

AGENDA

Meeting: Licensing Committee
Place: Committee Rooms C and D- Council Offices, Monkton Park,
Chippenham, SN15 1ER
Date: Monday 18 February 2013
Time: 10.30 am

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718376 or email stuart.figini@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Desna Allen	Cllr Jacqui Lay
Cllr Richard Beattie	Cllr Bill Moss
Cllr Rod Eaton	Cllr Pip Ridout
Cllr Jose Green (Vice Chairman)	Cllr Bill Roberts
Cllr Malcolm Hewson	Cllr Jonathon Seed (Chairman)
Cllr George Jeans	

Substitutes:

Cllr Liz Bryant	Cllr Bill Douglas
Cllr Allison Bucknell	Cllr Mary Douglas
Cllr Trevor Carbin	Cllr Peggy Dow
Cllr Ernie Clark	Cllr Jon Hubbard

AGENDA

1. **Apologies**

To receive any apologies.

2. **Minutes** (*Pages 1 - 26*)

To confirm the minutes of the meeting held on 14 September 2012 (copy attached).

3. **Chairman's Announcements**

4. **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5. **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above no later than 5pm on Monday 11 February 2013.

Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Minutes of the Licensing Sub-Committees**

To receive the minutes of the following Licensing Sub-Committees:

6.1. **Eastern Area**

No meetings

6.2. **Northern Area**

- 29 November 2012 – Application by Wiltshire Police for a Review of the Premises Licence in respect of WOMAD, Charlton Park Estate, Charlton Park, Malmesbury, Wiltshire, SN16 9DG. Meeting adjourned
- 14 December 2012 - Application by Wiltshire Police for a Review of the Premises Licence in respect of WOMAD, Charlton Park Estate, Charlton Park, Malmesbury, Wiltshire, SN16 9DG. Reconvened meeting

6.3. **Southern Area**

No meetings

6.4. **Western Area**

None

7. **Street Collection Policy** (*Pages 41 - 48*)

To receive a report, by Kate Golledge, Public Protection Manager Licensing, Public Protection Services, and to consider any amendments to the Council's current Policy in relation to Street Collections.

8. **Fit and Proper Policy** (*Pages 49 - 64*)

To receive a report by Kate Golledge, Public Protection Manager Licensing, Public Protection Services, which informs Members of the need for amendments to the Council's policy regarding consideration of criminal records for existing Hackney Carriage drivers, Private Hire drivers and Operators.

9. **Guidance to Town and Parish Councils on Making Representations** (*Pages 65 - 74*)

To receive a report by Kate Golledge, Public Protection Manager Licensing,

Public Protection Services which informs Members of the guidance to be given to Town and Parish Councils to aid them in making representations on applications received under the Licensing Act 2003.

10. **Home office Alcohol Strategy Consultation** (*Pages 75 - 142*)

To receive a report by Kate Golledge, Public Protection Manager Licensing, Public Protection Services informing Members on the response of the Licensing Authority to the current Home Office consultation on the measures proposed to promote the Governments Alcohol Strategy

The Committee is asked to approve the Licensing Committee response to the consultation.

11. **Dates of Future Committee Meetings**

Members are asked to note the future meetings of the Licensing Committee, all to commence at 10.30am:

- 28 May 2013
- 2 September 2013
- 2 December 2013
- 3 February 2014

12. **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

None

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 14 SEPTEMBER 2012 AT COMMITTEE ROOM A - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Desna Allen, Cllr Trevor Carbin (Substitute), Cllr Rod Eaton, Cllr Jose Green (Vice Chairman), Cllr George Jeans, Cllr Jacqui Lay, Cllr Bill Roberts and Cllr Jonathon Seed (Chairman)

Also Present:

Mandy Bradley (Service Director - Public Protection), Steve Clover (Head of Public Protection - Commercial and Communities), Stuart Figini (Democratic Services Officer), Kate Golledge (Public Protection Manager, North and West, Safer Communities and Licensing), Cllr Jon Hubbard and Paul Taylor (Senior Solicitor)

22 **Apologies**

Apologies were received from Councillors Richard Beattie, Peggy Dow and Bill Moss.

Councillor Trevor Carbin replaced Councillor Peggy Dow for this meeting only.

23 **Minutes**

The minutes from the Licensing Committee meetings held on 6 February 2012 and 6 June 2012 were presented and it was,

Resolved:

To approve and sign the minutes of the meetings held on 6 February 2012 and 6 June 2012 as a correct record.

24 **Chairman's Announcements**

a) Street Trading Consent Scheme

The Chairman reported on the latest position regarding the Council's Street Trade Consent Scheme. He mentioned that 30 full applications

for Street Trade Consent had been received across the Council's area, with 14 applications being granted by officers under delegated authority and 5 being refused.

Concerns about (i) the Scheme fee levels had been expressed by the trade and (ii) the consultation process by some Town Councils.

The Scheme would be reviewed 12 months after coming into operation with any necessary amendments being incorporated in light of the concerns being raised.

b) Drink Banning Orders

The Chairmen informed the Committee that the Drink Banning Orders were now a tool being used by the Police in partnership with the Council to control the night time economy. Further information about the Drink Banning Orders is attached to these minutes.

c) Government Alcohol Strategy

The Chairman referred to a document that outlined the Government's direction concerning their Alcohol Strategy. The document outlined a number of challenges that the industry faced and the impact that irresponsible promotions had on the sale of alcohol.

The document encouraged Members of the Licensing Committee to engage fully in the forthcoming consultation concerning the Governments proposed changes in policy and subsequent legislation.

d) Parish and Town Council's Involvement in Consultations

The Chairman reported that Parish and Town Councils had raised some concerns about how they were involved in consultations and Licensing Hearings.

The Committee were informed that guidance notes were being produced by officers to help the Parish and Town Councils engage in consultations more fully. It was noted that the guidance notes would be available for the next meeting of the Committee.

Members were asked to contact Public Protection with suggestions of Parish and Town Councils who could trial the guidance notes before they were circulated more widely.

25 **Declarations of Interest**

There were no declarations of interest.

26 **Public Participation**

There was no public participation.

27 **Minutes of the Licensing Sub-Committees**

The minutes from the Licensing Sub-committee meetings held on 20.3.12, 11.4.12, 10.5.12, 25.5.12, 30.5.12, 25.6.12, 27.7.12, 3.7.12, 7.8.12 and 23.8.12 were presented, and it was

Resolved:

To approve the minutes of the meetings held between the 20.3.12 and 23.8.12.

28 **Police Reform and Social Responsibility Act 2011 - Early Morning Restriction Orders and Late Night Levies**

The Committee considered a report by Kate Golledge, Public Protection Manager Licensing, Public Protection Services, which informed Members of forthcoming changes to legislation brought into being by the Police Reform and Social Responsibility Act 2011.

The report detailed important changes and the availability of two new tools in the licensing suite of controls namely Early Morning Restriction Orders and Late Night Levies which were designed to give local people a greater influence over the type and number of licensed premise in their communities.

The Chairman referred to a letter, a copy of which was previously circulated to Members that he had received from the Deputy Chief Constable expressing the views of the Wiltshire Police.

Members were assured that Officers would seek advice from the Communications team about the most appropriate process and methods to use for the consultation.

Resolved:

- a) That the report be noted
- b) That a full consultation be undertaken with all interested parties commencing on the 31 October 2012 regarding the making of Early Morning Restriction Orders and the introduction of Late Night Levies and thereafter its implementation in line with the responses to that consultation.

29 **Licensing Act 2003 - Review of Statement of Licensing Policy**

The Committee considered a report by Kate Golledge, Public Protection Manager Licensing, Public Protection Services, which provided a position

statement on the review of the statement of licensing policy following its approval by the Council on 1 December 2009.

The report informed Members of the relevant changes that had occurred in the years since the policy was approved and sought Members views on how to move forward. Two options were suggested:

- i) Review the policy now
- ii) keep the existing policy until the introduction of Late Night Levies and Early Morning Restriction Orders

Members raised the possibility of including a fifth licensing objective relating to the effect of additional licensed premises on the local community. Kate Golledge reported that the four licensing objectives were set by legislation and that those could not be altered or added to. However, the Council could consider adopting a policy on Cumulative Impact Zones in its Statement of Licensing Policy and that this could be included in the consultations being undertaken at Minute 28 above.

Resolved:

- a) That the report on the latest position on the Review of the Statement of Licensing Policy be noted**
- b) That the existing Statement of Licensing Policy, as approved by Council on 1 December 2009 continues to be used, but that a full review be carried out during 2013**
- c) That the possible inclusion of Cumulative Impact Zones in the Council's Statement of Licensing Policy be included in any consultations undertaken**

30 **Licensing Act 2003 - Licensing Authorities as Responsible Authorities**

The Committee considered the report by Kate Golledge, Public Protection Manager Licensing, Public Protection Services, informing Members about the internal arrangements of the licensing service to ensure that the Licensing Authority had the correct structure in place to carry out its new function as a Responsible Authority.

The Public Protection Manager referred to the Police Reform and Social Responsibility Act 2011 which added Licensing Authorities to the list of Responsible Authorities under the Licensing Act 2003. The change would ensure that Licensing Authorities were better able to respond quickly to the concerns of local residents and businesses by taking actions they consider appropriate to tackle irresponsible premises without having to wait for representations from other Responsible Authorities.

Members expressed their concern about public perception in relation to the arrangements and in particular questioned how the officers would deal with the separation of responsibilities between acting as an advisor to a Sub-Committee and being a Responsible Authority bringing a case to a Sub-Committee. The Public Protection Manager reassured the Committee that the Council had a large enough licensing service to allocate the functions to officers to ensure procedural fairness and avoid a conflict of interest. It was also confirmed that the officer acting for the Responsible Authority would not be involved in the licensing decision process and would not discuss the merits of the case with those involved in making the determination by the Licensing Authority.

It was suggested that Officers from other Licensing Teams could take on the role of the Responsible Authority where hearings were considered for other Licensing Team areas, for example a hearing in the Western Area – West and North Team officer would present the case at the hearing and a South and East team officer act as the Responsible Authority at the hearing and would sit with other attendees not with other officers. However, Officers felt that the proposed arrangements were robust enough and would be effective in separating the officer roles as described above, but that officers would monitor the situation and report to a future meeting on any changes to the arrangements if necessary.

Resolved:

- a) That the report be noted
- b) That the proposed arrangements for service structure and responsibilities within the Licensing Service as detailed in the report be agreed

31 **Dates of Future Committee Meetings**

The date of the next meeting was confirmed as Monday 12 November, 2012 starting at 10:30a.m.

The Chairman suggested that a further meeting was needed early in the new year 2013.

Resolved:

That an additional meeting of the Licensing Committee be held on Monday 18 February, 2013 starting at 10:30a.m.

32 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.10 am)

The Officer who has produced these minutes is Stuart Figini, of Democratic & Members' Services, direct line 01225 718376, e-mail stuart.figini@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Drink Banning Orders



Wiltshire Police

Delivering safe, satisfied and confident communities

David Bennett
Community Safety

DBOs on Application



Commenced Sections 1-5 and 9-14 of the Violent Crime Reduction Act 2006.

Introduced Violent Crime Reduction Act 2006 (Drinking Banning Order) (Approved Course) Regulations 2009.

Both came into force on 31st August 2009.

Exclusion Orders remain in force and have not been repealed.

DBOs on Application



To address an individual's alcohol misuse behaviour and protect others and their property from such behaviour.

Alcohol misuse behaviour a strong contributory factor in:

- public order offences
- criminal damage
- minor and serious assaults
- violent offences
- traffic offences.

Can be applied to individuals 16 and over.

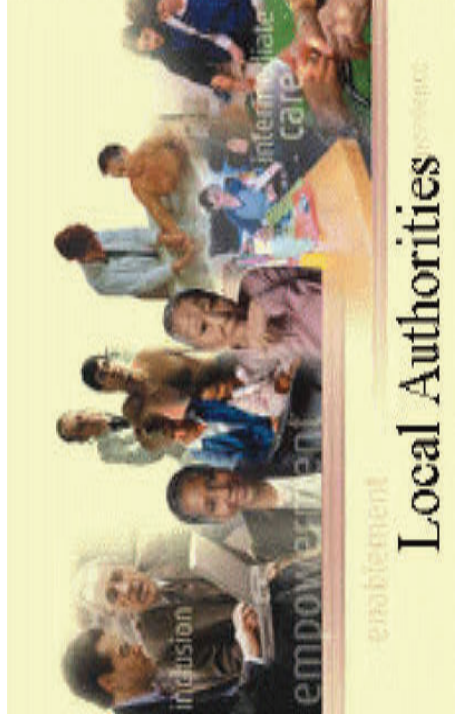
Who can apply?



Police (including British Transport Police).



Local Authorities in England and Wales.



Courts



Magistrates' courts (acting in their civil capacity)

County courts (where the principal proceedings involve alcohol misuse crime or disorderly behaviour by those who are party to the proceedings or could be made a party).



Length of a DBO



- 2 months - 2 years
- Different prohibitions can take effect for different time periods
- Consideration of an approved course



Is a DBO appropriate?



A DBO may not be appropriate if:

- A ban longer than 2 years is needed
- Football match related behaviour
- Domestic violence or non-molestation proceedings
- Vulnerable, drug or alcohol dependent or mental health problems
- Offending behaviour is solely related to drug use



Before making an application consult with the relevant ‘appropriate persons’:

- The **Chief Officer of Police** for the police area in which the conduct in question took place;
- The **Chief Officer of Police** for the police area in which the subject usually resides;
- Every **Local Authority** in whose area the subject usually resides;

Prohibitions



Cover the range of criminal and disorderly conduct

Be necessary to protect others/or property

Be reasonable and proportionate

Be realistic and practical

Be clear, concise and easy to understand

Be specific -location

Be specific -times

Must NOT prevent access to home; place of work, place of education, worship, training or medical treatment; place ordered to attend.

Prohibitions



Prohibitions can be proposed by the authority seeking the DBO, and/or the court can impose those prohibitions that it considers necessary.

Examples of prohibitions could include;

- *Excluding the individual from specific licensed premises*
- *Preventing the individual from entering specific areas of a town*
- *Preventing the individual from consuming alcohol in public*
- *Preventing the individual from purchasing alcohol*

Evidence



Conduct must be after the commencement of the Act

Previous convictions, cautions and PNDs can be used.

Applications must be made within 6 months of the conduct.

Hearsay evidence is permitted.



Approved courses



Recipient can be referred by the court if he/she agrees

Undertaken on a voluntary basis

Can reduce the ban by up to half

Recipient pays for their own attendance (Min £125 -Max £250)

16hrs tuition time = 3 days

Service provided by “SWADS” based in Swindon



Interim DBOs



Interim DBOs can be made if the Police/Local Authority believe that persons or property are in urgent need of protection from the individual.

Application must be accompanied by an application for a full DBO, and can last for up to 4 weeks.

Can be applied for without notice to the defendant and can be heard in their absence. This can be done only with the permission of the court.

If an interim DBO is granted, the relevant authority who applied for the is responsible for serving the individual with the order.

Publicity

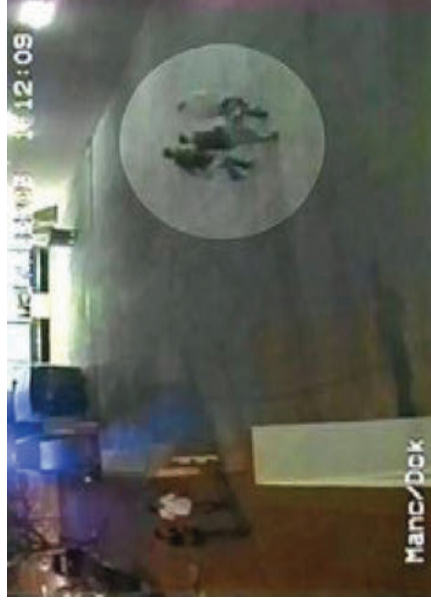


- Case by case basis
- Pubwatch
- Local Media
- No restriction on sharing of photographs, provided it is for the purpose of enforcing the order

Breach of a DBO



- Breach of a DBO without reasonable excuse is an offence.
- On summary conviction liable to a fine not exceeding £2500



DBOs on Conviction



In 25 Local Justice Areas - BUT NOT WILTSHIRE
(Consider use of exclusion legislation) as alternative.

Courts will be required to consider imposing a DBO in all cases where the offence was committed if the individual was under the influence of alcohol.

Same rules apply to DBOs on conviction as they do to those made on application. There will be instances where DBOs are not appropriate; eg football, DV.

ASBO / DBO Comparison



ASBO -Min 2yrs

No approved course

Breach = Imprisonment or
Fine

On conviction or on
application

DBO -2mths to 2yrs

Approved Course.
Reduces term by half

Breach = Fine £2500

On application or On
conviction but only in 25
areas

Licensed Premises (Exclusion of Certain Persons) Act 1980



- This Act allows the courts to make orders excluding potentially dangerous convicted persons from licensed premises.
- Where a person is convicted of an offence committed on licensed premises, the court may, if satisfied that he resorted to violence or offered or threatened to resort to violence in committing that offence, make an 'exclusion order' prohibiting him from entering those premises or any other specified premises.

