

HOME OFFICE CONSULTATION ON DELIVERING THE GOVERNMENT'S POLICIES TO CUT ALCOHOL-FUELLED CRIME AND ANTISOCIAL BEHAVIOUR

The FoBRA response submitted in January 2013 to the online consultation is based on this text.

Question 1. Do you agree that this MUP [45p] would achieve these aims?

No.

We strongly support the introduction of a Minimum Unit Price, as we believe that crime and antisocial behaviour on the streets of Bath results is encouraged if people can pre-load at low cost at home before they visit pubs and bars.

The document explains that the Government is committed to introducing a MUP, and proposes a level of 45p. No justification is given for this level in the document, nor in the Impact Assessment, and we note that the Scottish Government, working from the same Sheffield data, is proposing a MUP of 50p. We would have expected to see a comparison of the pros and cons of different levels (eg 40p, 50p, 60p) to explain the rationale for the Government's proposed figure.

It may be some time before the MUP is actually introduced, and inflation is continuing. To avoid undermining the impact of this measure, we believe the level should be set at 50p.

Question 2: Should other factors or evidence be considered?

Yes.

The Impact Assessment refers to the Criminal Justice System and the NHS, and to crime harms and health harms. We support that. But we question whether the impact of antisocial behaviour on residents has been assessed. The lifestyle of people who live in areas plagued by alcohol-fuelled crime and ASB is curtailed. Despite the genteel image of Bath many residents are reluctant to venture out into the centre of town in the evening, and this has an impact both on their own wellbeing, and on the economy of restaurants, theatres, cinemas etc. Some estimate should be made of these factors.

Question 3: How do you think the level of MUP should be adjusted over time?

Third option – the MUP should be reviewed after a set period.

Question 4: Are there other people, organisations or groups that could be particularly affected by a MUP?

Yes. Urban residents. See response to Question 2.

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

Third option – don't know.

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

Yes.

It is not made clear why the ban would apply only to the off-trade. Unless there is some equivalent control for on-sales, it should apply in both sectors, if it is introduced at all.

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

Yes.

It is not the existence of a promotion which causes a problem, but the quantum of the discount. We doubt whether 5% or 10% off a multipack of beer or wine would stimulate increased consumption, but a discount of 25 or 50% would surely have a significant impact. If there is concern about multi-buys, the control would better be addressed to the level of discounting affected.

Question 8. Do you think there are other groups that could be particularly affected by a ban on multi-buy promotions.

Yes. Urban residents – see response to question 2.

Question 9. Do you think each of the mandatory licensing conditions is effective in promoting the licensing objectives?

		Prevention of crime & disorder	Public safety	Prevention of public nuisance	Protection of children from harm
A	Irresponsible promotions	√	√	√	
B	Dispensing alcohol directly into the mouth		√	√	
C	Mandatory provision of free tap water	√	√	√	√
D	Age verification policy	√		√	√
E	Mandatory provision of small measures	√	√	√	

Question 10. Do you think mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs?

No.

See response to Question 6.

Question 11. Are there any other issues related to the licensing objectives which could be tackled through a mandatory licensing condition?

Don't know.

Question 12. Do you think the current approach, with five mandatory licensing conditions applying to the on-trade and only one of these applicable to the off-trade is appropriate?

Yes.

Question 13. What sources of evidence on alcohol-related health harm could be used to support the introduction of a cumulative impact policy if it were possible for a CIP to include consideration of health?

Alcohol-related hospital admissions: information as to where the person had collapsed, and where he/she had been drinking.

Police evidence of drunkenness: where the person was found drunk.

Question 14. Do you think any aspects of the current CIP process would need to be amended to allow consideration of data on alcohol-related health harms?

No.

Question 15. What impact do you think allowing consideration of data on alcohol-related harms when introducing a CIP would have if it were used in your local area?

There is already a CIP in the centre of Bath. This was introduced after considerable argument and debate. Consideration of health data would almost certainly have strengthened the case for the CIP and facilitated its adoption.

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 provided they meet certain qualification criteria for limited or residential sales?

- A. The provision should be limited to a specific list of certain types of business and the kinds of sales they make – Yes.
- B. The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller – No

- 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 – No

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?

- A. Accommodation providers, providing alcohol alongside accommodation as part of the contract – Yes
- B. Hair and beauty salons, providing alcohol alongside a beauty treatment – Yes
- C. Florists, providing alcohol alongside the purchase of flowers – No
- D. Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the entry ticket – Yes.
- E. Regular charitable events, providing alcohol as part of the wider occasion – No

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?

Book-signing events organised by booksellers.

Art gallery opening events

Question 19. The aim of a new ‘ancillary seller’ status is to reduce burdens on business 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?

Yes

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

No comment

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

No comment

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

No comment

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

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

- A. Reduce the burden. Don't know
- B. Increase the burden. Don't know

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

No

Question 26. If yes, please select one option

N/A

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

- A. Determining that premises in certain areas are exempt. No
- B. Determining that certain premises types are exempt in their local area.

No

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

Yes

Question 29. Please describe in the box below any other types of premises to which you think a nationally prescribed exemption should apply.

No comment

Question 30. Do you agree with each of the following proposals?

- A. Remove requirements to advertise licensing applications in local newspapers. No
- B. Remove the centrally imposed prohibition on sale of alcohol at MSAs. No
- C. Remove the centrally imposed prohibition on sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges”. Yes
- D. Remove or simplify requirements to renew personal licences under the 2003 Act. No

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

A-D Don't know

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

- A. Remove requirements to advertise licensing applications in local newspapers. Yes
- B. Remove the centrally imposed prohibition on sale of alcohol at MSAs. Yes
- C. Remove the centrally imposed prohibition on sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges”. No
- D. Remove or simplify requirements to renew personal licences under the 2003 Act. Yes

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 to impact favourably on businesses without undermining the statutory licensing objectives or significantly increasing burdens on licensing authorities?

I am commenting here on Question 33.A – removal of the requirement to advertise licensing applications and variations in local newspapers.

Blue notices in premises windows are inconspicuous at the best of times, and often almost impossible to spot amongst a range of more eye-catching posters, menus, adverts etc. This is not as effective a mechanism as it should be for notifying the general public of licensing changes.

The Bath Chronicle publishes all statutory notices (planning applications, highways notices, departures from the local plan etc) together, in the same place as licensing adverts. This is a very convenient place to review all this information together. These advertisements also help to support the paper, which is a valued local institution.

If residents' associations had universal coverage it might be possible to remove the advertisement requirement, and substitute a new requirement that they be notified of all licensing proposals in their area. But even in Bath, where coverage is quite good and growing, there are many gaps, and many individual residents would be disenfranchised if reliance was placed on such notification alone.

Many elderly people do not have internet access, but do read their local paper regularly. It would discriminate against them if the advertising requirement were removed.

Question 34. Do you think that the Impact Assessments related to the consultation proposals provide an accurate representation of the costs and benefits of the proposals?

A – I

No

Question 35. Do you have any comments on the methodologies or the assumptions used in the impact assessments?

We don't think the impact of urban residents has been considered – see response to question 2.