

HOME OFFICE CONSULTATION – SAFE, SENSIBLE, SOCIAL. SELLING ALCOHOL RESPONSIBLY: A CONSULTATION ON THE NEW CODE OF PRACTICE FOR ALCOHOL RETAILERS

Agenda Item 7

Contact Details:- Rachel Crouch
Designation:- Licensing Officer
Ext. No:- 2647
E Mail Address:- raccr@braintree.gov.uk

Background Papers:- Home Office document – Safe. Sensible. Social. Selling Alcohol Responsibly: A Consultation on the New Code of Practice for Alcohol Retailers.

Financial Implications:- None

Equalities Implications:- None

Legal Implications:- None

Options: To agree a response to a Home Office Consultation document.

Risks: None

EXECUTIVE SUMMARY

That discussion takes place to enable the views of the Licensing Committee to be included in a response to the consultation on the New Code of Practice for Alcohol Retailers.

DECISION

To agree a response to the Home Office Consultation document.

HOME OFFICE CONSULTATION – SAFE, SENSIBLE, SOCIAL. SELLING ALCOHOL RESPONSIBLY: A CONSULTATION ON THE NEW CODE OF PRACTICE FOR ALCOHOL RETAILERS

1. Introduction

- 1.1 The Government has published a consultation paper on a proposed mandatory national code and discretionary local code for alcohol retailers, likely to be implemented if Parliament approves the Policing and Crime Bill currently in the Commons. The document follows the publication of the KPMG Review of Social Responsibility Standards, reported to this Committee last December.
- 1.2 The purpose of this report is to seek the views of the Members of the Licensing Committee on an appropriate response to the consultation.

2. Background

- 2.1 Last year, the Home Office's Alcohol Strategy Unit commissioned KPMG to carry out an independent review of the effectiveness of the alcohol drinks industry's Social Responsibility Standards (which had been launched in November 2005) in contributing to a reduction in alcohol harm in England. In particular they looked at the extent to which the on and off trade adhered to the standards and whether the standards contribute to a reduction in alcohol-related harm.
- 2.2 KPMG concluded that currently the Standards were not being consistently adopted and applied across the whole of the alcohol industry. Information compiled by the Home Office from the British Crime survey also painted a bleak picture about some of the effects of alcohol when considered in the context of the four licensing objectives:

Crime and Disorder

- £8–13 billion cost of alcohol-related crime and disorder per year.
- Nearly half of all violent crime occurs between Friday evening and Monday morning.
- A fifth of all violent crime occurs in and around licensed premises.
- Violent crime is falling but the proportion of alcohol-related violent crime remains static.
- 87,000 violent incidents involving a glass or a bottle as a weapon in 2007/08.
- 37% of domestic violence cases involve alcohol.

Public safety

- Injuries or accidents caused either to an intoxicated individual or others as a result of drunken behaviour. These may be evidenced by local A&E attendances, for example.
- People, in particular vulnerable groups, feel unsafe in the evening or after dark.

Public Nuisance

- Public perceptions of drunk and rowdy behaviour as a problem in their area have risen to 26%.
- Noise pollution from those leaving licensed premises.
- Broken glass in the street.

Protection of Children from Harm

- Surveys suggest that among those young people who try to buy alcohol from shops or pubs, many are still successful in their attempts to purchase it while underage.
- Although the test purchase failure rate (i.e. where a premises is caught selling alcohol to underage people more than once) is falling, it remains too high.
- Growing concern about underage sales of alcohol online.

3. Proposals

- 3.1 The consultation proposes that all alcohol-licensed premises will be subject to the mandatory code, while local licensing authorities will be able to apply parts of the discretionary code to two or more licensed premises in an area where alcohol-related nuisance or disorder is causing problems for local residents. Additional measures requiring the display of alcohol unit content and health related information are proposed also. The new provisions would be supported by statutory guidance.

Draft Mandatory Code proposals include:

- 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
- Ensuring all bars, pubs and clubs offer alcohol in both measures so customers have the choice between a single or double measure of spirits and a large or small glass of wine; and
- Requiring alcohol retailers to display information about the alcohol unit content of drinks and for supermarkets and convenience stores, the health impacts of alcohol under powers from the Food Safety Act.

Draft Discretionary Code proposals include additional conditions for alcohol crime hotspots under a flexible local code such as:

- Restricting happy hours or ‘pub crawl’ promotions at particular times most associated with alcohol-related crime and disorder
- 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
- Requiring staff to operate a Challenge 21 policy where anyone who may look under 21 must produce proof of age to buy alcohol
- Requiring licensed door staff to conduct checks for weapons and drugs at times most associated with alcohol-related crime and disorder
- Banning glass containers or ensuring glasses are collected at regular intervals to reduce the risk of violent incidents
- Ensuring that CCTV is in operation at times most associated with alcohol-related crime and disorder; and
- Display information on the location of public transport links and taxi numbers to help people get home safely.

- 3.2 Breach of either code is effectively a breach of licence conditions – with the possibility of the licence being reviewed by the licensing authority (and even more conditions being imposed), or on summary conviction facing a maximum

£20,000 fine and/or six months imprisonment.

- 3.3 The Government decided not to proceed with any national or local measures around minimum unit price, as it would punish unfairly the sensible majority of moderate and responsible drinkers. However the consultation commits to developing further the evidence base in this area.
- 3.4 In addition, the consultation asks for views on whether banning retailers from selling alcohol as a 'loss leader' at prices below the level of excise duty paid, plus the VAT due, would further the Government's objectives in tackling alcohol related harm in a way that does not unduly affect the majority of responsible drinkers and retailers.
- 3.5 In deciding when to implement the code, the Government intends to take full account of the views of the pub and drinks trade and the economic conditions affecting the industry at present. Particular attention will be given to minimising the impact on the great majority of responsible pubs, clubs and retailers and giving them enough time to adapt to mandatory provisions in the code.
- 3.6 A copy of the consultation document was made available prior to the meeting and I have attached a copy for your considerations. The pages within the document (64 to 68), for use by local licensing authorities when responding to the consultation, have been appended to this report in order to assist Members in considering any representations they would wish to make to the Home Office. The closing date for responses is 5th August 2009.

4. Matters for Consideration

- 4.1 As part of their response, the Committee may wish to consider including representations on the following matters:
- (i) There does not appear to be a formal route of appeal against the application of additional, retrospective licence conditions.
 - (ii) It is not clear whether or not any additional resources will be available to licensing authorities in implementing these measures, in consultation with the police and local alcohol retailers. The proposals are likely to involve local authorities in significant cost, particularly if all licences have to be reissued with the new mandatory conditions. The cost of translating the new conditions will be an added cost burden.
 - (iii) The Bill does not appear to provide a straightforward route for the removal of discretionary conditions when the circumstances that led to their imposition are no longer relevant.