Licensed Premises (Exclusion of Certain Persons) Act 1980



- Where a subject is charged with a violence or disorder offence connected with a licensed premise.
- An exclusion order is for a period of not less than three months or more than two years.
- The order needs to specify the premises and notify the licence holders.
- Administration can be picked up by Licensing Department.

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NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 29 NOVEMBER 2012 AT CIVIC CENTRE, ST STEPHENS PLACE, TROWBRIDGE, BA14 8AH IN RESPECT OF AN REVIEW OF PREMISES LICENCE - WOMAD FESTIVAL

Present:

Cllr Trevor Carbin, Cllr Jonathon Seed and Cllr Ernie Clark

Also Present:

Linda Holland, Paul Taylor (Senior Solicitor) and Stuart Figini (Democratic Services Officer)

1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor Jonathan Seed as Chairman for this meeting only.

2 Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 8 of the Agenda refers).

3 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency.

4 Declarations of Interest

There were no interests declared.

5 Licensing Application

Application by Wiltshire Police for a Review of the Premises Licence in respect of WOMAD, Charlton Park Estate, Charlton Park, Malmesbury, Wiltshire, SN16 9DG.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

The Sub-Committee heard from Mr Simon Taylor representing WOMAD who requested an adjournment on the grounds that there was significant evidence supplied by Wiltshire Police on 16 November that WOMAD had not had the opportunity to respond to for this meeting. Mr Taylor referred to the Councils procedure rules for the hearing of Licensing Act 2003 applications, in particular paragraph 3.2.3 which states that 'the Applicant has an adequate opportunity to consider and respond to any submission made by a Responsible Authority/Authorities and /or an Interested Party/Parties.' He felt that the procedure would be flawed and WOMAD would be disadvantaged if they were not given sufficient time to respond to the evidence submitted by the Police.

The Sub-Committee also heard from Ms Sarah Le Fevre, representing the Police, who confirmed that the evidence submitted on 16 November would be relied upon extensively during their submission.

The Sub-Committee adjourned the meeting between 10:45am and 11:30am to consider the request for an adjournment.

Resolved:

That the Application by Wiltshire Police for a Review of the Premises Licence in respect of WOMAD, Charlton Park Estate, Charlton Park, Malmesbury, Wiltshire, SN16 9DG be adjourned until 9:30am on Friday 14 December 2012 at Monkton Park Offices, Chippenham.

Note –

In considering the adjournment the Sub-Committee wished to register its concern at the protracted nature of the negotiations and reminded both parties that Wiltshire Council was the Licensing Authority and furthermore it was expected that both parties undertake full disclosure of relevant evidence by 5 December 2012. The Chairman emphasised that the Sub-Committee would make a decision on the Licence at the reconvened hearing on Friday 14 December 2012.

(Duration of meeting: 9.30 - 11.33 am)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, County Hall, Bythesea Road, Trowbridge, Direct Line 01225 718376, of Democratic Services, direct line , e-mail

Press enquiries to Communications, direct line (01225) 713114/713115

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NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 14 DECEMBER 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN REVIEW OF PREMISES LICENCE - WOMAD

Present:

Cllr Trevor Carbin, Cllr Jonathon Seed and Cllr Ernie Clark

Also Present:

Paul Taylor (Senior Solicitor), Stuart Figini (Democratic Services Officer) and Kate Golledge (Public Protection Manager, North and West, Safer Communities and Licensing)

6 Licensing Application

The Chairman reminded those present that this was a re-convened meeting from 29 November 2012 and that the meeting would start with submissions from Wiltshire Police as the Applicant for this Review. The Chairman emphasised that the meeting was open to the public and asked Wiltshire Police and the License holder to concentrate their submissions on the differences of opinion between the two parties.

Application by Wiltshire Police for a Review of the Premises Licence in respect of WOMAD, Charlton Park Estate, Charlton Park, Malmesbury, Wiltshire SN16 9DG

In accordance with the procedure detailed in the agenda, the Applicant and Responsible Authority (Wiltshire Police represented by Ms Sarah Le Fevre, Ms Gallimore, Superintendent Williams, Sean Cooper, Paul Laba and Chief Inspector Ewart were given the opportunity to address the Sub Committee.

Key points raised on behalf of the Applicant (Police) as the Responsible Authority by Ms Le Fevre, legal representative were:

- Made clear that Wiltshire Police did not want the Premises Licence revoked, but asked for an excellent working relationship between the Police and License holder to be re-established

- Referred to the conditions of the licence with suggestions for amendments from Wiltshire Police on 29 November 2012 which were further revised by the License holder on 11 December 2012
- Spoke about the framework for the decision by the Sub-Committee
- Confirmed that the Police were entitled to charge for Special Police Services, that an event organiser was not required to request the service from the Police and that the making of a request did not guarantee that the service would be provided – it only triggered a risk assessment by the Police.
- Referred to the premises licence, in particular the maximum occupancy on site at any one time, the contents of the Event Management Plan (EMP), certain conditions associated with the prevention of crime and disorder, and the summary of the application for review by the Police.
- Explained some of the Polices concerns which included a general reduction in Policing and associated costs, the increase in offences committed from allegations received and the level of planning undertaken for previous years' WOMAD festivals.
- Referred to a number of witness statements, including:
 - Mark Levitt, Force Resourcing Manager, Wiltshire Police – meetings of tactical groups held at the Festival, drug issues, and concern over the risks of drugs and alcohol abuse associated with the increase in the numbers of youngsters.
 - Joanne Schofield, Information Liaison Officer for the License holder about the auditing of bars on site and the records of incidents of refused service
- Referred to the different versions of the Event Management Plan – EMP
 - EMP Version 1 – Request received from the license holder for Special Police Services and the Polices response indicating the date by which a contract would have to be completed to provide sufficient time for the Police to prepare for the Festival. Police value the cost of the Special Police Service at £81,429.12
 - EMP Version 2 – A request from the license holder for a reduction in the Special Police Services suggested by the Police to a value of £50,000.
 - EMP further versions – A further request by the license holder for a reduction in the Special Police Services to a value of £26,496. A revised Police schedule cost of £53,159.20 as it was stated that the majority of Police officers were still required at the event.
 - EMP further versions - A further revised Police schedule cost of £34,945
 - EMP Version 5 – Observations of the Police on the EMP 5, in particular the types of tickets sold, drugs policy, age verification policy. The license holder comments and actions taken in response to the Police observations of EMP 5.

- EMP Version 6 – Police concerns regarding the security staff schedule and proposed a condition. The condition was amended by the Sub-Committee and forms part of condition (a) detailed below.
- Referred to the Police Licensing Officer report on WOMAD 2012:
 - Sergeant (Sgt) Scott Hargreaves explained his role at the Festival and spoke about the value of the drugs seized at the Festival in 2012.
 - Concerns about no 'Challenge 25' checks recorded at Solly's Bar and Molly's Bar.
 - The Police explained the reasons why incident records were requested from the license holder security co-ordinator
 - Chief Inspector Ewart spoke about his concerns in relation to bar supervision inside the arena, lack of staff security and issues relating to drugs
- Referred to correspondence between the Council and the license holder and the Great Western Ambulance Service and the license holder and the responses to both parties from the license holder.
- The Police explained their concerns about the quality of the security staff audits carried out by Joanne Schofield.
- Summed up the importance of the Police carrying out their role and suggested that the Sub-Committee agree to the conditions proposed by the Police.

The applicant (Police) responded to a number of questions from the Sub-Committee and the license holder. In particular the following main issues were raised:

- That there was no obligation on the license holder to ask for Special Police Services
- The extent of Policing needs at the Festival and the needs of residents generally in Wiltshire and the normal demand for Police services in the Festival area
- The Police's response should someone attending the Festival call 999
- The Police and the license holder were currently in 'live proceedings' in preparation for the 2013 Festival
- The existing licence and EMP contained a drugs policy and an underage drinking policy which the Police were satisfied with
- The Police did not make any representations on the EMP1 during the consultation period
- Concern that the timeframe of at least 28 days to negotiate Police services was not adhered to by the Police

- Questions relating to the conditions proposed by the Police and the license holder:
 - Condition 'a' - agreed
 - Condition 'b' - agreed
 - Condition 'c' - concern that the Police wish to see the EMP confirmed in writing by all responsible authorities and the Local Authority. Only the Local Authority could do this.
 - Condition 'e' - This condition was unnecessary as details about Special Police Services were contained in the EMP
 - Condition 'f' – Discussion about the legal duty to act reasonably
 - Condition 'g' – Discussion about the systems in place to calculate the maximum number of people on site during each day
 - Condition 'h' – Discussion about how long the event log should be kept for
 - Condition 'i' - concerned at the use of the word 'reasonable' by the Police

The Sub-Committee heard from three supporters of the WOMAD festival, with the main issues raised detailed below:

- Arthur Groom – Lives just across the border in Gloucestershire
 - Disputes Mr Levitt's statement of drug use and drunk behaviour at the Festival
 - Has not seen any alcohol related or drug use offences whilst attending the Festival
 - There had been an increase in teenagers at the Festival. Parents usually drop the teenagers at the site to camp overnight and then meet up again the following day
 - The license holder was engaged with local schools
 - Some of the conditions proposed for this Festival were not appropriate
- Lucy Norris – former resident of Malmesbury
 - WOMAD is a family friendly event
 - Demographic for the Festival is adults over 40 years old and teenagers
 - Its a small Festival up to a maximum of 40,000 compared to other events during the summer period for example Glastonbury and Reading
 - The atmosphere was/is amazing
 - Not seen any drug or alcohol issues
 - It is a safe environment
 - The atmosphere in 2012 was different because of the large number of Police attending
 - The public facilities were of a good standard
 - The local economy benefited from the Festival
- Dave Shepherd

- Spoke about the appropriateness of the number of Police in attendance
- There were not large numbers of young people attending the Festival in 2012
- The attendees were a group that didn't really need a lot of Policing
- Could not recall any public incidents
- There were plenty of stewards and security staff in attendance at the Festival

Key points raised by the license holder represented by (i) Simon Taylor, legal representative, (ii) Chris Smith, Director of WOMAD, (iii) Brian Schofield, Security Consultant, (iv) Joanne Schofield, Information Liaison Officer, (v) Kate Thomas, Stuart's Security

- Confirmed that the average numbers at the Festival each day were about 30,500.
- Spoke about the levels of reported crime and how the figures of actual crime on site were much lower.
- 41 incidents of crime over 4 days amongst 30,000 people and 13 incidents of alcohol problems for under 18's over the 4 days did not represent a significant problem
- The license holder questioned whether they were receiving value for money from the level of personnel provided by the Police especially when the cost of hiring 3.8 security personnel was the same as 1 Police officer
- Explained about the increase in security staff for the 2012 Festival and therefore a reduction in the numbers of Special Police Services required
- There were no drug offences or arrests on the Sunday or Monday and very few offences between Thursday and Saturday of the Festival
- It was felt that the Police misunderstood the Policy on Cannabis and any evictions should be carried out by the license holder and not the Police.
- The Council had expressed no concerns about the bars on site and commented on them being exemplary
- The license holder supported the Challenge 25 policy and assisted with its enforcement
- Joanne Schofield, Information Liaison Officer for the license holder confirmed that the auditing of bars on site was introduced for 2012 but not part of the EMP
- All the policies contained in EMP9 were implemented
- It was suggested by the license holder that the majority of concerns expressed at the meeting by the Police were unwarranted, but that the license holder was not complacent and continued to make improvements to the procedures and policies year on year
- Suggested that the conditions proposed by the license holder were reasonable and asked the Sub-Committee to adopt them

The license holder had the opportunity to respond to a number questions from the applicant (Police) and the Sub-Committee. In particular the following main issues were raised:

- Mrs Schofield explained that the schedule of security prepared for the Festival mentioned that all licensed bars should have SIA security staff in attendance and that she undertook voluntary spot checks over the weekend, however there were no spot checks on the Sunday
- Kate Thomas, Stuart's Security explained the process and action taken when drugs were either seized from an individual or given up voluntarily
- The health statistics referred to in Exhibit G of Chris Smith's witness statement were received from the Red Cross

The applicant (Police) then took the opportunity to sum up their main points detailed above. The license holder felt that they had fully expressed their opinions and raised appropriate issues adequately during their presentation and declined the opportunity to sum up.

The Sub-Committee then retired to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

Resolved:

The Northern Area Licensing Sub-Committee agreed to amend the Premises Licence for WOMAD, Charlton Park Estate, Charlton Park, Malmesbury, Wiltshire SN16 9DG by the additional of the following conditions:

- a. The Licence Holder shall submit an Event Management Plan for each event to all Responsible Authorities for consultation not later than the date falling six months prior to the commencement of the event. The Event Management Plan submitted shall include a full schedule of security, registered and non-registered, detailing the deployment role, location and span of hours to the satisfaction of Licensing Authority.
- b. The Licence Holder shall attend a meeting of the safety advisory group or any successor body (SAG) convened by the Licensing Authority (with a minimum of 14 days prior written notice) within two calendar months of the initial submission of the Event Management Plan.
- c. The Licence Holder shall ensure that the proposed final version of the Event Management Plan is sent to all Responsible Authorities and to the Licensing Authority within one calendar month of the SAG meeting. The

event shall not take place unless and until the Licensing Authority confirms in writing that it is satisfied with the Event Management Plan.

- d. No amendments shall be made to the Event Management Plan that, in the view of the Licensing Authority, impact upon any of the four licensing objectives later than two calendar months prior to the event, without the written consent of the Licensing Authority.
- e. The Licence Holder will assess the safety and security arrangements for each event and if the Licence Holder decides that it needs special police services under section 25(1) of the Police Act 1996, the Licence Holder will make a request for special police services to Wiltshire Police by the date falling 3 months prior to the commencement of the event. After the date falling 3 months prior to the commencement of each event, the Licence Holder may vary its request for special police services (which includes making a request for special police services if such a request has not been made by the date falling 3 months prior to the commencement of the event) if there needs to be a material change to the safety and security arrangements for the event that has been notified (together with the reason for the change) to Wiltshire Police.
- f. To replace existing condition:
 - a. A drugs policy shall form part of the Event Management Plan and must include detailed procedures to the satisfaction of the Licensing Authority in consultation with Wiltshire Police. The policy shall include –
 - A prevention plan
 - Search plan
 - Seizure and security plan
 - Amnesty plan
 - Recording system
 - Entry/re-entry procedure
- g. The Licence Holder shall ensure that an effective system is in place whereby the maximum number of persons present at the event can be calculated to a reasonable degree of accuracy for each day of the event. This information is to be made available on reasonable notice to the Licensing Authority and relevant Responsible Authorities both during the event and thereafter.
- h. The Licence Holder shall maintain an event log recording all incidents during the event, the record will include:
 - Dates and times of the incident
 - Details of the person/s who dealt with the incident
 - Description of the incident and details of those involved
 - Any action taken as a result of the incident

Subject to Data Protection and confidentiality obligations, incident records will be made available to an authorised officer of Wiltshire Police and or Wiltshire Council on request both during the event and thereafter.

Reasons

This sub-Committee has noted the time and effort devoted to this application and as a result is imposing conditions to enable the licence holder to adequately promote the four licensing objectives.

The Sub-Committee wishes to make it clear that Wiltshire Council are the Licensing Authority and are imposing these conditions in order to retain authority over the licence formulation process.

The Sub-Committee felt it was appropriate to impose conditions 'a-e' above to ensure the proper planning of the event.

The Sub-Committee believe that condition 'f' is necessary to address the concerns over drug use raised by Wiltshire Police.

Condition 'f' is replacing existing condition 'a' on the licence.

Condition 'g' is imposed to ensure that appropriate action can be taken in the event of a major incident or emergency.

Condition 'h' is imposed in the interests of Crime Prevention and detection.

In reaching its decision, the Sub-committee took into account the evidence, both oral and written, presented by the parties . They also had regard to the relevant provisions of the Guidance issued under s.182 of the Licensing Act 2003 and the Council's Statement of Licensing policy.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. The decision does not come into effect until the appeal period has elapsed or, if an appeal is made, until that appeal has been finally disposed of.

The meeting was adjourned at the following times:

11.50am – 12:00 noon

1:30pm – 2.05pm

3:15pm – 4:20pm

(Duration of meeting: 9.30 am - 4.25 pm)

The Officer who has produced these minutes is Stuart Figini, Democratic Services Officer, 01225 718376, email: stuart.figini@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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WILTSHIRE COUNCIL

LICENSING COMMITTEE

18th FEBRUARY 2013

STREET COLLECTIONS POLICY

Executive Summary

This report is to seek Members' views on the need to review and amend the Council's current Policy in relation to Street Collections.

