Communities

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to allow the Committee an opportunity to contribute to the Council's response to the Home Office consultation in respect of the Government's Alcohol Strategy. The nature of the proposals is such that the final response needs to incorporate the views of other service areas. This report looks at the proposals in so far as they relate to the terms of reference to this Committee.

2 RECOMMENDATION

- 2.1 That, having regard to this Committee's terms of reference, the Committee considers and comments on the draft answers as at Annex A, for inclusion within the final response of the Council.**

3 REASONS FOR RECOMMENDATION

- 3.1 There are a number of matters included within the consultation which could impact on the licensing process carried out within the Council.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee can amend the draft response at Annex A. There is no obligation to respond to the proposals.

5 SUPPORTING INFORMATION

- 5.1 Following on from recent changes to the Licensing Act 2003 brought about in particular by the Police Reform and Social Responsibility Act 2011, the Home Office has released a consultation to look at further work to tackle drink-fuelled antisocial behaviour and crime.

- 5.2 In the Ministerial foreword to the consultation, the Home Secretary Theresa May explains that the consultation focuses on five key areas as follows:

- i) A ban on multi-buy promotions in shops and off-licences to reduce excessive alcohol consumption;
- ii) A review of the mandatory licensing conditions, to ensure that they are sufficiently targeting problems such as irresponsible promotions in pubs and clubs;
- iii) Health as a new alcohol licensing objective for cumulative impact policies so that licensing authorities can consider alcohol related health harms when managing the problems relating to the number of premises in their area;
- iv) Cutting red tape for responsible businesses to reduce the burden of regulation on responsible businesses while maintaining the integrity of the licensing system; and,
- v) Minimum unit pricing, ensuring for the first time that alcohol can only be sold at a sensible and appropriate price.

- 5.3 The consultation comments on heavily-discounted alcohol and the change in behaviour so that increasing numbers of people 'pre-load' before going on a night out. The proposed ban on multi-buy promotions in the off-trade and minimum unit pricing aim to

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reduce availability of alcohol sold at irresponsible prices and excessive alcohol consumption.

5.4 Of particular interest is the consideration of how unnecessary regulatory burdens on business can be reduced or removed, with proposed changes as follows:

- Changing the licensing process for business making minimal alcohol sales
- Amending the temporary event notice process
- Giving local areas flexibility on licensing of late night refreshment
- Removing the requirement to advertise applications in a newspaper
- Removing the requirement to renew personal licences

5.5 Currently, businesses where the sale of alcohol is only a small part of, or incidental to, wider activities, and occurs alongside the provision of another product or service are required to be licensed in the same way as a pub or supermarket. Examples would be guesthouses which provide a bottle of wine in a guest's room, hairdressers which provide a glass of wine to customers and florists which deliver wine with a bouquet of flowers. The consultation looks at options to reduce the burden on these 'ancillary sellers' such as removing the requirement for a personal licence holder to be a Designated Premises Supervisor for the premises, or removing the need for a premises licence and replacing it with an 'ancillary sales notice' (ASN). The process of obtaining an ASN would be quicker, simpler and cheaper than for a premises licence to reflect the limited form of alcohol sales that would be taking place and could potentially work in a similar way to a TEN but with an ongoing authorisation.

5.6 The consultation also looks at whether there is scope to allow licensing authorities to determine their own, less burdensome, TEN processes if they wish, for example by allowing holders of community events to send an email to the licensing authority. It also proposes an increase from 12 to either 15 or 18 TENs per premises per calendar year.

5.7 The document also proposes to introduce local discretion on whether late night refreshment should be licensable, or whether certain types of premises within a local authority area can be exempted from licensing.

5.8 The deadline for responses to the consultation is 6 February 2013.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

6.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

6.4 There are no implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

7.1 The Home Office consultation is an open public consultation.

Method of Consultation

7.2 The consultation can be found at <http://www.homeoffice.gov.uk/drugs/alcohol-strategy/>.

Representations Received

7.3 Not applicable.

Background Papers

Home Office Alcohol Strategy: A consultation on delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour

<http://www.homeoffice.gov.uk/drugs/alcohol-strategy/>

Contact for further information

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Draft response to consultation

Consultation Question 1: Do you agree that this MUP level would achieve these aims?

