



HILLINGDON

LONDON

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



Your ref:

Date: 6th February 2013

Dear Sirs,

ALCOHOL STRATEGY CONSULTATION RESPONSE

Further to the Home Office consultation on the alcohol strategy, please find attached the response from the London Borough of Hillingdon Licensing Authority.

Yours faithfully



Minimum Unit Pricing

Consultation Question 1:

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

No.

It is the view of this Committee that, whilst the introduction of Minimum Unit Pricing will drive up the price of the cheapest brands of alcohol, it will not prohibit those persons who wish to obtain alcohol, from obtaining it. The Committee is concerned that levels of shoplifting and crime would increase where certain individuals would have to pay a higher price for their alcohol.

The Committee also believes that any reduction to alcohol related harm as a result of the introduction of the MUP will be extremely difficult to quantify.

Consultation Question 2:

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

Yes.

Whilst the Committee is of the view that the introduction of MUP will not have an effect on the amount of applications requiring consideration, the Committee would like to see the saturation of licensed premises be taken into account when determining licence applications. The recent proliferation of off licences has made alcohol freely available on every street corner. More powers should be given to Licensing Authorities to take saturation into account when making determinations.

This is something that our residents would also like to see introduced as it is something that is brought up time and time again in Licensing Sub-Committee hearings where both residents and Committee Members are frustrated that new licences are issued despite a plethora of licensed premises operating in the vicinity.

Consultation Question 3:

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

Do nothing – legal challenges will resolve these issues.

Any introduction of MUP will require publicity, communication with licence holders and additional enforcement which will require an adjustment to licence fees.

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?

Yes.

The Committee believes that the introduction of MUP would penalise responsible low income drinkers. Many people on low incomes enjoy alcohol responsibly and MUP could mean that these individuals can no longer afford to buy alcohol for their day to day socialising needs and for special occasions and celebrations.

Ban on Multi-buy promotions

Consultation Question 5:

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

No.

This Committee is of the view that the proposals will not achieve the objective because they deal with marketing tactics than actual sale and purchase quantities. This is mainly due to the wording of all the promotions listed. The end result of permitted half price sales is that patrons can still buy two for the price of one – are these not the same? Traders will still be able to offer promotions if worded correctly. Bargain hunting for the best price is normal consumer behaviour and this will continue even if promotions are banned.

Consultation Question 6:

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

No. These will be just as ineffective as the existing proposals.

Consultation Question 7:

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

None

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.

Responsible drinkers will be affected by having to pay more for their alcohol. Advertising and marketing representatives will also be affected by placing restrictions on promotions. Customers will always maximise the opportunities for best value for money with any disposable income that they may have.

Reviewing the Mandatory 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)?

a) – Irresponsible promotions

The Licensing Authority does not believe that these have had any effect on bars/clubs because there is currently no definition of an irresponsible promotion.

The existing wording makes any enforcement action extremely difficult and we are not aware of any cases where a successful prosecution has taken place.

b) – Dispensing alcohol directly into the mouth

N/A as this promotion was extremely limited.

c) – free tap water

The Licensing Authority can see the benefits of having this condition imposed upon premises licences however, we are unsure about which of the prime licensing objectives are specifically being promoted.

d) – Age verification

The Licensing Authority can see the benefits of this condition in terms of protecting children and the prevention of crime.

e) – Smaller measures

As with the mandatory condition relating to free tap water, the Licensing Authority can see the benefits but cannot place it under any of the licensing objectives specifically

Further clarification or revision of the conditions relating to irresponsible drinks promotions is encouraged. We are of the opinion that the existing conditions are extremely difficult to enforce and we are not aware of any cases from other Local Authorities where enforcement action has been taken in respect of these conditions.

Consultation Question 10:

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

N/A – It is felt that individual Licensing Authorities are best placed to decide what conditions are appropriate to address the needs and concerns of a particular premises in a particular area.

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?

No.

It is felt that individual Licensing Authorities are best placed to decide what conditions are appropriate to address the needs and concerns of a particular premises in a particular area.

It has been noted that the consultation document does not contain any proposals for mandatory conditions so we are unable to consider how this Authority is likely to deal with any changes or revisions. We would like an opportunity to give further feedback on any proposals before they are finalised.

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?

This Committee believes that the existing Mandatory Conditions for the Off-Trade are appropriate. Any further measures necessary to promote the Licensing Objectives may be imposed by the Licensing Authority at the time of determination.

Licensing Authorities are best placed to decide what conditions are appropriate to address the needs of a particular premises in a particular area.

Health as a Licensing Objective for CIP's

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?