Recommendations

It is recommended that:

The Licensing Committee consider the detail of the current Policy on Street Collections attached as Appendix 1.

The Licensing Committee agree to the proposed changes to the Council's current Policy in relation to Street Collections Attached as Appendix 2.

Reason for Proposal

To provide some flexibility in the number of days one charity can carry out collections on the streets throughout the Wiltshire Council area.

Author: Kate Golledge, Public Protection Manager – Licensing North & West
Corporate Director Maggie Rae

Contact Details: kate.golledge@wiltshire.gov.uk 1249 706687

Purpose of Report

1. This report is to seek Members' views on the need to review and amend the Council's current Policy in relation to Street Collections.
2. It outlines the performance of street collections under the current policy and highlights the challenges that deviating from the existing policy may bring.

Background

3. At its meeting on the 6th February 2012 the Licensing Committee approved a new harmonised street collections policy for the Wiltshire Council area. The new policy and the associated Regulations were implemented by the Licensing service from the 1st April 2012.
4. From the 1st of April 2012 to the end of December 2012 nine hundred and seventy two street collections have been permitted across the Wiltshire Council area.
5. During this time period the Council received one complaint from a local branch of a national charity that they wanted more than the two days permitted to collect money in the streets of the Wiltshire Council area.
6. No complaint was received from the administration team of the charity's head office and no other local branch contacted the Council to object to the two days that had been permitted.
7. In contrast the Council received six complaints from members of the public concerning the number of charity collectors present on the streets of Wiltshire. The current policy allows a charitable collection to be carried out on streets in the Wiltshire Council area seven days a week, fifty two weeks of the year.
8. It should be borne in mind that street collect permits only control charitable collections on publicly maintained Highway. A permit is not required to carry out Direct Debit sign-up for charitable donations; however the public often view all collectors in the same light. Charitable collections can be carried out on private land and buildings without the need to obtain a permit from the Licensing Authority.
9. In the current economic climate all charities are facing difficulties in raising funds; this has been reflected in the return amounts that the Council are receiving from the collections that have been permitted.
10. The current Policy allows equal access to collect money on all streets of Wiltshire to all charities regardless of whether they support local or national causes. The introduction of additional collection days for one charity over another could be construed as favouritism .If however the suggested change is made to the existing Policy it would allow additional days where requested if no other permit has been granted on the same dates .

11. The implementation of Wiltshire Council's harmonised Policy over the last nine months has allowed for equitable access to all charities across the County of Wiltshire, with no singular charity being favoured over another.

Risk Assessment

12. If the Licensing Authority deviates from the existing Policy there is a risk that the Council could be accused of favouritism and be open to challenge.

Financial Implications

None

Legal Implications

A policy does not have the same status as a formal statutory requirement and it is always permissible to make exceptions to an adopted policy, where justified by the individual circumstances of a particular case.

Conclusion

It is recommended:-

The Licensing Committee do amend the current Street Collection Policy to allow additional collection days if no other permits have been granted for the same days or locations.

Background Papers

- Model Regulations

Appendices

Appendix 1 –Current Wiltshire Council Street Collection Policy
Appendix 2- proposed amended policy

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STREET COLLECTION POLICY

1. Applications must be submitted in writing no later than one month prior to the date of the collection. Permits will be issued on a first come first served basis.
2. In the event of a national or international disaster the Licensing Officer may grant a permit to hold a collection at short notice.
3. The Council would like to encourage Direct Debit collectors to inform the Authority of when they will be collecting mandates in their area, to try and ensure that there is not a conflict with another permitted collection.
4. Each charity can apply for two street collections per town or village per year. Each collection will last no more than the duration of one whole day.
5. Only one collection per town or village per day is permitted except in exceptional circumstances.
6. A year runs from January to December and street collections are permitted on any day of the week for the times of the day applied for.
7. Each permit may cover multiple towns.
8. In relation to Carnivals, if an application is received for a day that has already been allocated, should the timings not coincide the permit will be granted.
9. Table Top Sales applications must be supported by Public Liability Insurance covering the date and nature of the event. The Oxford Dictionary definition of Table Top Sale is *'an occasion when participants sell unwanted possessions from tables, especially one where at least some of the proceeds go to charity'*.
10. Any application where it is proposed to use any structure, table, 'A' board etc., in conjunction with a street collection must be supported by Public Liability Insurance and written permission of the landowner and or Highways Authority.
11. Cadets, Boy Scouts, Girl Guides and members of similar organisations are permitted to collect for their particular organisation, but must not be less than 11 years old, must collect or sell under the direct supervision of an adult and dress in the uniform of their organisation.
12. If the applicant is wishing to carry out a collection on private land, permission from the landowner must be requested and agreed. A permit from Wiltshire Council is not required.

This Policy covers the whole of the Wiltshire Council area.

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This Policy covers the whole of the Wiltshire Council area.

WILTSHIRE COUNCIL

LICENSING COMMITTEE

18th FEBRUARY 2013

GUIDANCE ON FIT AND PROPER PERSONS

Executive Summary

This report informs members of the Licensing Committee of the need for amendments to the Council's policy regarding consideration of criminal records for existing Hackney Carriage drivers, Private Hire drivers and Operators.

Recommendations

It is recommended:-

That the Licensing Committee notes and approves the proposed amendments to the Council's policy on the relevance of convictions for Hackney Carriage drivers, Private Hire drivers and Operators.

Reason for Proposal

To provide a consistent, transparent and legally robust Policy.

Author: Mrs. Kate Golledge, Licensing Manager North and West Wiltshire

Contact Details: kate.golledge@wiltshire.gov.uk

Purpose of Report

1. At the Licensing Committee meeting on the 26 May 2010, Members approved a new set of conditions for Hackney Carriage (taxi), Private Hire drivers, operators and vehicles. As part of the new harmonised regime a consistent policy on considering drivers convictions is required. At the Licensing Committee meeting on the 30th November 2010, Members approved the current Guidance on the relevance of convictions for Hackney Carriage drivers, Private Hire drivers and Operators.

Background

2. This report details amendments that need to be made to the Council's current policy to consider an applicant's criminal record and the relevance of that record when determining if that person is a "fit and proper" person to hold a Hackney Carriage driver, Private Hire driver or operator licence.
3. Wiltshire Council has a statutory duty under the Town Police Clauses Act 1847, the Transport Act 1985 and the Local Government (Miscellaneous Provisions) Act 1976 to licence Hackney Carriage drivers, Private Hire drivers and operators. Under this legislation the council shall not grant a Hackney Carriage driver, Private Hire driver or operator's licence unless it is satisfied that the applicant is a "fit and proper person".
4. In order to achieve consistency and avoid the risk of successful legal challenge, Local Authorities need to have a clear policy for the consideration of criminal records.
5. Where licensing officers have delegated powers to grant, refuse, suspend or revoke licences they will utilise the guidelines laid down in the policy when making a decision.
6. It is proposed that the current policy and guidelines detailed in Appendix 1 is amended to include the additional offences as detailed in Appendix 2 attached to this report and are approved by the Licensing Committee.

Environmental Impact

7. There is minimal environmental impact of this proposal.

Equality and Diversity

8. The impact of these proposals is assessed as `medium` against the Council's statutory responsibilities. The adoption of an amended policy and guidelines will ensure a fair and consistent application across the Wiltshire Council area.

Risk Assessment

9. If the Council operates without a ratified, robust and consistent policy, it could be open to successful legal challenge over its decision making and so impact on the council's reputation.

Financial Implications

10. Significant legal costs could be involved if the council were faced with a successful legal challenge, this would include compensation for loss of trade and goodwill amongst other costs.

Legal Implications

11. Ratification of the amended, harmonised policy will reduce the risk of legal challenge to the licensing process.

Conclusion

12. It is recommended: -
 - a) That the proposed amended policy on the relevance of convictions for Hackney Carriage drivers, Private Hire drivers and operators is ratified for adoption by the Licensing Committee.

Background Papers

Local Government Regulation Taxi and PHV Licensing `Criminal Convictions` Policy - September 2010

Appendices

Appendix 1. Current Statement of Policy for existing Hackney Carriage and Private Hire Drivers licences.

Appendix 2. Proposed Amendments to Current Statement of Policy for existing Hackney Carriage and Private Hire Drivers licences.

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GUIDELINES OF THE RELEVANCE OF CONVICTIONS AND THE SUSPENSION OR REVOCATION OF EXISTING HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCES

General Legislation

Under Section 50 Town Police Clauses Act 1847 Wiltshire Council may, upon conviction for the second time of the proprietor or driver of any such hackney carriage for any offence under the provisions of this or the special Act with respect to hackney carriages, or any byelaw made in pursuance thereof, suspend or revoke, as they deem right, the licence of any such proprietor or driver.

Under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, Wiltshire Council may suspend, or revoke or refuse to renew a driver's licence, if since the licence was issued, the driver is convicted of:

- An offence involving dishonesty, indecency or violence
- An offence under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976
- Or any other reasonable cause

Where Wiltshire Council suspend, revoke or refuse to renew a licence Under Section 61, they will give to the driver a notice of the grounds on which the licence has been suspended, revoked or not renewed, within 14 days. The suspension or revocation takes effect at the end of a period of 21 days beginning with the day on which the notice is served on the driver.

Any driver aggrieved by a decision of Wiltshire Council has a right of appeal to the Magistrates' Court. The appeal must be lodged within the 21 days of the notice being served on the driver and until the time of appealing has expired or when an appeal is lodged and until the time the appeal is heard, the driver may continue to work.

If it appears that in the interests of public safety it requires the suspension or revocation of the licence to have immediate effect, the notice given to the driver will include a statement that this is so and an explanation why. The suspension or revocation will take effect as soon as the notice is served on the driver, even though an appeal may be lodged.

General Policy

Each case will be decided on its own merits. The suspension, revocation or refusal to renew a licence is a serious matter and Wiltshire Council will always consider the full facts of the case and any mitigating or other circumstances, before making a decision.

If the offence is isolated and there are mitigating circumstances, some discretion may be appropriate when deciding on the period of suspension or revocation, but in every case the overriding consideration will always be the safety and protection of the public.

The following examples afford an illustration of the likely response of the Council, when offences are committed or unacceptable behaviour/conduct takes place.

Traffic Offences

(Please note a list of Minor, Major and Hybrid Offences are attached as Annexes). A Hybrid offence will be treated as a major traffic offence if the court awarded 4 or more penalty points for the offence and as a minor traffic offence if the court awarded 3 or less penalty points for the offence.

Licensed drivers of hackney carriages and private hire vehicles are responsible for the safety of members of the public who travel in their vehicles. A serious view will always be taken if evidence is obtained or information comes to light of a driver committing or being convicted of a major traffic offence. In these circumstances and after consideration of the circumstances and seriousness of the offence involved, a hackney carriage or private hire driver licence could be suspended for any period between 14 and 56 days.

If a licensed driver is convicted of committing any traffic offence and accrues sufficient penalty points to require a period of disqualification (totting up) then in these circumstances his hackney carriage or private hire driver licence will be suspended as follows:

- If the disqualification period is less than 28 days, it will be the period of disqualification plus 14 days.
- If the disqualification period is between 28 days and 3 months, it will be the period of disqualification plus 28 days.
- If the disqualification period is between 3 months and 6 months, it will be the period of disqualification plus 56 days.

If the disqualification period is for any period over 6 months the hackney carriage or private hire driver licence will be revoked from the date of the conviction. Any application for a new licence will not be considered until a period of at least 12 months has elapsed from the date of revocation plus any period of disqualification imposed by the court.

In cases where disqualification is considered by the court, but because of 'exceptional circumstances' they decide not to disqualify a driver, the following will apply:

- After considering the full circumstances of the case, including the 'exceptional circumstances' considered by the court, if it is felt appropriate a driver's licence may be suspended for a period not exceeding 28 days.
- If a decision is made not to suspend a driver's licence, an official warning should be served on the driver informing him/her that if any further driving offences are committed during a period of 6 months from the date of conviction, his/her licence may be suspended for a period not exceeding 28 days.

Driving Without Insurance

A serious view will always be taken of an offence of driving without insurance. Licensed drivers of hackney carriages and private hire vehicles are responsible for the safety of members of the public who are travelling in their vehicles.

If a licensed driver is convicted or evidence is obtained of him/her committing this type of offence the following will apply:

- If the offence is committed whilst driving a vehicle other than a licensed vehicle, his/her licence will be suspended for 56 days from either the date of the conviction or the date the offence is committed or came to notice on, plus any period of disqualification imposed by the court.
- If the offence is committed whilst driving a licensed vehicle, his/her licence will be revoked from either the date of the conviction or the date the offence is committed or came to notice on. Any application for a new licence will not be considered until a period of at least 6 months has elapsed from the date of revocation plus any period of disqualification imposed by the court.
- If the offence is committed whilst driving a licensed vehicle, which he/she is also the owner, his/her licence will be revoked from either the date of the conviction or the date the offence is committed or came to notice on. Any application for a new licence will not be considered until a period of at least 18 months has elapsed from the date of revocation plus any period of disqualification imposed by the court.

Driving Under the Influence of Drink or Drugs

A very serious view will be taken of convictions of driving or being in charge of a vehicle whilst under the influence of drink or drugs or failing to provide a specimen for analysis.

If a licensed driver is convicted of this type of offence the following will apply:

- A driver convicted of this type of offence, whilst driving or being in charge of a vehicle other than a licensed vehicle, will have his/her licence revoked from the date of conviction. Any application for a new licence will not be considered until a period of at least 3 years has elapsed from the date of conviction plus any period of disqualification imposed by the court.
- A driver convicted of this type of offence, whilst driving a licensed vehicle, will have his/her licence revoked from the date of conviction. Any application for a new licence will not be considered until a period of at least 4 years has elapsed from the date of conviction plus any period of disqualification imposed by the court.

Drugs

A serious view will always be taken of a conviction for any offence involving drugs. Licensed drivers are responsible for the safety of members of the public who are travelling in their vehicles.

A driver convicted of a drug related offence will have his/her licence revoked from the date of conviction. Any application for a new licence will not be considered until a period of at least 3 years has elapsed from the date of conviction.

If evidence is obtained of a licensed driver committing or being involved in a drug related offence or incident, then serious doubts should be raised as to his/her suitability to continue to hold a licence. Although each case will always be considered on its own merits, the Council will always retain the discretion to revoke a licence with the overriding consideration being the safety of the public. If a licence is revoked any application for a new licence will not be considered until a period of at least 3 years has elapsed from the date of revocation.

If there is any evidence to suggest that a driver may be a user of or dependant on drugs, a special medical examination should be arranged. Depending on the medical evidence and advice given then serious consideration should be given as to the driver's suitability to continue to hold a licence. Although each case will always be considered on its own merits, the Council will always retain the discretion to revoke a licence with the overriding consideration being the safety of the public. If a licence is revoked any application for a new licence will not be considered until at least 6 years has elapsed from the date of revocation and after any treatment has been completed.

Indecency/Sexual Offences

Drivers of hackney carriages and private hire vehicles often carry unaccompanied passengers and a serious view will always be taken of a conviction for any indecency or sexual offence.

A driver convicted of an indecency or sexual offence will have his/her licence revoked from the date of conviction. Any application for a new licence will not be considered until a period of at least 5 years has elapsed from the date of conviction.

If evidence is obtained of a licensed driver committing or being involved in any offence or incident involving indecency or of a sexual nature, then serious doubts should be raised as to his/her suitability to continue to hold a licence. Although each case will always be considered on its own merits, the Council will always retain the discretion to revoke a licence with the overriding consideration being the safety of the public. If a licence is revoked any application for a new licence will not be considered until a period of at least 5 years has elapsed from the date of revocation.

Dishonesty

Licensed drivers are expected to be persons of trust and for this reason a serious view will always be taken of any convictions involving dishonesty.

A driver convicted of any offence involving dishonesty will have his/her licence revoked from the date of conviction. Any application for a new licence will not be considered until a period of at least 3 years has elapsed from the date of conviction.

If evidence is obtained of a licensed driver committing or being involved in any offence of dishonesty, serious consideration should be given as to his/her suitability to continue to hold a licence. Although each case will be considered on its own merits, the Council will always retain the discretion to revoke a licence with the overriding consideration being the safety of the public. If a licence is revoked any application for a new licence will not be considered until a period of at least 3 years has elapsed from the date of revocation.

Violence

Licensed drivers maintain a close contact with the public and because of this a serious view will always be taken of any convictions involving offences of violence.

A driver convicted of a minor offence of assault, such as common assault, can expect his/her licence to be suspended for a period of time ranging from 28 to 56 days depending on the circumstances of the offence. The suspension will run from the date of conviction.

A driver convicted of an offence of actual bodily harm will have his/her licence revoked from the date of conviction. Any application for a new licence will not be considered until a period of at least 2 years has elapsed from the date of conviction.

A driver convicted of a more serious offence of assault such as grievous bodily harm, wounding, Racially-aggravated offence, will have his/her licence revoked from the date of conviction. Any application for a new licence will not be considered until a period of at least 5 years has elapsed from the date of conviction.