A matter for others.

Consultation Question 2: Should other factors or evidence be considered when setting a minimum unit price for alcohol?

A matter for others.

Consultation Question 3: How do you think the level of minimum unit price set by the Government should be adjusted over time?

A matter for others.

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?

A matter for others.

Consultation Question 5: Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?

A matter for others.

Consultation Question 6: Are there any further offers which should be included in a ban on multi-buy promotions?

A matter for others.

Consultation Question 7: Should other factors or evidence be considered when considering a ban on multi-buy promotions?

A matter for others.

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?

A matter for others.

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)?

In Bracknell Forest, we have not had cause to take action against any licensed premises in respect of breaches of any of the new mandatory licensing conditions that took effect in 2010. Therefore we cannot comment on whether they are effective.

Consultation Question 10: Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs?

Yes

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 harm) which could be tackled through a mandatory licensing condition?

No

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?

Yes

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?

A matter for others.

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?

A matter for others.

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.

A matter for others.

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?

We would suggest the provision initially be restricted to specific types of business, and after a certain period of time this be reviewed to ensure the provision has not caused problems. At that point there may be scope to widen the provision to other types of businesses.

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?

*Accommodation providers
Hair and beauty salons
Florists
Museums, theatres and cinemas*

We do not feel it would be appropriate to allow theatres and cinemas this provision unless the amount of alcohol was limited to a specified amount.

We do not feel it would be appropriate for this provision to apply to charitable events, without a clearer definition of what types of events would be included.

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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?

No

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 (see paragraphs 9.2 and 9.3). Do you think that the qualification criteria proposed in paragraph 9.6 meet this aim?

Yes

Consultation Question 20: Do you think that these proposals would significantly reduce the burdens on ancillary sellers?

All of the proposals would reduce the burden on ancillary sellers.

Consultation Question 21: Do you think that the following proposals would impact adversely on one or more of the licensing objectives?

No, provided there is a facility to review the ancillary seller status and impose more restrictive requirements in respect of problem premises.

Consultation Question 22: What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation?

See answer to question 21.

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

Consultation Question 24: What impact do you think a locally determined notification would have on organisers of community events?

It may create inconsistency of approach and confusion, and local authorities would receive more enquiries about what their locally determined process entails. The current TENs system works fine, although the form could be radically changed and simplified.

Consultation Question 25: Should the number of TENs which can be given in respect of individual premises be increased?

Yes

Consultation Question 26: If yes, please indicate which option you would prefer:

Increase to 15 per year

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Consultation Question 27: Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways?

Determining premises in certain areas are exempt – No

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

Consultation Question 28: Do you agree that motorway service areas (MSAs) should receive a nationally prescribed exemption from regulations for the provision of late night refreshment?

Yes

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?

Remove requirement to advertise licensing applications in local newspapers – Yes

Remove prohibition on sale of alcohol at MSAs – Yes

Remove prohibition on sale of alcohol at MSAs with overnight accommodation – Yes

Remove or simplify requirements to renew personal licences – Simplify only (not remove)

Consultation Question 31: Do you think that each of the following would reduce the overall burdens on business?

Remove requirement to advertise licensing applications in local newspapers – Yes

Remove prohibition on sale of alcohol at MSAs – Yes

Remove prohibition on sale of alcohol at MSAs with overnight accommodation – Yes

Remove or simplify requirements to renew personal licences – Yes

Consultation Question 32: Do you think that the following measures would impact adversely on one or more of the licensing objectives?

Remove requirement to advertise licensing applications in local newspapers – No

Remove prohibition on sale of alcohol at MSAs – No

Remove prohibition on sale of alcohol at MSAs with overnight accommodation – No

Remove or simplify requirements to renew personal licences – 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?

The TEN form should be reduced to the basic details in order to simplify the process.

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

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