



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:

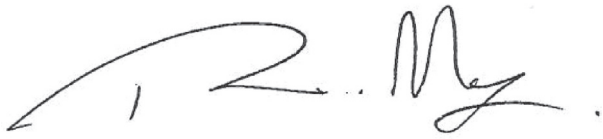
- Rebalanced the Licensing Act in favour of local communities – for instance by removing the ‘vicinity test’ to ensure that anyone – no matter where they live – can input into a decision to grant or revoke a licence;
- Introduced a late night levy – empowering local authorities to make those businesses 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 initial 'T' and a stylized 'M'.

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 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>two for the price of one</p> <p>three for the price of two</p> <p>buy-one-get-one-free</p> <p>buy six get 20% off</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> <p>half price offers</p> <p>'a third off' offers</p> <p>£x off any individual item</p>
<p>24 cans of lager costing less than 24 times the cost of one can of lager in the shop</p>	<p>Cutting the price of a single can of lager so that it is as cheap as the cans in the multipack</p>
<p>A case of wine sold cheaper than the individual price at which the same bottles are sold in the shop</p>	<p>A case of wine can be priced at any level if the items are not available to buy individually</p>
<p>Three for £10 where each bottle costs more than £3.33</p>	<p>Three for £10 as long as you can also buy each individual item in the multi-pack for £3.33</p>
<p>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.</p>	<p>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.</p>

- 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	<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 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	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>
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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	<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, 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).

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