

Basildon Council Final RESPONSE to CONSULTATION QUESTIONS

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

We feel that assessing the predicted effects of the measure in terms of the health impact on harmful drinking is best commented upon by others better placed to evaluate the available evidence. Similarly, although the question is critical in achieving the desired impact, no comment is made on the minimum price level that has been chosen. However, it appears self-evident that minimum unit pricing will reduce harmful drinking practices such as 'pre-loading' by some social groups by restricting the availability of alcohol (particularly off-sales) sold at very low or heavily discounted prices. As a result, we would expect there to be a reduction in the associated crime and disorder that can plague an otherwise successful night-time economy.

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

No, but demand for cheap alcohol will remain and one of the consequences of setting a significantly artificially higher unit price for alcohol could be to indirectly encourage illicit sales of alcohol (often smuggled or counterfeit) that also evade alcohol duty destined for the public purse and to suffer the criminality associated with these activities.

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 be reviewed after a set period.

Question 4: The aim of the minimum unit price 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?

No comment.

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

No comment.

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

No comment.

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

No comment.

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?

No comment.

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)?

Within Basildon borough, we have not had cause to take action against any licensed premises in respect of breaches of any new mandatory licensing condition which took effect in 2010; therefore we feel we cannot comment on their effectiveness.

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

We are not aware of any particular unusual drinking promotions in our licensed premises that are causing particular problems but it is important to recognise that use can always be made of the premises licence review mechanism to correct unsatisfactory practices that work against the licensing objectives.

Question 11: Are there other issues to the licensing objectives (prevention of crime and disorder/public safety/prevention of public nuisance/protection of children from harm) which could be tackled through a mandatory licensing condition?

No

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

Question 13: What source 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?

This authority has not felt the need to introduce a cumulative impact policy. We have no useful experience to refer to on this question.

Question 14: Do you think any aspect of the current cumulative impact policy process would need to be amended to allow consideration of data on alcohol-related health harms?

Refer to answer to (13) above. As a general observation, whilst we accept the principle that licensing authorities should be able to take alcohol-related health harms into consideration, we find it curious that this is only being proposed in relation to cumulative impact policies (CIPS). It seems incongruous that this consideration might be introduced for CIPS when 'Health' is not one of the licensing objectives.

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.

Refer to answer to (13) above.

Question 16: Should special provisions to reduce the burdens on ancillary sellers be limited to specific types of businesses, and/or be available to all types of business providing they meet certain qualification criteria for limited or incidental sales?

Whilst we accord with the desire to relax licensing restrictions on "ancillary sellers" where they are shown to be unnecessary we are also conscious of the real risk of inadvertently complicating the licensing system by introducing an array of exemptions. It is important for the rules to be readily understood by all concerned and also, more importantly, to prevent irresponsible businesses taking advantage if the drafting of the terms of the exemptions are vague. Financial rewards of acting outside licensing controls would be significant, thus any loopholes are likely to be exploited, making enforcement by police and other enforcement agencies extremely difficult. Any definition of "ancillary sale" would have to be tight. For instance, the legislators' challenge would be to establish precise descriptions of the types of businesses specifically to be exempted, as would be the intended interpretation of what might be judged "a small part or proportion of a sales transaction or contract for a wider service." These definitions are not fully explained in the consultation document.

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?

Refer to response to Q16. There are inherent problems in accurately describing the types of businesses that in most cases do not already have precise legal definitions elsewhere in legislation. For example, whilst exempting charitable events would be advantageous, in practice this could relate to a multitude of events large or small, and how is the charitable status of an organisation to be verified? It is not clear whether the event would have to be organised by a registered charity or merely advertised to benefit a genuine charity? Without any application or notification process, the proposed relaxation will increase the need for investigations by enforcing authorities (who will not receive a fee), where issues of doubt arise.

Question 18: Do you have any suggestions for other types of businesses to which such special provision could apply without impacting adversely on one or more of the licensing objectives.

No

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?

As explained above, paragraph 9.6 provides insufficient detail of the qualifying criteria to assure that loopholes will not arise.

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

All the proposals would reduce the burden on ancillary sellers, but we do not agree with the relaxation of the licensing system to allow ancillary sellers without licensing or temporary event notices.

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

There should not be any dilution of the existing controls. None of the options presented would be acceptable.

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

None.

Question 23: Do you agree that licensing authorities should have the power to allow organisers of community events involving licensable activities to notify them through a locally determined notification process?

No

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

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

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

No. TENs are designed to accommodate occasional, small licensable events and should not be seen to be a method of avoiding Premises Licensing. There have already been substantial amendments to allow greater flexibility.

Question 26: If yes, please select one option to indicate which you would prefer:

N/A.

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

Determining premises in certain area are exempt – No
Determining that premises types are exempt in local area - No
There remains a need for licensing these premises. Allowing local deviations will only increase inconsistency between different areas and ill-defined exemptions only add to the complexity of the system.

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

Yes

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

None

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

Remove requirement to advertise licensing application in newspaper – No

Remove the centrally imposed prohibition on the sale of alcohol at MSA's for the on and off trade – Yes

Remove the centrally imposed prohibition on the sale of alcohol at MSA's but only in respect of overnight accommodation – Yes

Remove or simplify requirement to renew personal licences – Simplify (not remove).

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

Remove requirement to advertise licensing application in newspaper – Yes, however this authority believes that it is about keeping local residents informed and this should remain the responsibility of the business applying for a licence.

Remove the centrally imposed prohibition on the sale of alcohol at MSA's for the on and off trade – Yes

Remove the centrally imposed prohibition on the sale of alcohol at MSA's but only in respect of overnight accommodation – No

Remove or simplify requirement to renew personal licences – Yes

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

Remove requirement to advertise licensing application in newspaper – No

Remove the centrally imposed prohibition on the sale of alcohol at MSA's for the on and off trade – No

Remove the centrally imposed prohibition on the sale of alcohol at MSA's but only in respect of overnight accommodation – No

Remove or simplify requirement to renew personal licences – No

Question 33: In addition to the suggestions outlined above, what other sections of or processes under the 2003 Act could in your view be removed or simplified in order to impact favourably on businesses without undermining the statutory licensing objectives or significantly increasing burdens on licensing authorities?

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

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

Question 35: Do you have any comments on the methodologies or assumptions used in the impact assessments? If so, please detail them, referencing clearly the impact assessment and page to which you refer.

No