If evidence is obtained of a licensed driver committing or being involved in any offence of violence consideration should be given to suspending or revoking his/her licence. Although each case will be considered on its own merits, the Council will always retain the discretion to suspend or revoke a licence with the overriding consideration being the safety of the public. Depending on the seriousness of the offence, if a licence is suspended it will be for a period of time ranging from 28 to 56 days. If a licence is revoked any application for a new licence will not be considered until a period of at least 2 years has elapsed from the date of revocation.

Criminal Damage

A driver convicted of a minor offence of criminal damage can expect his/her licence to be suspended for a period of time ranging from 28 to 56 days depending on the cost of the damage caused. The suspension will run from the date of conviction.

A driver convicted of a serious offence of damage such as arson will have his/her licence revoked from the date of conviction. Any application for a new licence will not normally be considered.

Unacceptable Behaviour

A licensed driver should always behave in a civil and orderly manner at all times when dealing with passengers or members of the public, including other drivers of hackney carriage or private hire vehicles.

A driver convicted or cautioned of any discriminatory offence may have his/her licence suspended or revoked depending on the circumstances of the case.

A driver convicted of offences such as Drunk & Incapable, Drunk & Disorderly or Conduct Likely to Cause a Breach of the Peace may have his/her licence suspended or revoked depending on the circumstances of the case.

The period of suspension will be a period of time ranging from 28 to 56 days. If the licence is revoked any application for a new licence will not be considered until a period of at least 12 months has elapsed from the date of conviction.

Police Cautions

A Police Caution is considered and administered when a person comes to the notice of the Police for the first time. A formal caution is only offered if there is sufficient evidence to lead to a prosecution and the offender admits his/her guilt.

If a driver receives a formal Police Caution it will be viewed as a conviction. The relevant offence/conviction will then be considered in line with these guidelines relating to the relevance of convictions.

Pending Offences

A driver is required to disclose details of any incident where he is arrested by the Police and/or details of any charges pending against him/her.

In the majority of cases no action will be taken until the result of the Police investigation is known and the driver is charged or cleared of the relevant offence(s). If a conviction follows it will be considered in line with these guidelines relating to the relevance of convictions.

However if it appears that in the interests of public safety the offence(s) require the suspension/revocation of the licence to have immediate effect, the driver will be served with the relevant notice as explained under the paragraph ' General Legislation'.

MINOR TRAFFIC OFFENCES

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street Offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver etc
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a 'Stop' sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign
Aiding, abetting, counseling or procuring	Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)
Causing or permitting	Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)
Inciting	Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

MAJOR TRAFFIC OFFENCES

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA20	Attempting to drive while disqualified by order of court
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive.
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle
Aiding, abetting, counselling or procuring	Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)
Causing or permitting	Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)
Inciting	Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)

HYBRID TRAFFIC OFFENCES

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence
Aiding, abetting, counselling or procuring	Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)
Causing or permitting	Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)
Inciting	Offences as coded above, but with 0 changed to 6 (e.g. CU10)

1st September 2010.

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Amendment to “Guidelines of the Relevance of convictions and the suspension or revocation of existing hackney carriage and private hire driver licences” to include offences against the Town and Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and the Health Act 2006.

Lending or parting with a hackney carriage or private hire driver’s licence or knowingly allowing an unlicensed driver to drive a licensed hackney carriage or private hire vehicle.

Licensed drivers are responsible for the safety of the passengers that they carry and therefore must be a fit and proper person. In order to assess the suitability of a driver an enhanced CRB check and a Group 2 medical is required. An unlicensed driver will not have undergone these checks and will also not be insured to drive a licensed hackney carriage or private hire vehicle.

If a licensed driver has lent their hackney carriage/private hire drivers badge to an unlicensed driver or has knowingly employed an unlicensed driver to drive a licensed hackney carriage or private hire vehicle they are committing an offence.

If it is the first offence that the licensed driver has committed, his/her licence will be suspended for a period of time ranging from 28 to 56 days.

If the licensed driver has committed this offence on more than one occasion, his/her licence will be revoked. Any new application for a licence will not be considered until a period of at least 12 months has lapsed from the date that the offence took place.

Continuing to drive a licensed hackney carriage/private hire vehicle without a current hackney carriage/private hire driver’s licence.

If a driver has failed to renew their licence and it expires, they must not drive a licensed hackney carriage or private hire vehicle. If a driver continues to drive a licensed vehicle they commit an offence and will also be uninsured.

Any driver found driving with an expired hackney carriage/private hire drivers licence will not be granted a licence upon renewal.

Any new application for a licence will not be considered until a period of at least 6 months has lapsed from the date that the offence took place.

Interfering with a taxi meter

Licensed drivers or hackney carriage and private hire vehicles are expected to be trustworthy persons. To knowingly tamper with a taxi meter is an act of fraud and dishonesty and as such any driver found committing this offence is subject to having their licence suspended for a period no longer than 28 days.

If a licensed driver has committed this offence on a second occasion his/her licence will be suspended for a period of time ranging 28 to 56 days.

If a third offence of this nature is committed the driver will have his/her licence revoked. Any new application for a licence will not be considered until a period of at least 12 months has lapsed from the date that the offence took place.

Failure to provide information/obstruction of an authorised officer or constable.

Each case will be decided on its own merits depending on the seriousness of the offence. After considering the full circumstances of the case, including any 'exceptional circumstances' if it is felt appropriate a drivers licence may be suspended for a period not exceeding 28 days.

If the obstruction or failure to provide information to an authorised officer or constable has resulted in the compromise of a person's safety, a decision may be taken to either revoke a driver's licence or increase the suspension period up to a maximum of 56 days, depending on the circumstances of the case.

If a licence has been revoked, any new application for a licence will not be considered until a period of at least 6 months has lapsed from the date that the offence took place.

Making a false statement or withholding information to obtain a hackney carriage/private hire drivers badge or a private hire operator's licence.

If the licence was issued to somebody who is not eligible to hold such a licence, the licence will be revoked.

This is an act of dishonesty. (Refer to section on dishonesty for timescales on considering a new application)

Smoking in a licensed hackney carriage or private hire vehicle.

Smoking in a licensed hackney carriage or private hire vehicle is a prosecutable offence against the Health Act 2006. Smoke free legislation was created to safeguard employees and members of the public from the harms of passive smoke inhalation.

If a licensed driver has been found smoking in a licensed vehicle they will be issued with a fixed penalty notice on the first two occasions.

If they have been found committing the same offence on a third occasion the drivers licence will be suspended for 14 days.

If a driver has been found smoking on a fourth occasion their hackney carriage/private hire drivers licence will be revoked.

Any new application for a licence will not be considered until a period of at least 12 months has lapsed from the date that the offence took place.

**WILTSHIRE COUNCIL
LICENSING COMMITTEE**

18TH FEBURARY 2013

LICENSINGACT2003

Guidance to Town and Parish Councils on making Representations

Executive Summary

This report informs Members on the Guidance drafted by the Licensing service to aid Town and Parish Councils in how to make representation to the Licensing Authority in connection with applications received under the Licensing Act 2003.

Recommendations

It is recommended:

- That the Licensing Committee notes this report and agree the proposed Guidance and instruct the Licensing service to include the finalised Guidance into the next Town and Parish Newsletter and embed it in the licensing guidance on the Wiltshire Council website.

Reason for Proposal

Encourage and aid effective local engagement in the Statutory Licensing process.

Author: Kate Golledge, Public Protection Manager, Licensing, Public Protection Services.

Corporate Director: Maggie Rae

Contact Details: kate.golledge@wiltshire.gov.uk

Purpose of Report

To inform Members of the proposed Guidance to Town and Parish Councils on how to make effective representations in connection with Licensing Act 2003 applications.

Background

At its meeting on the 14th September 2012 the Chair of the committee reported that concerns had been raised by some Town and Parish Councils concerning how they could become more involved in making representations in relation to applications made under the Licensing Act 2003. The Act changed in April 2012 to remove the vicinity test, the consequence of this change means that any person or body including Town or Parish Council can make a representation in relation to a licensing Act 2003 application regardless of where they are located.

The Licensing service were tasked with producing draft guidance to aid Town and Parish Councils concerning representations in connection with Licensing Act 2003 applications to present to Members of the Licensing Committee prior to them being circulated more widely.

The draft Guidance is attached to this report as appendix A.

Environmental Impact

None

Equality and Diversity

If Town and Parish Councils have been given effective advice through the use of Guidance notes on how to make representations in connection with Licensing Act 2003 applications, better local engagement and subsequent licensing decisions can be made.

Risk Assessment

If effective guidance is not available to the Town and Parish Councils there is a risk that local views on Licensing Act 2003 applications will not be heard.

Financial Implications

If more representations are received from Town and Parish Councils concerning Licensing Act 2003 applications there is the potential for the need to hold more subcommittee hearings which will increase the costs to Wiltshire Council.

Legal Implications

None

Conclusion

It is recommended:-

Following consideration of the draft Guidance the Licensing Committee Members agree the Guidance.

Once agreed the Guidance will be distributed to all Town and Parish Councils via the Newsletter.

The Guidance will be included on the Wiltshire Council website.

Background Papers

- The Licensing Act 2003
- The Police Reform and Social Responsibility Act 2011

Appendices

Appendix A. Draft Guidance to Town and Parish Councils on Representations made in Connection with Licensing Act 2003 Applications.

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Guidance Notes To Town and Parish Council's On Making a Representation Licensing Act 2003

On 25 April 2012, the Home Office made amendments to the Section 182 Guidance of the Licensing Act 2003.

One of the amendments was the removal of the "vicinity test" when making a representation against an application for a new premises licence or a variation of an existing premises licence. This change in the law now allows representations to be made by any individual, body or business, including Town and Parish Councils, which has grounds to do so. This removes the requirement whereby a representation must come from a person or business within a prescribed distance from the premises submitting the application.

Town and Parish Councils can now make a representation for or against an application for a premises licence without necessarily having to represent an individual living in or business located in the vicinity.

When making a representation equal consideration should be given to both the day and night time economies.

Unless the premises is located in a declared Cumulative Impact Zone the fact that you may think that there are enough licensed premises in the area already will not be deemed to be a relevant representation against an application.

For a representation to be relevant it must relate to one or more of the Licensing Objectives.

The licensing objectives

1. Prevention of crime and disorder

Criminal activity or conduct that seriously offends against social morality and public order.

An example of this would be serving somebody who was already inebriated and/or supplying so much alcohol that the person would create disorder such as urinating or vomiting in the street.

2. Public safety

The public safety objective relates to the physical safety of persons using the premises and not with public health. Public Health is a Responsible Authority in their own right and can make a representation should they deem it appropriate to do so.

For example the safety of patrons attending a premise that was holding a foam party.

3. Prevention of public nuisance

Public nuisance is the interruption of a person's comfort and convenience. This should be balanced against the benefits to be derived from the leisure amenity of such premises.

An example of public nuisance would be continuous loud music, bright lights or obnoxious smells emanating from the licensed premises that would interrupt persons or businesses ability to comfortably carry out their daily activities.

4. Protection of children from harm

Protecting children from “moral, psychological and physical harm”

An example of this would be underage alcohol sales or showing age rated films to underage persons.

(N.B, Planning related issues are not covered by the four licensing objectives. Planning issues should be raised with the planning department as they are a Responsible Authority and may submit a representation if it is deemed appropriate.)

Relevant representations

A representation must be relevant. A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant.

Representations must relate to the impact of licensable activities carried on from the premises on one or more of the four licensing objectives.

For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.

Representation must be balanced and proportionate

Representations must be balanced and proportionate and must not be frivolous or vexatious. The licensing authority will consider the main effect of the representation and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification.

Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

The licensing authority must not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement.

All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

The authority's determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

How to make a representation

- Representations must be made clearly in writing stating the reasons for objection
- They must relate to at least one of the four licensing objectives
- It must be specific to the premises and the application
- It must be submitted within the legal consultation period (this will be printed on the blue notices outside the premises, and in a locally circulating publication and on the Council's website)

What happens when a representation is made?

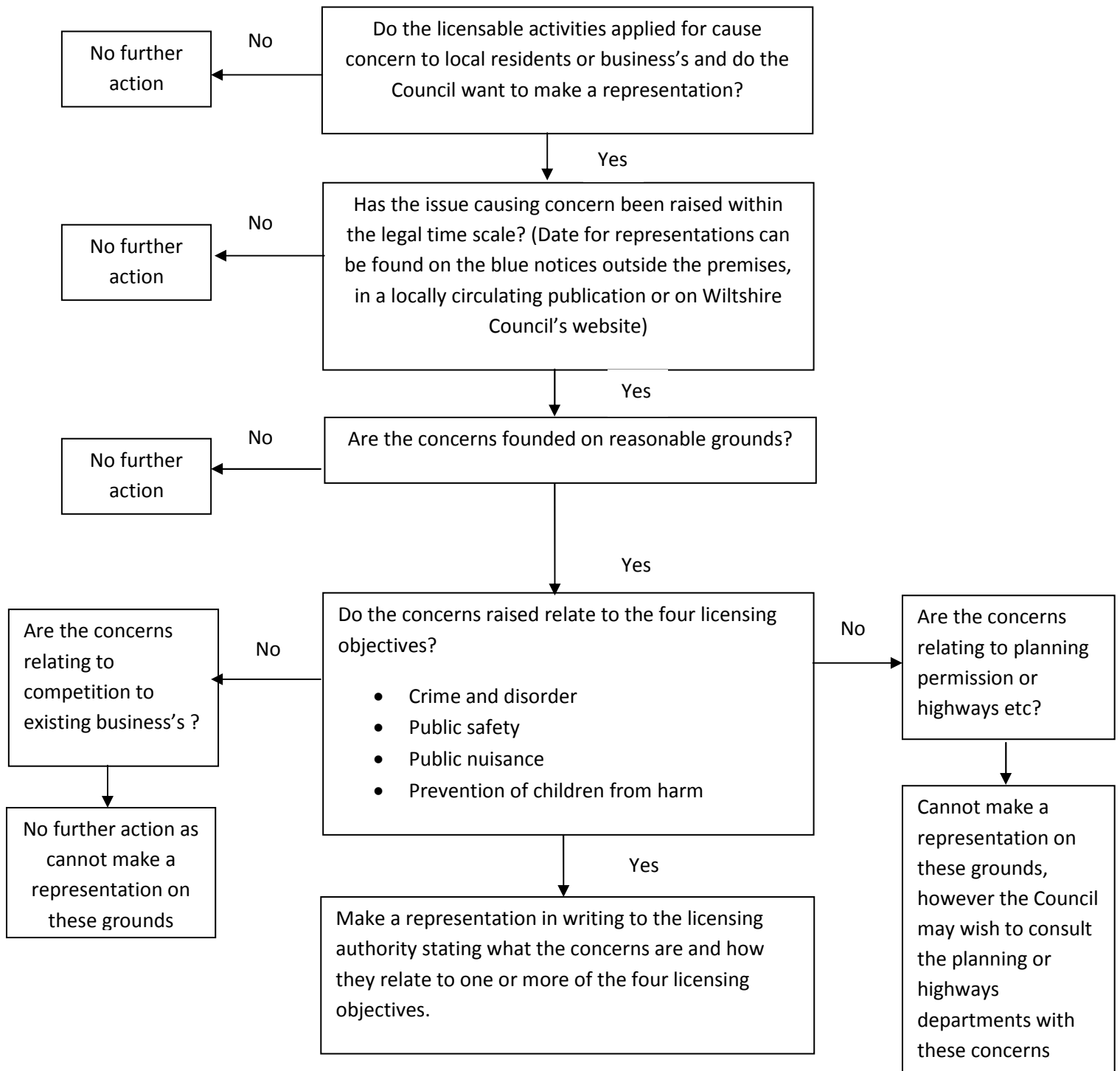
Once a representation is made the licensing authority will decide whether it is a relevant representation or not. If the representation does not relate to the four licensing objectives or if it is frivolous or vexatious it will be rejected and the person who made the representation will be informed why it has been rejected. If however the representation is deemed relevant, the application for the premises licence or the variation of a premises licence will be determined by the licensing committee or sub-committee at a hearing.

Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

The applicant may take into the consideration the representations and offer to negotiate with you to resolve your concerns. If the person or body making the representation accepts this, they can withdraw the representation. Representation must be withdrawn 24 hours before the first day of any hearing.

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Points to consider when making a representation



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WILTSHIRE COUNCIL

LICENSING COMMITTEE

18TH FEBURARY 2013

LICENSING ACT 2003

Home Office Consultation On Proposed Changes To Statute In Connection With The Governments Alcohol Strategy

Executive Summary

This report informs Members on the response of the Licensing Authority to the current Home Office consultation on the measures proposed to promote the Governments Alcohol Strategy.

Recommendations

It is recommended:

- That the Licensing Committee notes this report and agree the response of the Licensing Authority to the Home Office consultation.

