

TourismAlliance

the voice of tourism

Alcohol Consultation,
Drugs and Alcohol Unit,
Home Office,
4th Floor Fry Building,
2 Marsham Street,
London,
SW1P 4DF

6 February 2013

Dear Sir/Madam

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

1. The Tourism Alliance was established in 2001 with the support of the Secretary of State for Culture, Media and Sport as the voice of the UK tourism industry and now comprises over 50 Tourism Industry Associations that together represent some 200,000 business of all sizes throughout the UK (See Appendix A for a full list of member organisations). The Tourism Alliance's mandate is to work with government on issues relevant to the growth and development of tourism and its contribution to the economy and it is therefore responding to this call for evidence in that capacity.

Problems with the Current Licensing Regime

2. The UK tourism industry is one of the few growth sectors of the UK economy. The latest yearly figures (2011) show that domestic tourism revenue increased by 14%, to £22.7bn. This was sufficient to generate almost 60,000 new jobs for the UK economy. Current figures show that tourism revenue for 2012 will exceed the 2011 figure, and have generated further employment
3. There are three significant factors regarding this employment growth
 - a. It is relatively evenly distributed throughout all regions of the UK
 - b. The majority of employment is generated by the 80% of tourism businesses (180,000) that are SMEs
 - c. Almost 45% of the people employed are under 30
4. However, the UK tourism industry could do even more to support economic growth. One of the main restraints on growth in the sector is regulatory burden, as highlighted by the inclusion of tourism in the Government's Red Tape Challenge and by the Minister for Tourism convening an Industry Taskforce to address regulation in 2011.
5. One of the issues highlighted in the Taskforce's subsequent report (*Smart Regulation and Economic Growth - seizing the tourism opportunity, Dec 2011*) was the impact of the licensing regime on the many tourism SMEs that sell, or would like to sell, small quantities of alcohol to customers,

6. This regime is significantly more costly and complex process since the introduction of the Licensing Act 2003. The counter-productiveness of requiring a B&B to go through the same licensing requirement at the same cost as a bar or night-club was subsequently highlighted in the 2006 report of the Independent Fees Review Panel which recommended that “ *the future fees regime should be de minimis for certain premises types where alcohol activity is peripheral to overall activity*”.
7. This view was supported by Tourism Alliance research that indicated that the number of small tourism accommodation businesses that had ceased to sell alcohol had fallen significantly in some areas when the new regime was introduced.
8. We therefore welcomed the announcement on 28th September 2011 that the Government would:

Reduce bureaucracy in licensing by making application forms simpler and, following consultation, give local areas more flexibility over late-night refreshment licensing, the process for obtaining a Temporary Event Notice (TENs) and reducing the administrative burdens on businesses with minimal alcohol sales, such as B&Bs.
9. We believe that the proposals in this consultation paper on deregulation, if implemented, would address this commitment and help support the further growth of the UK tourism industry. As such it would fulfil two of the Government’s objectives in introducing the Licensing Act 2003 – namely:
 - a. Encouraging tourism
 - b. Encouraging self-sufficient rural communities.

Ancillary Sales of Alcohol (Questions 16- 22)

10. The Tourism Alliance supports the deregulation of businesses that undertake the ancillary sales of alcohol. There is no evidence that the very low sales of alcohol by these businesses contributes in any way to binge drinking, alcohol fuelled crime or anti-social behaviour – either before the introduction of the Licensing Act 2003 or afterwards. Indeed an argument can be mounted that allowing these businesses to sell small quantities of alcohol helps prevent people congregating in city centres and drinking to excess. We believe that there needs to be two measures taken to achieve this.

Redrafting the definition of “selling alcohol”

11. The definition of “selling alcohol” needs to be recast to exclude the provision of up to one bottle of alcohol in a welcome packs provided with the letting of self-catering properties.
12. There are an estimated 60,000 self-catering businesses in the UK, a significant number of which provide complementary welcome packs for guests. These welcome packs usually include flowers, chocolates and a bottle of wine. It is extremely doubtful that any of the many thousands of self-catering operators currently providing a bottle of wine as part of a welcome pack has either a premises licence or a personal licence. It is also extremely doubtful that there has ever been a problem as a result.
13. As it would serve no useful purpose to require either the premises to be licensed or the person delivering the welcome pack (usually the cleaner) to hold a personal licence, we believe that the definition should be amended to allow this activity to continue.