Local addiction centres, hospitals admissions, GP records and Police call outs could be analysed to produce evidence relating to alcohol related harm. The great challenge would be for Local Authorities in obtaining these figures. The London Borough of Hillingdon Licensing Authority has made numerous attempts over the years to obtain similar data without success. If Local Authorities are to rely on this information, then it must be made available at least annually to local authorities.

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?

No

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.

The Licensing Authority has considered a number of cases for new premises licences where concerns have been raised about their proximity to local health and addiction services. The Licensing Sub-Committee has felt powerless to address concerns about Public Health and vulnerability issues associated with alcohol under the existing controls. The Licensing Authority would consider pursuing the introduction of a cumulative impact policy relating to public health concerns in areas immediately surrounding local addiction and health centres.

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?

No to all options.

This Committee strongly believes that all sales of alcohol be regulated to ensure protection of the public and the promotion of the Licensing Objectives. The Committee feels that no supplies of alcohol should be made exempt. Any deregulation of alcohol supplies would be open to abuse by certain traders. Currently, Licensing Officers operate a pro-active approach to enforcement and compliance and any exemptions would create a reactive system of enforcement whereby the damage has already been carried out. The Licensing

Authority cannot be satisfied that a business is going to operate responsibly without going through a licensing process and demonstrating how they plan to operate and manage their business.

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?

No to all options.

The Committee believes that no sales/supplies of alcohol should be exempt.

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?

NA

The Committee believes that no sales/supplies of alcohol should be exempt.

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?

No.

The Licensing Authority is of the opinion that the current system of authorisation is a good starting point for enforcement. We would not support deregulation of this area.

Consultation Question 20:

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

N/A

The Licensing Authority is of the opinion that the current system of authorisation is a good starting point for enforcement. We would not support deregulation of this area.

Consultation Question 21:

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

Yes.

The Licensing Authority is of the opinion that the current system of authorisation is a good starting point for enforcement. We would not support deregulation of this area. The licensing objectives would certainly be compromised if a light touch form of authorisation is introduced. All residents would be opposed to such measures being introduced.

Consultation Question 22:

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

NA.

The Licensing Authority is of the opinion that the local Licensing Authority should determine such matters on a case by case basis.

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.

Tinkering with the existing system of authorisation will only create confusion. We would not support deregulation of this area. It is felt that Temporary Event Notices are the ideal system for authorising these types of events.

Consultation Question 24:

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

N/A

The Licensing Authority is of the opinion that the system of regulation works well so no changes are necessary. We would not support deregulation of this area. It is felt that Temporary Event Notices are the ideal system for authorising these types of events.

Consultation Question 25:

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

No. The Licensing Authority believes that the current system is already being abused by certain individuals. Licensing Authorities work extremely hard to ensure that the TEN's system is properly implemented and adhered to. Further increases on limits for TEN's would open the doors to abuse by applicants. The TEN's system has already been changed in 2012 to increase the amount of days available for premises. Hillingdon has already seen an increase in complaints generated from TEN's served by licensed premises to extend their hours of operation. Many complaints concern antisocial behaviour not generally involving crimes or noise so would not necessarily be caught by the powers held by the Police or our colleagues in Environmental Protection.

Consultation Question 26:

If yes, please indicate which option you would prefer:

None

Consultation Question 27:

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

No.

The Licensing Committee agrees that the current system works well and should not be subject to any change.

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?

The London Borough of Hillingdon does not have any MSA within its jurisdiction so does not wish to make any comments on this proposal.

Consultation Question 29:

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

None

Consultation Question 30:

Do you agree with each of the following proposals?

A) Remove the requirements for advertising –

No.

It has been our experience that most residents respond to applications after reading public notices in the local papers. Many people in the community rely on public notices to keep abreast of applications in their local area. Many people do not regularly check the Council website or walk around their local area so would rely on public notices.

D) Remove or simplify the requirements to renew personal licences –

No.

This suggestion will further compromise the weak powers that exist to administer and enforce personal licences. It is noted that the consultation refers to licence holders having responsibility to keep the licensing authority informed of any changes. It is important to note that there are many many licence holders who have not informed us when they move addresses or receive a conviction. The Licensing Authority believes that controls in this area need to be strengthened, not weakened.

The Licensing Authority does not wish to comment on proposals B & C as we do not currently have any MSU's in our area.

Consultation Question 31:

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

N/A – see Question 30.

Consultation Question 32:

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

Yes.

The Licensing Authority is of the view that the licensing objectives would be undermined if deregulation occurred in these areas.

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?

NA

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?

NA

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.

NA