Reason for Proposal

To enable Wiltshire Council acting as the Licensing Authority to shape future Government policy concerning the sale, supply and consumption of alcohol in the Wiltshire Council area.

Author: Kate Golledge, Public Protection Manager, Licensing, Public Protection Services.

Corporate Director: Maggie Rae

Contact Details: kate.golledge@wiltshire.gov.uk

Purpose of Report

To inform Members on the response of the Licensing Authority to the Home Office consultation on the measures proposed to promote the Governments Alcohol Strategy.

Background

In March 2012 the Home Office announced a range of measures in the Alcohol Strategy to radically reshape the approach to alcohol and reduce excessive drinking. The Home Office is consulting on a range of measures and proposals set out in the strategy including:

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

This approach is not about stopping the sensible, responsible drinking which supports pubs as part of the community fabric, creates thriving town centres, and provides employment and growth. The measures in the consultation are targeted explicitly at reducing harmful drinking; views are sought on how to end the culture of excessive drinking that causes so much damage to our society.

At its meeting on the 14th September 2012 the Chair of the Licensing Committee encouraged Members to examine the Home Office consultation due for release on the 28th November 2012 and form views to contribute to the Licensing Authorities response.

The proposed Licensing Authorities response to the Home Office consultation and a copy of the full consultation document are attached to this report as Appendix A.

Environmental Impact

None

Equality and Diversity

None

Risk Assessment

If the Licensing Authority do not respond to the current Home Office consultation on the Alcohol Strategy an opportunity to shape future Government policy would have been lost.

Financial Implications

None

Legal Implications

None

Conclusion

It is **recommended:-**

Following consideration of the proposed response to the Home Office consultation on the measures contained in the Alcohol Strategy the Licensing Committee agrees the proposed response.

The Licensing Committee direct the Licensing Manager to complete the online consultation response on behalf of Wiltshire Council acting as the Licensing Authority.

Background Papers

- The Licensing Act 2003
- The Police Reform and Social Responsibility Act 2011
- The Governments Alcohol Strategy
- Home Office consultation on delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour

Appendices

Appendix A. : Licensing Authorities response to the Home Office consultation and the Home Office consultation on delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour.

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

<http://www.homeoffice.gov.uk/publications/about-us/consultations/alcohol-consultation/>

Wiltshire Council Licensing Authority Response, February 2013:

Section 1 – Introduction

No responses required

Section 2 – About this consultation

No responses required

Section 3 – Information about you:

Company Name or Organisation (if applicable)

Wiltshire Council Licensing Authority

Which of the following best describes you or the professional interest you represent? Please select one box from the list below:

Licensing authority

If you are from a licensing authority please specify which licensing authority in the box below:

Wiltshire Council

If you are from a police force specify which police force in the box below:

N/A

If you are responding on behalf of an organisation or interest group, how many members do you have?

Number of members: 98

Please select one box from the list below that best describes where you live or where your organisation is based:

South West England

If you are a member of the public:

N/A

Section 5 – A minimum unit price for alcohol:

Consultation Question 1:

Do you agree that this MUP level would achieve these aims?

Yes

Evidence as noted below suggests that minimum pricing can reduce alcohol consumption, but the optimum level being 50p per Unit. A MUP of 50p would also match Scotland's proposed implementation of legislation for alcohol MUP.

Refs:

NICE Guidance PH24 'Alcohol-use disorders: preventing harmful drinking' states: "A minimum price per unit.....would also encourage producers to reduce the strength of products. As an example of the effect of minimum pricing, over a 10 year period it is estimated that a 50p minimum price per unit would reduce the cost of alcohol related problems by £9.7bn".

'The raising of minimum alcohol prices in Saskatchewan, Canada: impacts on consumption and implications for public health' Stockwell, T et al (2012) states: "The contention that minimum price changes were an important influence was supported by calculations thata 10% increase in minimum price across all beverages was significantly associated with an 8.4% reduction in total consumption".

University of Sheffield – Alcohol Minimum Price Modelling Research: 2nd Update states: "Increasing levels of minimum pricing show steep increases in effectiveness [for example] a MUP of 45p would result in -3.5% change in consumption [as compared to] a MUP of 50p with -5.7% change in consumption".

Consultation Question 2:

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

No

Consultation Question 3:

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

The minimum unit price should rise with the rate of inflation each year.

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?

MUP has potential for both positive and negative impacts for a range of groups including the drinks industry in terms of possible changes to the manufacture of alcoholic beverages (lower strength alcohol) and their promotion. Whilst acknowledging the scope for improved health outcomes and potential reductions in crime, MUP may however disproportionately place increased economic strains upon

lower socio-economic groups. Numbers of thefts of alcohol from retail outlets in the form of 'walk-offs' may also increase. A more holistic approach to alcohol pricing may be appropriate by also increasing the rate of VAT on the off sales of alcohol.

Section 6 – A ban on multi-buy promotions in the off-trade:

Consultation Question 5:

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

Yes

Consultation Question 6:

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

Yes.

There is limited research on multi-buy promotions to support an evidential basis for its implementation. The proposed arrangements for multi-buy promotions are too complicated and will still allow retailers to use some forms of price discounting techniques. It is our opinion that this potential for utilising some forms of alcohol price reduction presents a conflict with the overall aims of the proposed legislation which alongside Minimum Unit Pricing is 'part of a wider strategy to reduce excessive alcohol consumption'.

Consultation Question 7:

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

Yes.

The following factors/evidence should be considered:

- Possibility for retailers manipulating legislation (i.e. in order to utilise other discounting techniques)
- Locations of retailers (i.e. in relation to schools, youth centres)
- Need for more research on the effectiveness of restricting multi-buy promotions in reducing alcohol related harms. Research does suggest that restricting alcohol sales in whatever form will aid the reduction in overall alcohol consumption
- Other concerns relate to how and who would enforce the legislation in a consistent manner as the proposal is confusing to both the trade and enforcing bodies.

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?

Yes.

A ban on multi-buy promotions is likely to have a positive impact on young people who may be less likely to buy larger quantities of alcohol.

Section 7 – Reviewing the mandatory licensing conditions:

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)?

		Prevention of crime and disorder	Public safety	Prevention of public nuisance	Protection of harm to children
A	Irresponsible promotions	Yes	Yes	Yes	Yes
B	Dispensing alcohol directly into the mouth	Yes	Yes	Yes	Yes
C	Mandatory provision of free tap water	Yes	Yes	Yes	Yes
D	Age verification policy	Yes	Yes	Yes	Yes
E	Mandatory provision of small measures	No	No	No	No

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?

Yes

The removal of glass from on- premises should be considered.
The provision and retention of training records in responsible alcohol sales should also be included.

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

Section 8 – Health as a licensing objective for cumulative impact policies:

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?

Nice Guidelines (PH24) support changes to current licensing provisions to include public health considerations. We consider the wider use of a CIP approach (to include alcohol related health harms) to be of value and identify the following sources of localised data to inform such:

Ambulance Service data, Police violent crime statistics (e.g. alcohol related assault and domestic abuse data), Hospital Episode statistics, Probation offender data from OASys assessment information, A+E and Minor Injury Unit data via Cardiff Model processes.

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?

Yes

Consideration should be given to the use of a CIP as a mandatory part of the licensing process in order to enable early involvement of alcohol related health impact data in licensing decisions.

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.

Use of data on alcohol-related health harms can reinforce and support data on crime and disorder incidents in a particular area. Similarly, when introducing or evidencing

the need for a CIP, inclusion of Hospital A+E and Minor Injury Unit (MIU) data targeted at a particular area, can also contribute to reductions in levels of crime and disorder.

For example, in Wiltshire, between 2010-11, there was a 21% reduction in alcohol related violent crime and disorder as a result of the work of the Licensing Task Group in improving management of the Night Time Economy . This group operated a multi agency ‘tactical assessment’ approach utilising Police data and intelligence on crimes taking place in or near licensed premises in the previous month. Anonymised data from MIU and Hospital Emergency departments was also incorporated into the assessment to enable identification of premises linked to the highest number of crimes. The tactical assessment then enabled resources to be focussed on the top 3 problem premises.

Section 9 – Freeing up responsible businesses:

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?

		Yes	No	Don't know
A	The provision should be limited to certain types of business and the kinds of sales they make		√	
B	The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller		√	
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	√		

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?

		Yes	No	Don't know
A	Accommodation providers, providing alcohol alongside accommodation as part of the contract	√		
B	Hair and beauty salons, providing alcohol alongside a hair and beauty treatment	√		
C	Florists, providing alcohol alongside the purchase of flowers	√		
D	Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the ticket entry	√		
E	Regular charitable events, providing alcohol as part of the wider occasion	√		

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?

Care Homes/ Residential Homes

Bridal shops

Wedding Cars

School fetes

Circus

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?

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed		√	
B	Introduce a new, light touch form of authorisation for premises making ancillary sales – an 'ASN' but retain the need for a personal licence holder		√	
C	Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN – with no requirement for a personal licence holder	√		

Consultation Question 21:

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

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed		√	
B	Introduce a new, light-touch form of authorisation for premises making ancillary sales an – 'ASN' but retain the need for a personal licence holder.		√	
C	Introduce a new, light touch form of authorisation for		√	

	premises making ancillary sales – an ASN – with no requirement for a personal licence holder.			
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Consultation Question 22:

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

Part of the Ancillary Sales Notice application process should include a declaration that the applicant is over 18 years of age.

They should also include a declaration that a proof of age scheme will be in place before any sale of alcohol took place.

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?

		Yes	No	Don't know
A	Reduce the burden		√	
B	Increase the burden		√	

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:

18

Consultation Question 27:

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

		Yes	No	Don't know
A	Determining that premises in certain areas are exempt.	√		
B	Determining that certain premises types are exempt in their local area.	√		

Consultation 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

Consultation Question 29:

Please describe any other types of premises to which you think a nationally prescribed exemption should apply.

Licensed gambling premises such as race tracks, casinos etc.

Consultation Question 30:

Do you agree with each of the following proposals?

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers.	√		
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.		√	
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges”.	√		
D	Remove or simplify requirements to renew personal licences under the 2003 Act.		√ every ten years is not an onerous Burden on personal license holders.	

Consultation Question 31:

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

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers.	√		
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.		√	
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges”.		√	
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	√		

Consultation Question 32:

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

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers.		√	
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.	√		
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges”.		√	
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	√		

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?

Section 176 as it relates to Garages not (MSAs)

Removal of the limit on the number of TENs that a Personal License Holder can apply for, keep the limit for individual premises in any 12 month period.

As there is no central national register it is impossible for Local Authorities to know how many TENs a Personal License Holder has applied for so why keep it?

Reduce the length and complexity of the TENs application form, allow N/A boxes.

Section 10 – Impact Assessments:

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	No	Don't know
A	Minimum unit pricing.	√		
B	Multi-buy promotions.	√		
C	Health as a licensing objective for cumulative impact.	√		
D	Ancillary sales of alcohol.	√		
E	Temporary Event Notices.		√	
F	Late night refreshment.		√	
G	Removing the duty to advertise licence applications in a local newspaper.	√		
H	Sales of alcohol at motorway service stations.		√	
I	Personal licences.		√	

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.

Yes

Temporary Event Notices (TENs): Reducing the burdens of the Licensing Act 2003

Page two; we disagree with the assumption that there would be no cost to business or community groups. At the moment the legislation is clear, however, if you introduce 68 different local systems across the country, confusion is possible and businesses will have the cost of contacting different local authorities to see what their local rules are.



Home Office

A consultation on delivering the Government's policies to cut alcohol fuelled crime and anti-social behaviour

November 2012

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Ministerial foreword

The majority of the people in this country enjoy a drink without causing trouble for those around them, but there is a significant minority who do not. Too many of our high streets and town centres have become no-go areas on a Friday and Saturday night because of alcohol-fuelled violent crime and anti-social behaviour.

It is responsible drinkers, businesses and the wider community who are paying the price in terms of crime and disorder on our streets, while alcohol-related injuries are clogging up our Accident and Emergency rooms.

The Government has already legislated for a wide set of reforms to tackle binge drinking and the corrosive effect it has on individuals and our communities. We have:

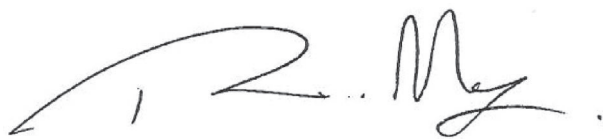


- Rebalanced the Licensing Act in favour of local communities – for instance by removing the ‘vicinity test’ to ensure that anyone – no matter where they live – can input into a decision to grant or revoke a licence;
- Introduced a late night levy – empowering local authorities to make those businesses that sell alcohol late at night contribute towards the cost of policing and wider local authority action; and
- Introduced the Early Morning Alcohol Restriction Order – enabling local areas to restrict the sale of alcohol late at night in all or part of their area if there are problems.

However we need to continue the work to tackle the drink fuelled antisocial behaviour and crime blighting our communities. So we are launching a 10 week consultation, seeking views on five key areas:

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

This is not about stopping the sensible, responsible drinking which supports pubs as part of the community fabric, creates thriving town centres, and provides employment and growth. The measures in our consultation are targeted explicitly at reducing harmful drinking, and we welcome your views on how we can jointly end the culture of excessive drinking that causes so much damage to our society.

A handwritten signature in black ink, appearing to read 'T. May', with a large, sweeping flourish at the beginning.

The Rt Hon Theresa May MP
Home Secretary

1. Introduction

- i. Over the last decade we have seen a culture grow where it has become increasingly acceptable to be excessively drunk in public and for people to cause nuisance and harm to themselves and others. While there has been a welcome reduction in overall consumption of alcohol over the past few years, the costs to the NHS and rising deaths from liver disease are unacceptable. The majority of people who drink do so entirely responsibly, but too many people still drink to excess. The Government has committed to taking firm action to address this.
- ii. This consultation puts forward proposals and questions on five key areas set out in the Government's Alcohol Strategy ('the Strategy'), published on 23 March 2012:
 - the price level and mechanisms for a minimum unit price for alcohol;
 - introducing a ban on multi-buy promotions in the off-trade (see glossary);
 - reviewing the mandatory licensing conditions;
 - introducing health as a licensing objective for cumulative impact; and
 - reducing the burden of regulation on responsible businesses.
- iii. In the Strategy, the Government committed to introducing a minimum unit price. However, in other areas, this consultation seeks views on the introduction of policies. Respondents are asked about introducing a ban on multi-buy promotions in the off-trade (that is premises that are only authorised to sell alcohol for consumption off the premises, such as shops and off-licences) and the introduction of health as a licensing objective for cumulative impact policies. This consultation also forms part of the review of the mandatory licensing conditions (sometimes called the Mandatory Code) in relation to the sale of alcohol. It also asks about a number of proposals to reduce burdens on responsible business and support local growth.
- iv. These topics have been brought together into one consultation to minimise the burden on respondents. A glossary (chapter 12) has been provided to assist those respondents with the more technical terms that relate to the licensing regime. To support the consultation process, a series of meetings and events will be held with representatives of our main partners. Some of these meetings will focus on more technical matters that support the policy development process.
- v. The policies in this consultation are not about stopping responsible drinking or adding unnecessary burdens on business, but are about taking fast action to tackle the health and crime harms caused by excessive alcohol consumption. The policy context of these proposals is set out in the Strategy, which should be read alongside this document, as should the impact assessments related to the individual proposals. All these documents can be found on the Home Office website, www.homeoffice.gov.uk.

Turning the tide on irresponsibly priced alcohol

- vi. In 2010, £42.1 billion was spent on alcohol in England and Wales alone.³ Alcohol has been so heavily discounted that it is now possible to buy a can of lager for as little as 20p or two litre bottle of cider for £1.69. Behaviour has also changed, with increasing numbers of people drinking excessively at home, including many who ‘pre-load’ before going on a night out. There has been a 45% increase in purchasing alcoholic drinks for consumption in the home, from 527ml per person per week in 1992, to 762ml in 2010.⁴
- vii. There is extensive and consistent evidence that increasing the price of alcohol reduces consumption, leading to reductions in alcohol-related harms particularly around health.⁵ For instance, recent analysis of the effectiveness of ‘social reference pricing’ in a Canadian province found that a 10% increase in the minimum price of any given alcoholic product reduced its consumption by between 14.6% and 16.1%.⁶ This supports the Government’s intentions, as set out in the Strategy, to end the availability of the most irresponsibly priced alcohol, by introducing a minimum unit price, and to consult on the introduction of a ban of multi-buy promotions in the off-trade.