Reducing the burden on ancillary sellers

14. Like the Government, we believe that there is scope to reduce 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.

15. **We believe that the best option for doing this would be Option C of Question 16** - 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.
16. The reason for this is two-fold. First there are a number of business types where there is significant agreement between the industry and Government as to warranting a reduction in licensing burden due to the low risk of adverse consequences. **In answer to Question 17, we believe that it is appropriate that Accommodation Businesses and Cultural Organisations that provide alcohol as part of the entry ticket are specifically listed** so as to provide clarity for both the business operator and the licencing authority.
17. Second, in addition to businesses that warrant specific listing as ancillary sellers, there are another range of businesses types which in some circumstances could be deemed to be undertaking ancillary sales while in other circumstances could be deemed to be providing alcohol as a core part of their offering. These businesses would include historic attractions where some provide fully catered events for customers as a core business activity while others sell very small amounts of alcohol (ie., a product of the estate) as a side-line to their core activity.
18. We believe that in these cases, businesses need to be judged on their business model and individual merits rather than on the basis of an arbitrary designation. Therefore, guidance as to what constitutes an ancillary sale is more appropriate than a specific business type. **In answer to Question 19, we therefore support the qualification criteria proposed in paragraph 9.6** as being appropriate to distinguish between businesses that undertake alcohol sales as a core component of their business model and those where the sales are ancillary.

Options for Reducing Regulation Burden (Question 20)

19. For those businesses deemed to be undertaking ancillary sales, **the Tourism Alliance supports Option B - removing the need for a premises licence** and replacing it with an Ancillary Sales Notice (ASN) that is quicker, simpler and cheaper than a premises licence. We would also contend that the granting of such a licensing should be automatic subject to agreement by the police and that the licence can be withdraw and an applicant be made to gain a full licence if a business breeches the conditions of the ASN.
20. We believe that this approach would reflect the very low risk that these properties present to crime and anti-social behaviour while, at the same time, providing licensing authorities and the police with the control required to prevent abuse of the system. The approach would also meet the objectives of the Licensing Act in supporting the tourism industry and the rural economy, where many of these businesses are located.
21. We also believe that the requirement for sales of alcohol to be authorised by a personal licence holder should not apply to alcohol sold under an ASN. There are two reasons for this. First, in cases of self-catering properties, it is usually the cleaner or an agent that delivers the welcome pack to the property before the customer arrives. We can see no benefit whatsoever in requiring such a person to undertake a personal licence when they do not meet the customer and only ever provide a set amount of alcohol.
22. Second, the main purpose of a personal licence is to ensure that the person provides alcohol to a customer that does not result in adverse personal or public outcomes. As the amount of alcohol being provided by ASN properties is accepted to be de minimis and not to have detrimental personal or public consequences, it is therefore unnecessary for the person providing it to be trained to prevent these consequences arising.

We look forward to the outcome of this consultation and the Government delivering on its commitment to reduce the licensing burden for businesses where these sales are ancillary to their core business. If you would like any information or evidence to help you in your work, please do not hesitate to ask.



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Appendix A: Tourism Alliance Membership

ABTA
ALMR
ALVA
ANTOR
Association for Tourism in Higher Education
BALPPA
Bed & Breakfast Association
Brighton and Hove Tourism Alliance
British Beer & Pub Association
British Destinations
British Educational Travel Association
British Holiday & Home Parks Association
British Hospitality Association
British Marine Federation
Business in Sport & Leisure
Business Visits & Events Partnership
Camping & Caravanning Club
CLA
Confederation of Passenger Transport
Cumbria Tourism
EASCO
English Historic Towns Forum
English UK
European Tour Operators Association
Farmstay UK
Group Business Travel Forum
Heritage Railway Association
Historic Houses Association
Historic Royal Palaces
Holiday Centres Association
Hoseasons
Institute of Tourism Guiding
Marketing Manchester
Mersey Partnership
National Caravan Council
National Trust
New Forest
Outdoor Industries Association
Resort Development Organisation
South West Tourism
The Caravan Club
The Tourism Society
Tourism South East
UKInbound
Visit Cornwall
Visit Kent
Visit London
Visit Wiltshire
Visitor Attractions Forum
Welcome to Yorkshire