Tackling alcohol-related harms

- viii. Where possible, action to tackle problem drinking should be taken locally, by those who understand the problems that a particular community is facing. We have already taken significant steps to provide local communities with the powers and tools they need. A number of legislative changes came into force in April, such as reducing the evidential threshold under the Licensing Act 2003 (“the 2003 Act”) from ‘necessary’ to ‘appropriate’ so that it is easier for licensing authorities to review, revoke or impose conditions on a licence to sell alcohol.
- ix. Health considerations and agencies also have an important part to play in tackling alcohol-related harms. The Government has already given local health bodies ‘responsible authority’ status under the 2003 Act, ensuring that they are automatically notified of an application for, or review, of a licence. We now propose that licensing authorities should be able to take alcohol-related health harms into account when they make decisions on cumulative impact policies (CIPs). CIPs are an existing mechanism by which licensing authorities can take into account the potential impact on the statutory licensing objectives of a significant number of licensed premises concentrated in one area. Under the 2003 Act, licensing authorities must carry out their duties with a view to promoting the statutory licensing objectives, which are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.

3 Clancy, G (2011). Consumer Trends Quarter 1 2011, No.60. Office for National Statistics.

4 Family Food Module of Living Costs and Food Survey (LCFS) 2010. Defra/ONS

5 For more information on the range of evidence on price and consumption and reduction in harms see pages 6-8 in the Minimum Unit Pricing Impact Assessment, published alongside this consultation and available on the Home Office website www.homeoffice.gov.uk.

6 Stockwell, T., Christopher Auld, M., Zhao, J. and Martin, J. (2012) Does minimum pricing reduce consumption? The experience of a Canadian province. (2012) *Addiction*. Volume 107. Pages 912-920.

- x. While the Government wishes to promote local decision making, there are circumstances when national action is appropriate to support the reduction of alcohol-related harms. As part of our commitment to reviewing the current mandatory licensing conditions in relation to the supply of alcohol, this consultation also invites views on the impact of those conditions on the promotion of the statutory licensing objectives. The Government is keen to ensure that the conditions are sufficiently targeting problems such as irresponsible promotions in pubs and clubs, and to consult on whether the mandatory licensing conditions should apply to all sectors involved in the sale of alcohol, when they are relevant.

Freeing up responsible businesses

- xi. The Government is committed to removing or reducing unnecessary regulatory burdens on business, where possible, to support local growth, including those stemming from the regulation of alcohol sales, late night refreshment and regulated entertainment.⁷ Millions of people work or volunteer in sectors affected by licensing. For example over 400,000 people hold personal licences, which enable them to authorise sales of alcohol. Well-run pubs and other businesses are an important part of the fabric of neighbourhoods and provide local employment opportunities.
- xii. Reforms earlier this year have already reduced the burden of licensing regulation. For example, temporary event notices (TENs) can now be submitted within the normal deadline of ten working days, and the Government has extended the maximum period of time that a TEN can have effect, making it easier for businesses and community groups to carry out licensable activities on an occasional basis. Since 1 October, the licensing requirements for live music have been significantly reduced.
- xiii. This consultation proposes a number of ways to reduce the burden of the licensing regime further, developing a more targeted, proportionate and flexible system that can support responsible growth while maintaining its integrity to protect individuals and society from irresponsible activities. Some were raised in the recent 'Red Tape Challenge' process: simplifying the TENs regime process further, reducing the burden on businesses making minimal alcohol sales and giving local areas greater flexibility on the licensing of late night refreshment. Other proposals go further, such as removing the requirement to advertise applications for, and variations, to licences in a local newspaper. As part of this consultation, we will also be considering how these proposals could affect licensing authorities, the police and other enforcement agencies.

⁷ The Government has consulted on proposals to deregulate entertainment licensing. The Government will publish its response to the consultation shortly.

2. About this consultation

Scope of the consultation

Topic of this consultation:	<p>This consultation invites views on five key issues set out in the Government's Alcohol Strategy published on 23 March 2012. These are:</p> <p>A minimum unit price for alcohol</p> <ul style="list-style-type: none">• The price level;• The mechanism for adjusting the price over time; and• The impact of a minimum unit price. <p>A ban on multi-buy promotions in the off-trade</p> <ul style="list-style-type: none">• Whether to introduce a ban on multi-buy promotions; and• The impact of such a ban. <p>Reviewing the mandatory licensing conditions</p> <ul style="list-style-type: none">• 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. <p>Health as a licensing objective for cumulative impact policies</p> <ul style="list-style-type: none">• Views on introducing health as a licensing objective for cumulative impact policies; and• The impact of such a licensing objective for cumulative impact policies. <p>Freeing up responsible businesses</p> <ul style="list-style-type: none">• 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.
Scope of this consultation:	<p>The Government intends to introduce primary legislation to enable a minimum unit price for alcohol to be introduced but would like to hear views on the price level and related mechanisms.</p> <p>All measures in the consultation would require legislation.</p>
Geographical scope:	<p>This consultation applies to England and Wales. We continue to work closely with devolved administrations on a number of these proposals.</p>
Impact assessment (IA):	<p>Nine consultation stage IAs are published alongside this consultation document.</p>

Basic Information

Who is this consultation aimed at:	We are keen to hear from everyone who will be affected by these measures, including: members of the public who consume alcohol; those who live close to licensed premises; those who own or work in pubs, clubs, supermarkets and shops; criminal justice agencies; the police; local health bodies; licensing authorities and trade associations representing those who produce and sell alcohol.
Duration:	The consultation runs for 10 weeks until 06 February 2013
Enquiries:	alcohol.consultation@homeoffice.gsi.gov.uk
How to respond:	<p>Information on how to respond to this consultation can be found on the Home Office website at http://www.homeoffice.gov.uk/about-us/consultations. Responses can be submitted online through the Home Office website or by post by sending responses to:</p> <p>Alcohol Consultation, Drugs and Alcohol Unit, Home Office, 4th Floor Fry Building, 2 Marsham Street, London, SW1P 4DF</p>
Additional ways to become involved:	Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio. The Department is obliged to both offer, and provide on request, these formats under the Equality Act 2010. We can also offer a version of the consultation in Welsh on request.
After the consultation:	Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public, unless the respondent states otherwise (see p.13).

Background

Getting to this stage:	The Government published its Alcohol Strategy in March 2012. This sets out its approach to tackling problem drinking. This consultation considers five key areas of the Strategy.
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3. Information about you

The following questions ask for some information about you. The purpose of these questions is to provide some context on your consultation responses and to enable us to assess the impact of the proposals on different groups of people. By providing this information you are giving your consent for us to process and use this information in accordance with the Data Protection Act 1998.

Company Name or Organisation (if applicable):

Which of the following best describes you or the professional interest you represent? Please select one box from the list below:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Individual involved in licensed trade/club premises |
| <input type="checkbox"/> | Small or medium sized enterprise involved in licensed trade/club premises (up to 50 employees) |
| <input type="checkbox"/> | Large business involved in licensed trade/club premises |
| <input type="checkbox"/> | Small or medium sized enterprise involved in the production of alcohol (up to 50 employees) |
| <input type="checkbox"/> | Business involved in the production of alcohol |
| <input type="checkbox"/> | Trade body representing the licensed trade/club premises or alcohol producers |
| <input type="checkbox"/> | Alcohol-related best practice scheme |
| <input type="checkbox"/> | Person or organisation specialising in licensing law |
| <input type="checkbox"/> | Voluntary and community organisation |
| <input type="checkbox"/> | Licensing authority |
| <input type="checkbox"/> | Licensing authority officer |

If you are from a licensing authority please specify which licensing authority in the box below:

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Public health body (e.g. Primary Care Trust, Local Health Board, Director of Public Health) |
| <input type="checkbox"/> | Local Government (other) |
| <input type="checkbox"/> | Police and crime commissioner |
| <input type="checkbox"/> | Police force |
| <input type="checkbox"/> | Police officer |

If you are from a police force specify which police force in the box below:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Bodies representing public sector professionals (eg. Local Government Association, Institute of Licensing) |
| <input type="checkbox"/> | Central Government |
| <input type="checkbox"/> | Member of the public |
| <input type="checkbox"/> | Other (specify in the box below): |

**If you are responding on behalf of an organisation or interest group, how many members do you have?
(Please specify in the box below):**

Number of members:

Please select one box from the list below that best describes where you live or where your organisation is based:

- | | |
|--------------------------|--------------------------|
| North East England | <input type="checkbox"/> |
| North West England | <input type="checkbox"/> |
| South East England | <input type="checkbox"/> |
| Yorkshire and the Humber | <input type="checkbox"/> |
| West Midlands | <input type="checkbox"/> |
| East Midlands | <input type="checkbox"/> |
| East of England | <input type="checkbox"/> |
| South West England | <input type="checkbox"/> |
| London | <input type="checkbox"/> |
| Wales | <input type="checkbox"/> |
| Scotland | <input type="checkbox"/> |
| Northern Ireland | <input type="checkbox"/> |
| European Union | <input type="checkbox"/> |
| Rest of the world | <input type="checkbox"/> |

If you are a member of the public:

- | | | |
|--|-------------------|--------------------------|
| What is your gender?
(Please select one option) | Female | <input type="checkbox"/> |
| | Male | <input type="checkbox"/> |
| | Prefer not to say | <input type="checkbox"/> |
| What is your age? (Please tick one) | Under 18 | <input type="checkbox"/> |
| | 18 – 24 | <input type="checkbox"/> |
| | 25 – 34 | <input type="checkbox"/> |
| | 35 – 54 | <input type="checkbox"/> |
| | 55 - 64 | <input type="checkbox"/> |
| | 65 and over | <input type="checkbox"/> |
| | Prefer not to say | <input type="checkbox"/> |

4. Confidentiality and disclaimer

Responses: Confidentiality & Disclaimer

- 4.1 The information you send us may be passed to colleagues within the Home Office, the Government or related agencies. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.
- 4.2 If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, among other things, with obligations of confidence.
- 4.3 In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- 4.4 The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Please select if you would like your response or personal details to be treated as confidential

Please give your reasons in the box below:

Consultation Principles

The Government has recently introduced a more proportionate and targeted approach to consultation, so that the type and scale of engagement is proportional to the potential impacts of the proposal. The emphasis is on understanding the effects of a proposal and focusing on real engagement with key groups rather than following a set process. The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before;
- departments will need to give more thought to how they engage with and consult with those who are affected;
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between Government and the voluntary and community sector will continue to be respected.

The full consultation guidance is available at:

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

5. A minimum unit price for alcohol

Introduction

- 5.1 In the Strategy, the Government committed to introducing a minimum unit price for alcohol in England and Wales. This consultation will contribute to the debate on the most appropriate price per unit and the mechanism by which, once set, minimum unit pricing would remain effective.⁸ It is also an opportunity for interested parties to raise other issues around minimum unit pricing.
- 5.2 Minimum unit pricing forms part of the comprehensive package of measures set out in the Strategy. The Government has already taken measures to reduce the availability of alcohol sold at irresponsible prices, for instance by changing the rules on the juice content of cider to prevent irresponsibly priced white ciders from qualifying for lower rates of duty. However, a minimum unit price for alcohol will ensure - for the first time - that alcohol can only be sold at a sensible and responsible price.
- 5.3 The purpose of minimum unit pricing is to reduce excessive alcohol consumption, particularly by the most hazardous and harmful drinkers who tend to show a preference for the cheapest alcohol products.⁹ Unlike moderate drinkers, they are less likely to switch to cheaper drinks, if prices rise. Crucially, evidence enables researchers to estimate in a statistically robust way (as set out in the Impact Assessment) that harmful drinkers in particular reduce their consumption more as a result of a minimum unit price set at a proportionate level than moderate drinkers.
- 5.4 As a result, we can estimate that there will be a reduction in the associated crime and health harms, especially the numbers of hospital admissions, alcohol-related deaths and alcohol-related crimes.¹⁰ Minimum unit pricing is not intended to disproportionately affect responsible drinkers or particular social groups but to reduce the availability of alcohol sold at very low or heavily discounted prices.
- 5.5 The actual impact of minimum unit pricing will depend on the price per unit of alcohol. The Government wants to ensure that the chosen price level is targeted and proportionate, whilst achieving a significant reduction of harm. The Government is therefore consulting on the introduction of a recommended minimum unit price of 45p. The table below shows the best available estimated impacts of this level of minimum unit price. This includes an estimated reduction in consumption across all product types of 3.3%, a reduction in crime of 5,240 per year, a reduction in 24,600 alcohol-related hospital admissions and 714 fewer deaths per year after ten years.

8 A 'unit' of alcohol is defined as 10 ml by volume, or 8g by weight, of pure alcohol (ethanol). The number of units in a particular alcohol product will therefore depend on the volume of that product and its alcoholic strength (alcohol by volume or abv).

9 See the Impact Assessment on minimum unit pricing for further details.

10 See the Impact Assessment on minimum unit pricing for further details.

Impacts of a 45p minimum unit price¹¹

Total reduction in alcohol consumption	-3.3%
Reduction in number of crimes per year	5,240
Crime savings per year (including QALYs ¹² related to crime)	£12.9m
Number of deaths saved per year (at full effect)	714
Number of hospital admissions saved per year (at full effect)	24,600
Direct health care cost savings per year (at full effect)	£82.0m
Health QALY savings per year (at full effect)	£319m
Increase in spending for moderate drinkers (per year)	£7
Increase in spending for hazardous drinkers (per year)	£49
Increase in spending for harmful drinkers (per year)	£118
Increase in revenue to business (in year 1)	£1,040m
Impact on the public purse (as a result of a loss in alcohol duty)	-£200m

- 5.6 As the above table demonstrates, there are other issues to consider alongside the benefits of minimum unit pricing. As the level of minimum unit price rises, it affects moderate drinkers' consumption more and so is less targeted. Further, the expected reduction in alcohol consumption following the introduction of a minimum unit price would also reduce the amount of alcohol duty received by the Government, with consequences for the public purse. For further detail please see the impact assessment published alongside this consultation on the Home Office website.
- 5.7 In June 2012, following consultation, the Scottish Government passed legislation which would enable it to introduce a minimum unit price for alcohol in Scotland. It is intended that the minimum price will be set at 50p per unit of alcohol. The Northern Ireland Executive has also consulted on whether to introduce a minimum unit price for alcohol. The Government continues to monitor developments and progress in these areas and will consider any issues arising alongside the consultation.

¹¹ Please note that these figures are subject to change in the Government's final impact assessment, and following this public consultation.

¹² Gains in health-related quality adjusted life years (QALYs) show the increase in the number of life years in good health as a result of reductions in mortality and morbidity from alcohol-related conditions.

Consultation

5.8 The Government wants to ensure that the chosen minimum unit price level is targeted and proportionate, whilst achieving a significant reduction of harm.

Consultation Question 1:

Do you agree that this MUP level would achieve these aims? (Please select one option):

Yes No Don't Know

If you think another level would be preferable, please set out your views on why this might be in the box below (keeping your views to a maximum of 200 words).

Consultation Question 2:

Should other factors or evidence be considered when setting a minimum unit price for alcohol? (Please select one option):

Yes No Don't Know

If yes, then please specify these in the box below (keeping your views to a maximum of 200 words).

5.9 The Government wishes to maintain the effectiveness of minimum unit pricing and is therefore proposing to adjust the minimum unit price level over time.

Consultation Question 3:

How do you think the level of minimum unit price set by the Government should be adjusted over time? (Please select one option):

Do nothing – the minimum unit price should not be adjusted.	<input type="checkbox"/>
The minimum unit price should be automatically updated in line with inflation each year.	<input type="checkbox"/>
The minimum unit price should be reviewed after a set period.	<input type="checkbox"/>
Don't know.	<input type="checkbox"/>

Consultation Question 4:

The aim of minimum unit pricing is to reduce the consumption of harmful¹³ and hazardous¹⁴ drinkers, while minimising the impact on responsible¹⁵ 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? (Please select one option):

Yes <input type="checkbox"/>	No <input type="checkbox"/>	Don't Know <input type="checkbox"/>
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If Yes please specify in the box below (keeping your views to a maximum of 100 words).

13 Harmful drinking is defined as when a person regularly drinks more than double the weekly equivalent of the NHS daily guidelines, that is more than 50 units weekly for men or more than 35 units weekly for women.

14 Hazardous drinking is defined as when a person regularly drinks over the NHS daily guidelines (equivalent to 21 units weekly for men and 14 units weekly for women), but less than double the guidelines.

15 Responsible (or moderate) drinkers are those who do not regularly exceed the daily guidelines (men should not regularly drink more than three to four units of alcohol per day and women should not regularly drink more than two to three units per day).

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

Introduction

- 6.1 The Government is consulting on introducing a ban on multi-buy promotions in the off-trade (see glossary) as part of its wider strategy to reduce excessive alcohol consumption, and alongside the introduction of a minimum unit price. A ban on multi-buy promotions would therefore not apply to pubs, clubs, bars or restaurants.
- 6.2 The term multi-buy promotions refers to alcohol promotions that offer a discount for buying multiple items.
- 6.3 Multi-buy offers are popular with alcoholic-drink retailers. Research suggests that they increase sales and assist with retaining or increasing customer numbers. A report by the Institute of Alcohol Studies suggests that supermarket promotions, and discounts on alcohol, increase sales by 20-25% and that 83% of customers who purchase alcohol on promotion will return for a second purchase.¹⁶ However, the Government is concerned that these promotions contribute to the availability of irresponsibly priced alcohol, particularly through promotions which encourage large volumes of alcohol to be purchased.
- 6.4 The aim of a ban would be to stop promotions that encourage people to buy more than they otherwise would, making it cheaper (per item) to purchase more than one of a product than to purchase a single item. The proposed treatment of different types of promotions is set out in the table below.

16 Jack Law, Chief Executive of Alcohol Focus Scotland, 'Supermarket promotions and discounts on alcohol increase sales by 25%' in Alcohol Alert, Institute of Alcohol Studies, 2006, issue 1
http://www.ias.org.uk/resources/publications/alcoholalert/alert200601/al200601_p4.html

Types of promotions that WOULD be banned	Types of promotions that would NOT be banned
<p>This is where the price of a single product in a multi-pack is sold for less than the price of buying that same product on its own. This will stop incentivising purchases of more products than people would otherwise buy.</p>	<p>A ban would not affect discounts which are not linked to the purchase of multiple bottles, or which are linked to the volume rather than the number of products. It would not stop retailers cutting the price of individual items to match multipack prices, or prevent them from having a minimum-buy rule.</p>
two for the price of one	half price offers
three for the price of two	'a third off' offers
buy-one-get-one-free	£x off any individual item
buy six get 20% off	
24 cans of lager costing less than 24 times the cost of one can of lager in the shop	Cutting the price of a single can of lager so that it is as cheap as the cans in the multipack
A case of wine sold cheaper than the individual price at which the same bottles are sold in the shop	A case of wine can be priced at any level if the items are not available to buy individually
Three for £10 where each bottle costs more than £3.33	Three for £10 as long as you can also buy each individual item in the multi-pack for £3.33
Different multipack prices or multi-buy multipack offers. For example, 10 bottles of alcopops being sold for less per bottle than a package of four bottles, or three packages of 10 bottles being sold for less than three times the price of one 10 bottle pack.	Different prices for the same alcohol products sold in differed sized containers, where there is a per unit difference. For example, a box of wine can still be sold for less than the price of four bottles of the same wine.

- 6.5 A ban on multi-buy discounts would not include deals which are not linked to the purchase of multiple items. A ban would not stop retailers discounting individual items (such as 'was £10, now £6'), or prevent them from requiring their consumers to purchase a minimum quantity.
- 6.6 As well as being part of a wider strategy to reduce consumption and tackle irresponsible alcohol sales, a ban on multi-buy promotions would also contribute to the Government's aim of encouraging people to be aware of how much they drink and the risks of excessive drinking, so that they can make informed choices. The aim of this consultation is to assess support for such a ban and contribute to our understanding of the impact a ban on multi-buy promotions may have.

Consultation Question 5:

Do you think there should be a ban on multi-buy promotions involving alcohol in the off-trade?
(Please select one option):

Yes No Don't Know

Consultation Question 6:

Are there any further offers which should be included in a ban on multi-buy promotions?
(Please select one option):

Yes No Don't Know

If yes, please specify in the box below (keeping your views to a maximum of 100 words).

Consultation Question 7:

Should other factors or evidence be considered when considering a ban on multi-buy promotions?
(Please select one option):

Yes No Don't Know

If yes, please specify in the box below (keeping your views to a maximum of 200 words).

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? (Please select one option):

Yes

No

Don't Know

If yes please specify in the box below (keeping your views to a maximum of 100 words).

7. Reviewing the mandatory licensing conditions

Introduction

- 7.1 Wherever possible, action to tackle alcohol-related harm and crime and disorder should be taken at a local level by those who understand the problems that their community is facing. However, at times, action is needed to achieve universal and radical change across the country and tackle underlying issues. In its response to the ‘Rebalancing the Licensing Act’ consultation in 2010, the Government committed to review the impact of the current mandatory licensing conditions. More recently, the Strategy made a commitment to review these mandatory licensing conditions to ensure they are sufficiently targeting problems such as irresponsible promotions in pubs and clubs. The Government has also committed to consult on whether these mandatory licensing conditions should, where relevant, apply to both the on- and off-trade (see glossary). This consultation forms part of that review, and will contribute to the Government’s understanding of how these mandatory conditions are perceived.
- 7.2 Under the 2003 Act, the Secretary of State can prescribe up to nine mandatory licensing conditions in regulations. These are sometimes called the Mandatory Code. In 2010, the “Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010” introduced four mandatory conditions that apply to all on-trade premises only and one mandatory condition which applies to both the on- and off-trade (this is the requirement to have an age verification policy, see below). A mandatory licensing condition may only be introduced by the Secretary of State if it is considered appropriate to do so for the promotion of the licensing objectives (see glossary).
- 7.3 The five mandatory licensing conditions currently set out in regulations in relation to the supply of alcohol are:
- i. A ban on irresponsible promotions.¹⁷
 - ii. A ban on dispensing alcohol by one person directly into the mouth of another.
 - iii. A requirement to provide free tap water on request to customers.
 - iv. A requirement to have an age verification policy to prevent the sale of alcohol to persons under 18 years of age.¹⁸
 - v. A requirement to make available to customers small measures such as half pints of beer or cider or 125ml glasses of wine.¹⁹

17 An irresponsible promotion is any one of the following activities (summarised below) or substantially similar activities, carried on for the purposes of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children: -

1. Games or other activities that require an individual to drink a quantity of alcohol within a time limit or to drink as much alcohol as possible.
2. Provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted fee.
3. Provision of anything as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less.
4. Provision of free or discounted alcohol dependent on the outcome of a race, competition or other event, or the likelihood of anything occurring or not occurring.
5. Selling or supplying alcohol in association with promotional posters or flyers which condone, encourage or glamorise anti-social behaviour or refer to the effects of drunkenness in a favourable manner.

18 As described earlier, this is the only condition that applies to the off-trade as well as the on-trade. The sale of alcohol to anyone aged under 18 is an offence under section 146 of the Licensing Act 2003. This mandatory condition is intended to ensure that all premises have a policy designed to prevent sales to those aged under 18.

19 As with the provision of free tap water, this condition is intended to help customers manage their alcohol consumption, thereby reducing the risk of alcohol-related crime and disorder and other problems related to the licensing objectives.

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 - see glossary)?

Please state Yes / No / Don't know in each box:

		Prevention of crime and disorder	Public safety	Prevention of public nuisance	Protection of harm from children
A.	Irresponsible promotions (see condition i above)				
B.	Dispensing alcohol directly into the mouth (see condition ii above)				
C.	Mandatory provision of free tap water (see condition iii above)				
D.	Age verification policy (see condition iv above)				
E.	Mandatory provision of small measures (see condition v above)				

7.4 Chapter 6 of this consultation invites views on whether or not to introduce a ban on multi-buy promotions in the off-trade. While the Government does not intend to apply any such ban to the on-trade, it has committed to reviewing whether the current mandatory licensing conditions sufficiently target problems such as irresponsible promotions in pubs and clubs.

Consultation Question 10:

Do you think that the mandatory licensing conditions do enough to target irresponsible promotions in pubs and clubs? (Please select one option):

Yes No Don't Know

If no, please state what more could be done in the box below (keeping your views to a maximum of 100 words).

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 - see glossary) which could be tackled through a mandatory licensing condition? (Please select one option):

Yes No Don't Know

If yes, please specify in the box below (keeping your views to a maximum of 200 words).

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? (Please select one option):

Yes No Don't Know

If no, please explain why you think the current approach is not the best approach in the box below (keeping your views to a maximum of 100 words).

8. Health as a licensing objective for cumulative impact policies

Introduction

- 8.1 We want to ensure that licensing authorities are able to take alcohol-related health harms into consideration when making decisions about cumulative impact policies (CIPs) which can be used to manage problems linked to the density of premises in specific areas. We consider that a new health-related objective for alcohol licensing related specifically to cumulative impact is the best way to achieve this.
- 8.2 Evidence shows that there is a relationship between the increased density of premises and alcohol consumption and also between density and harm.²⁰ The evidence suggests that limiting the density of premises can be an effective tool in reducing harm (see section B and Annex A of the relevant impact assessment published alongside this consultation on the Home Office website www.homeoffice.gov.uk). At the moment local areas can only take data linked to existing licensing objectives (that is usually crime and disorder, and public safety) into account when making decisions about cumulative impact and so cannot fully consider the full range of alcohol-related harms in their area (such as data on liver disease or alcohol-related deaths).
- 8.3 Cumulative impact can be considered by licensing authorities when developing their statements of licensing policy. A CIP can be introduced and included in this policy on the basis of any one or more of the four existing licensing objectives when problems are linked to the impact of a significant number of licensed premises concentrated in a specific area. The current process for CIPs is set out in paragraphs 13.19 - 13.38 of the amended guidance issued under section 182 of the 2003 Act. The guidance can be found on the Home Office website: www.homeoffice.gov.uk.
- 8.4 A CIP introduces a rebuttable presumption that all new licence applications and variations in that area will normally be refused if the licensing authority receives a relevant representation stating that the application will add to the cumulative impact. However each application must still be considered on its own merits and the licensing authority may still grant the application if it is satisfied that the application will not contribute to the cumulative impact.

Consultation

- 8.5 We are proposing that licensing authorities will be able to take evidence of alcohol-related health harm into account in deciding whether to introduce a CIP and the extent of that CIP. This would be a discretionary power and not an obligation. We expect that those areas with the highest levels of alcohol-related health harm, or fast rising levels of harm from alcohol, will be most likely to use this power. It will allow local health bodies to fully contribute to local decision making and mean licensing authorities can restrict the number of licensed premises in the local area on the basis of robust local evidence.

²⁰ For example the National Institute for Health and Clinical Excellence guidance Alcohol use disorders: Preventing the development of hazardous and harmful drinking (June 2010) and its underlying evidence review.

- 8.6 CIPs are already being used successfully by many licensing authorities to promote the existing licensing objectives. Unlike evidence currently used to support the introduction of CIPs, such as data on crime and disorder incidents, health evidence is population based (for example linked to a broader area rather than individual streets), and consideration needs to be given to how this could be incorporated within the CIP process. We want to learn from the experiences of interested parties and explore how health information could best be used in developing such policies to enable local health harms to be reduced. We will be seeking, gathering and using additional input from licensing authorities, those with experience of health data, and other practitioners on the technical details of this proposal through individual meetings and technical consultation groups.

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?

Please specify in the box below, keeping your views to a maximum of 200 words.

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? (Please select one option):

Yes No Don't Know

If yes, please specify which aspects in the box below, keeping your views to a maximum of 200 words.

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 specify in the box below, keeping your views to a maximum of 200 words. Please provide evidence to support your response.

9. Freeing up responsible businesses

- 9.1 The Government has committed to consult on giving licensing authorities greater freedom to take decisions that reflect the needs of their local community. Following the Government's Red Tape Challenge in 2011, three areas of reform were specified: alcohol licensing for certain types of premises providing minimal alcohol sales, temporary event notices (TENs) and the licensing of late night refreshment. This chapter asks for views on these proposals and suggests further ways to reduce burdens on business. The proposals set out here can be considered alongside work undertaken by the Department for Culture, Media and Sport to remove unnecessary red tape from regulated entertainment.²¹

Ancillary sales of alcohol

- 9.2 For many businesses, the sale of alcohol is only a small part of, or incidental to, their wider activities, and occurs alongside the provision of another product or service (which this document refers to as an "ancillary sale"). For example, a guesthouse might wish to provide wine to its guests with an evening meal or a complimentary bottle of wine in a guest's room, while a hairdresser might wish to offer clients a glass of wine. In law, providing alcohol so that it is part of a wider contract such as this is likely to constitute a sale and therefore require a licence. Therefore such businesses are currently subject to the same licensing process as a large bar or off-licence and often may not find it worthwhile to obtain a licence for the low level of alcohol likely to be sold. For instance, these types of premises currently need to hold a premises licence and would need to have at least one personal licence holder working at the premises to authorise sales of alcohol.
- 9.3 The Government believes that there is scope to develop options to reduce some licensing burdens on such "ancillary sellers" while ensuring that irresponsible businesses cannot take advantage of loopholes and that the police and other enforcement agencies are able to enforce the law effectively.
- 9.4 In considering such proposals for deregulation, a key question will be the definition of an "ancillary sale". Here, striking the right balance between reducing burdens and ensuring that appropriate safeguards remain will be key. This consultation sets out two mechanisms to achieve this, which may not be mutually exclusive.
- 9.5 The first option (see Question 16 A) is to define ancillary sellers by reference to specific types of businesses and the kinds of sales they make, such as those examples of guesthouses or hairdressers given above in paragraph 9.2. Some specific types of businesses on which we are seeking views on including can be found in Question 17, with further suggestions invited in Question 18. This proposal would have the effect of excluding other types of businesses where sales of alcohol might still be incidental to the main business, but the risk of creating loopholes might be seen by some as higher.

²¹ The Government has consulted on proposals to deregulate entertainment licensing. The Government will publish its response to the consultation shortly.

9.6 The second option (see Question 16 B) is to broaden the definition of “ancillary sales” to include all businesses (and/or not for profit activities²²) through the use of a general set of qualification criteria, for example, to the effect that:

- alcohol must be sold or supplied as a small part or proportion of a sales transaction or contract for a wider service; and
- the amount of alcohol that could be supplied as part of that contract cannot exceed a prescribed amount.

These qualification criteria have the potential to significantly widen the types of businesses included. For example, this could include the kinds of sales that could be made where there are regular events in businesses such a book shop where an alcoholic drink is included as part of entry to a book signing event, or at a tourist attraction, such as a tour of a vineyard or distillery, where a glass of wine or whisky is included in the ticket price.

9.7 As an “ancillary seller” under either option, a premises or business would be restricted to making only those agreed limited sales of alcohol. So, for example, if a bed and breakfast wish to give guests a glass of wine as a “welcome drink” that would meet the definition of an ancillary sale, but if the business was supplying an unlimited amount through a bar, mini-bar or room service, it could not fit the definition of an “ancillary sale”. We will be exploring further as part of the technical consultation what reasonable limits could apply.

²² Subsequent references to “businesses” include not-for-profit organisations and activities.

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 meet certain qualification criteria for limited or incidental sales? (Please select one option in each row):

		Yes	No	Don't know
A	The provision should be limited to a specific list of certain types of business and the kinds of sales they make (see paragraph 9.5).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	The provision should be available to all businesses providing they meet certain qualification criteria to be an ancillary seller (see paragraph 9.6).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation 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? (Please select one option in each row):

		Yes	No	Don't know
A	Accommodation providers, providing alcohol alongside accommodation as part of the contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Hair and beauty salons, providing alcohol alongside a hair or beauty treatment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	Florists, providing alcohol alongside the purchase of flowers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D	Cultural organisations, such as theatres, cinemas and museums, providing alcohol alongside cultural events as part of the entry ticket.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E	Regular charitable events, providing alcohol as part of the wider occasion. ²³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 (see glossary)? (Please write your suggestions in the box below, keeping your views to a maximum of 200 words):

²³ It should be considered that, for businesses that wish to sell alcohol on an occasional basis, the use of a Temporary Event Notice (TEN) is likely to remain a preferable option. Paragraph 9.13 describes changes we have already made to make TENs more flexible, and makes further proposals.

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? (Please select one option):

Yes No Don't Know

If no, please describe the changes you would make in the box below (keeping your views to a maximum of 200 words).

9.8 The Government is consulting on two basic approaches which could be used to reduce the burden on premises where they have been given the status of an ancillary seller.

Option A - Removing the need for a personal licence holder

9.9 The first option would be to reduce the requirements and costs associated with a premises licence by enabling ancillary sellers to apply to remove the requirement that all premises have at least one member of staff acting as a Designated Premises Supervisor (DPS) and for that person to be a personal licence holder (PLH). In most cases, this requirement is necessary to ensure that a qualified person is authorising sales of alcohol and that premises are fully complying with the law.

9.10 However, the 2003 Act already recognises that this requirement (which means a member of staff possessing an accredited PLH qualification and meeting the cost of the personal licence fee on top of the premises licence fee) can be overly onerous and disproportionate in some cases, such as for community premises (e.g. village halls). The 2003 Act therefore currently allows community premises to apply to their licensing authority for an exemption from this requirement and we are considering broadening this to also exempt ancillary sellers. As for community premises, it would be expected that an ancillary seller would apply for this exemption at the same time as making an application for a premises licence, with no extra fee or process necessary.

Option B - Removing the need for a premises licence

- 9.11 A more radical option would be the possible introduction of a new form of lighter-touch authorisation under the 2003 Act, available only to those given the status of an ancillary seller. This could be referred to as an “ancillary sales notice” (ASN) and would remove the need for a premises licence at those premises. 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. It could potentially work in a similar way to a TEN. The applicant could send a notice (accompanied by a fee that will cover the licensing authority’s costs) stating that they believe themselves to be an ancillary seller, given the nature of their business. The police or the environmental health authority could object. There would be no need to advertise publicly and no annual fee. Unlike a TEN however, the authorisation (and the power to object) would be ongoing (but with a defined maximum duration such as five years).
- 9.12 When considering this proposal it would be important to strike the right balance between ensuring that the ASN process is a simplified process, and ensuring that appropriate safeguards still apply to those premises with an ASN as they do to other premises. For example, criminal offences would still apply to ASN holders and the licensing authority should be able to refuse (or revoke) an ASN that is inappropriate for the promotion of the licensing objectives. We are asking whether the requirement for sales of alcohol to be authorised by a personal licence holder should still apply to alcohol sold under an ASN.

Consultation Question 20:

Do you think that these proposals would significantly reduce the burdens on ancillary sellers? (Please select one option in each row):

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Introduce a new, light-touch form of authorisation for premises making ancillary sales - an 'ASN' but retain the need for a personal licence holder.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN - with no requirement for a personal licence holder.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 21:

Do you think that the following proposals would impact adversely on one or more of the licensing objectives (see glossary)? (Please select one option in each row):

		Yes	No	Don't know
A	Allow premises making ancillary sales to request in their premises licence application that the requirement for a personal licence holder be removed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Introduce a new, light-touch form of authorisation for premises making ancillary sales – 'ASN' but retain the need for a personal licence holder.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	Introduce a new, light touch form of authorisation for premises making ancillary sales – an ASN – with no requirement for a personal licence holder.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 22:

What other issues or options do you think should be considered when taking forward proposals for a lighter touch authorisation? (Please specify in the box below, keeping your views to a maximum of 200 words)?

Occasional provision of licensable activities at community events

9.13 Those who wish to provide licensable activities (for example selling alcohol or providing late night refreshment) on an occasional basis must obtain an authorisation under the 2003 Act. They will ordinarily obtain a TEN (see glossary). The Government has already given more local flexibility over TENs. For example, since April 2012, environmental health authorities are able to make objections. For those issuing TENs, the process has also been made more flexible, for example by enabling licensing authorities to accept TENs received after the ten-day deadline and extending the maximum duration of a TEN. We are considering now whether there is scope to be more radical and allow individual licensing authorities to determine their own, less burdensome, TEN processes if they wish.

9.14 It is proposed that licensing authorities should be able to enable holders of community events to notify them of their intention to provide licensable activities through a mechanism set out locally by the licensing authority (such as an email or a letter) instead of applying for a TEN through the usual process. This could mean, for example, that community groups could notify their licensing authority of all their upcoming events involving licensable activities for a certain period (such as a year).

9.15 There may be a concern among licensing authorities and local police that such a process could create loopholes or make processes more bureaucratic locally. However the intention is that the decision as to whether to introduce a local approach would be entirely discretionary for licensing authorities. As a safeguard, it is proposed that the current TEN process under the 2003 Act should continue to be available alongside any local approach in all licensing authority areas to ensure that a consistent process remains available, including for members of other EU states. This would ensure that the TEN process continues to comply with the European Services Directive.

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? (Please select one option):

Yes No Don't know

Consultation Question 24:

What impact do you think a locally determined notification would have on organisers of community events? (Please select one option in each row):

		Yes	No	Don't know
A	Reduce the burden	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Increase the burden	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

An extension of the TEN limit at individual premises

9.16 There is currently a limit of 12 TENs per year at individual premises. Following recent reforms of the TEN system, additional safeguards to the TEN process now exist in that the environmental health authority can object to TENs as well as the police, and both bodies can object on the grounds of any of the four licensing objectives (rather than only on the prevention of crime and disorder). Furthermore, where a TEN is given in relation to licensed premises, licensing authorities can now impose the same conditions on the TEN which apply to the premises' licence or club premises certificate.

9.17 Given these safeguards it is proposed that the number of TENs which can be given in respect of individual premises should be increased. We propose increasing the number of TENs which can be given from 12 to either 15 (an increase of 25%) or 18 (an increase of 50%).

Consultation Question 25:

Should the number of TENs which can be given in respect of individual premises be increased?
(Please select one option):

Yes No Don't know

Consultation Question 26:

If yes, please select one option to indicate which you would prefer:

15

18

Don't know

Late night refreshment

9.18 Late night refreshment is the provision of hot food and drink to the public after 11pm and before 5am. It requires a licence because of the problems that can occur, for instance outside late night takeaways. The police and other agencies greatly value the safeguards licensing provides, such as the ability to impose conditions on these premises.

9.19 While we believe that the ability to regulate late night refreshment should continue, there is scope to reduce the burdens of licensing requirements for businesses that provide late night refreshment but do not sell alcohol and are not associated with the alcohol-related late night economy.

9.20 The Government is consulting on two proposals, which are not mutually exclusive.

- The first proposal is to introduce local discretion on whether late night refreshment should be licensable. This could be done in two ways. Licensing authorities could be given powers to determine that premises providing late night refreshment (and no other licensable activities) should be exempt from the requirement to have an authorisation under the 2003 Act in certain parts of their area. Alternatively, licensing authorities could exempt certain types of premises in their area.
- The second proposal is to add new centrally prescribed exemptions to those in schedule 2 of the 2003 Act, similar to those that already apply to the provision of late night refreshment to which access is limited (such as workplace canteens or private clubs) and other exemptions such as hot-drink vending machines and the provision of late night refreshment by a charity.²⁴ We propose a further exemption for motorway service areas (MSAs) as we believe that they are not part of the wider night time economy, and indeed could be considered as totally separate because the late night refreshment they provide is not linked to alcohol consumption.

²⁴ The full set of exemptions can be found in schedule 2 of the Licensing Act 2003.

Consultation Question 27:

Do you think that licensing authorities should have local discretion around late night refreshment in each of the following ways? (Please select one option in each row):

		Yes	No	Don't know
A	Determining that premises in certain areas are exempt.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Determining that certain premises types are exempt in their local area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 28:

Do you agree that motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment? (Please select one option):

		Yes	No	Don't know
A	Motorway service areas should receive a nationally prescribed exemption from regulations for the provision of late night refreshment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 29:

Please describe in the box below any other types of premises to which you think a nationally prescribed exemption should apply (keeping your views to a maximum of 100 words):

Further proposals to reduce burdens on business

- 9.21 At present, those applying for new licences and club premises certificates or making full licence variations must advertise their applications in a local newspaper or circular. We propose to remove this requirement. The way people consume news locally is changing, both in its frequency and form. Local residents have opportunities to learn about applications online or by notices on the premises themselves.
- 9.22 The Government is also considering deregulating more widely elements of the ban on alcohol sales that applies to motorway service areas (MSAs). Licensing legislation and current Government guidance results in a general prohibition of the sale of alcohol at MSAs. One option is to lift this centrally imposed restriction and make on-sales and off-trade sales (see glossary) of alcohol at MSAs a matter for licensing authorities to determine locally, in the same manner as any other application for a licence. There is a separate question as to whether lodges and other overnight accommodation at MSAs should be able to serve alcohol to residents. These proposals must be balanced against strong messages against drink-driving.
- 9.23 Finally, under the 2003 Act, each sale of alcohol under a premises licence must be made under the authority of a personal licence holder. All personal licences must be renewed after a ten-year period to be valid. This consultation invites views on whether this requirement should be removed or simplified to reduce the burden on responsible businesses. The onus would continue to be on personal licence holders to ensure their licences are up-to-date in terms of personal details and photograph and to declare them on conviction for any relevant criminal offences, as well as to declare such convictions to their licensing authority. There are various existing criminal offences covering failure to make these declarations and the police already have powers to check personal licences. Sentencing guidelines also make reference to the courts' powers to order forfeit of a personal licence if a personal licence holder is convicted of a relevant criminal offence.
- 9.24 Finally, we continue to welcome views on additional or alternative proposals for reducing burdens on responsible businesses. The consultation therefore also provides the opportunity for interested parties to propose further ways in which other sections of or processes under the 2003 Act could be removed or simplified.

Consultation Question 30:

Do you agree with each of the following proposals? (Please select one option in each row):

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges”.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 31:

Do you think that each of the following would reduce the overall burdens on business? (Please select one option in each row):

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges”.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation Question 32:

Do you think that the following measures would impact adversely on one or more of the licensing objectives (see glossary)? (Please select one option in each row):

		Yes	No	Don't know
A	Remove requirements to advertise licensing applications in local newspapers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Remove the centrally imposed prohibition on the sale of alcohol at MSAs for the on and off-trade.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	Remove the centrally imposed prohibition on the sale of alcohol at MSAs but only in respect of overnight accommodation – “lodges”.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D	Remove or simplify requirements to renew personal licences under the 2003 Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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? (Please specify in the box below keeping your views to a maximum of 200 words):

10. Impact assessments

10.1 Impact assessments for the proposals in this consultation have been published alongside this document. Consultation respondents are encouraged to comment on these documents.

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? (Please select one option in each row):

		Yes	No	Don't know
A	Minimum unit pricing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	Multi-buy promotions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	Health as a licensing objective for cumulative impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D	Ancillary sales of alcohol.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E	Temporary Event Notices.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F	Late night refreshment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G	Removing the duty to advertise licence applications in a local newspaper.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H	Sales of alcohol at motorway service stations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I	Personal licences.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

Yes

No

Don't Know

If yes, please specify in the box below, referencing clearly the impact assessment and page to which you refer (keeping your views to a maximum of 400 words).

11. List of questions

Consultation Question 1:

Do you agree that this MUP level would achieve these aims?

Consultation Question 2:

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

Consultation Question 3:

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

Consultation Question 4:

The aim of minimum unit pricing is to reduce the consumption of harmful²⁵ and hazardous²⁶ drinkers, while minimising the impact on responsible²⁷ 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?

Consultation Question 5:

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

Consultation Question 6:

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

Consultation Question 7:

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

25 Harmful drinking is defined as when a person regularly drinks more than double the weekly equivalent of the NHS daily guidelines, that is more than 50 units weekly for men or more than 35 units weekly for women.

26 Hazardous drinking is defined as when a person regularly drinks over the NHS daily guidelines (equivalent to 21 units weekly for men and 14 units weekly for women), but less than double the guidelines.

27 Responsible (or moderate) drinkers are those who do not regularly exceed the daily guidelines (men should not regularly drink more than three to four units of alcohol per day and women should not regularly drink more than two to three units per day).

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?

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)?

Consultation Question 10:

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

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?

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?

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?

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?

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.

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?

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?

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?

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?

Consultation Question 20:

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

Consultation Question 21:

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

Consultation Question 22:

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

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?

Consultation Question 24:

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

Consultation Question 25:

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

Consultation Question 26:

If yes, please indicate which option you would prefer:

Consultation Question 27:

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

Consultation Question 28:

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

Consultation Question 29:

Please describe any other types of premises to which you think a nationally prescribed exemption should apply.

Consultation Question 30:

Do you agree with each of the following proposals?

Consultation Question 31:

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

Consultation Question 32:

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

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?

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?

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.

12. Glossary

Alcohol guidelines	<p>Harmful drinking is defined as when a person regularly drinks more than double the weekly equivalent of the NHS daily guidelines, that is more than 50 units weekly for men or more than 35 units weekly for women.</p> <p>Hazardous drinking is defined as when a person regularly drinks over the NHS daily guidelines (equivalent to 21 units weekly for men and 14 units weekly for women), but less than double the guidelines.</p> <p>Moderate drinkers are those who do not regularly exceed the daily guidelines (men should not regularly drink more than three to four units of alcohol per day and women should not regularly drink more than two to three units per day).</p>
'Ancillary sellers'	Those businesses for which the sale of alcohol is only a small part of, or incidental to, their wider activities, and occurs alongside the provision of another product or service. This consultation invites views on how 'ancillary sellers' could be defined.
Ancillary Sales Notice (ASN)	One of two options proposed in this consultation to reduce some licensing burdens on 'ancillary sellers'. An ASN would be an authorisation available to those with ancillary seller status and would remove the need for a premises licence at those premises. Obtaining an ASN would be quicker, simpler and cheaper than a premises licence, and could potentially work in a similar way to a TEN.
Annual fee	Holders of premises licences and club premises certificates under the 2003 Act must pay an annual fee on the anniversary of its grant.
Club premises certificates	Under the 2003 Act, private 'members' clubs require authorisation to use club premises for qualifying club activities, including the supply or sale of alcohol.
Cumulative impact policy (CIP)	CIPs are a mechanism set out in the statutory guidance issued under the 2003 Act by which licensing authorities can take into account the potential impact on the statutory licensing objectives of a significant number of licensed premises concentrated in one area.
Designated premises supervisor (DPS)	Under the 2003 Act, licensed premises that authorise the sale of alcohol must, in most cases, have a DPS specified in the licence. Only someone who holds a personal licence can be a DPS.
Early Morning Alcohol Restriction Order (EMRO)	Licensing authorities are able to apply an order to prevent the sale of alcohol (at a time between midnight and 6am) in all or part of their area if they consider that it is appropriate for the promotion of the licensing objectives.
EU Services Directive	Transposed into UK legislation by the Provision of Services Regulations 2009, the directive sets out how the internal market in relevant services should operate. The aim is to help open up the internal market in services across the EU, increasing employment opportunities and trade.
The Government's Alcohol Strategy (the 'Strategy')	Published on 23 March 2012, the Strategy sets out how to tackle the problems caused by people drinking to excess.
Harmful drinking	Harmful drinking is defined as when a person regularly drinks more than double the weekly equivalent of the NHS daily guidelines, that is more than 50 units weekly for men or more than 35 units weekly for women.
Hazardous drinking	Hazardous drinking is defined as when a person regularly drinks over the NHS daily guidelines (equivalent to 21 units weekly for men and 14 units weekly for women), but less than double the guidelines.
Late night refreshment (LNR)	Under the 2003 Act, LNR means the provision of hot food or hot drink to the public, for consumption on or off the premises, between 11.00 pm and 5.00 am.

Licensing Act 2003 (the '2003 Act')	The 2003 Act established a single, integrated scheme for licensing premises which are used for the sale or supply of alcohol, the provision of regulated entertainment, or the provision of LNR.
Licensing authorities	Licensing authorities are defined in the 2003 Act. They are primarily district councils or unitary authorities in England and county boroughs in Wales. Licensing authorities issue and administer premises licences, club premises certificates and temporary event notices in their area, as well as, for example, personal licences and renewals of personal licences.
The licensing objectives	Under the 2003 Act, licensing authorities have a duty to carry out their functions under the Act with a view to promoting the licensing objectives. These are: <ul style="list-style-type: none"> • the prevention of crime and disorder; • public safety; • the prevention of public nuisance; and • the protection of children from harm.
Mandatory code	See Mandatory licensing conditions
Mandatory licensing condition	The additional mandatory licensing conditions set out in regulations under Section 19A of the 2003 Act are sometimes referred to as the Mandatory Code. The Secretary of State can prescribe up to nine additional mandatory licensing conditions in regulations. A list of the current mandatory licensing conditions under s.19A can be found on page 21.
Moderate drinking	Moderate drinkers are those who do not regularly exceed the daily guidelines (men should not regularly drink more than three to four units of alcohol per day and women should not regularly drink more than two to three units per day).
On-trade	Premises that are authorised to sell alcohol for consumption on the premises, such as restaurants, bars and pubs.
Off-trade	Premises that are authorised to sell alcohol for consumption off the premises only, such as shops and off-licences.
Personal licence	Under the 2003 Act, each sale of alcohol under a premises licence must, with some exceptions, be made under the authority of a personal licence holder. A personal licence does not need to be associated with a particular premises, and a person can apply for a personal licence if they are not currently employed at a licensed premises.
Police Reform and Social Responsibility Act 2011 (the '2011 Act')	The 2011 Act rebalanced the 2003 Act, giving more powers to local communities to tackle problems in their area.
Recommended alcohol limits	The National Health Service recommends that men should not regularly drink more than three to four units of alcohol per day, and that women should not regularly drink more than two to three units per day. After a heavy drinking session, the NHS recommends avoiding alcohol for 48 hours.
Red Tape Challenge	An ongoing Government initiative to encourage members of the public to recommend regulations that should be scrapped, simplified or retained. Regulations are put forward every few weeks on a thematic basis.
Responsible drinking	The National Health Service defines responsible drinking as when a person consumes alcohol within the recommended limits.

Temporary Event Notice (TEN)	Under the 2003 Act, a TEN enables the issuer to undertake licensable activities (including selling alcohol) on an occasional basis without any other authorisation. The TEN must be issued to the licensing authority, the police, and the environmental health authority (EHA). The police or the EHA can object on grounds related to any of the licensing objectives. There are limits on the number of TENs a person or premises may give each year. It is an offence to carry out a licensable activity without an appropriate authorisation.
Unit of alcohol	A unit of alcohol is defined as 10ml by volume, or 8g by weight, of pure alcohol (ethanol). The number of units in a particular alcohol product will therefore depend on the volume of that product and its alcoholic strength (alcohol by volume or abv).

