

HOME OFFICE CONSULTATION PAPER ON THE NEW CODE OF PRACTICE FOR ALCOHOL RETAILERS

ITEM 5

Committee	Licensing Committee
Officer Contact	Norman Stanley Tel: 01895 277433
Papers with report	APPENDIX 1 - Safe.Sensible.Social – Selling Alcohol Responsibly: Home Office Consultation Paper on the New Code of Practice for Alcohol Retailers
Ward(s) affected	All

SUMMARY

To seek the Licensing Committee's observations in respect of new consultation document published by the Home Office entitled **Safe. Sensible. Social:-** *Selling alcohol responsibly: A Consultation on the new Code of Practice for Alcohol Retailers.*

RECOMMENDATION

That the Licensing Committee consider the proposals in the consultation document and:

- a) decides whether the Council needs to respond to the consultation
- b) if so, specifies which aspects of the proposals require a response and
- c) specifies what that response should be
- d) authorises the Council's Head of Community Safety and Licensing Service Manager to liaise with Hillingdon Police's Licensing Officer and prepare a joint response in line with the Licensing Committee's observations, if a response is deemed to be necessary.
- e) requests that Cllr Sandra Jenkins, as the Cabinet Member for Environment, signs the consultation response letter, on behalf of the Council

INFORMATION

The Home Office has published for consultation a code of practice for licensed retailing, which includes proposed mandatory and discretionary conditions for premises licences intended to reduce the health related harms and crime and disorder resulting from the irresponsible marketing and sale of alcohol.

The Home Office has invited responses from licensing authorities (i.e. Local Authorities), public health authorities, the public and the industry itself.

The consultation runs until the 5th of August 2009. The Council's Head of Community Safety and Licensing Service Manager are liaising with Hillingdon Police's Licensing Officer to establish whether there are any matters which require a joint response.

The code of practice includes mandatory and discretionary conditions for premises licences, which are likely to be strongly opposed by the licensed trade.

It is proposed that, if adopted, the conditions which may be applied to premises licences will be included under the Policing and Crime Bill, which is currently before Parliament.

Although billed as a new code of practice for the responsible retailing of alcohol, at first sight it is not so much a code as a set of legislative changes to control alcohol retailing. The package consists of:-

- **Mandatory conditions** that will apply nationally to all new and existing alcohol licences. Breach of conditions will be an offence.
- **A statutory requirement** for alcohol unit content and health information to be provided at point of sale, under the Food Safety Act. Breach of conditions will be an offence.
- **Discretionary local conditions** that can be applied by licensing authorities to groups of two or more licensed premises in their area who are experiencing particular problems. Breach will be an offence.

The Proposed Mandatory Conditions

- (a) A ban on specified irresponsible alcohol promotions such as drinking games, speed drinking and all-inclusive offers.
- (b) A ban on alcohol being dispensed directly in the mouth of customers.
- (c) A requirement that specified minimum measures of alcohol are readily available in licensed premises.
- (d) A requirement that free tap water should be available for customers.
- (e) Online or mail order suppliers of alcohol must have a robust age verification system in place to prevent under age sales.
- (f) A requirement for units of alcohol information to be available at point of sale for a representative sample of drinks and health guidelines to be posted up in off-trade premises.

Proposed Discretionary Local Conditions

- (a) Bans the discounted sale of alcohol where the discount applies at particular times of the day or week (e.g. happy hours) at key times.
- (b) Bars "pub crawl" offers of discounted drinks at key times.
- (c) Requires a risk review to be carried out by the licence holder and a management plan agreed with the licensing authority.
- (d) Requires regular collection of empty or abandoned glasses during key times.
- (e) Bans the serving of alcohol in glass containers at key times.
- (f) Prevents customers leaving licensed premises with unsealed glass containers at key times.
- (g) Requires toilets to be checked regularly during key times.
- (h) Requires Security Industry Authority licensed door staff to be on duty.
- (i) Requirement for an incident record to be maintained.

- (j) Licensee must consult with police and local authority on dispersal policy.
- (k) CCTV must be in operation on the premises.
- (l) Requirement to display information on location of public transport links and phone numbers for local taxis.
- (m) Requirement for a direct telephone line to local licensed taxi companies.
- (n) Live text or radio pager link with police to be in place at premises.
- (o) "Challenge 21" scheme must be in operation.
- (p) Bulk discounts must not be offered during stipulated times.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report as these proposals are currently at the consultation stage.

However the implementation of these proposes could potentially involve the reissue of all existing Premises Licences and Premises Licence Summaries. This would have significant resource implications for the Licensing Service, if no additional funding was provided as part as this implementation. This will be highlighted as a potential issue for the Council's Medium Term Financial Forecast (MTFF)

LEGAL IMPLICATIONS

The consultation complies with well-known principles set out in *R v North and East Devon HA ex parte Coughlan* [2001 QB 213 paragraph. 108] "To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for consideration and proposals to allow those consulted to give intelligent consideration and intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken". Consequently, this consultation can be regarded as a formal process for getting the input of relevant stakeholders on the specified issues.

Councillors should note that a result of this consultation is that the proposals currently before the Licensing Committee may differ from the final proposals eventually tabled to Parliament.

BACKGROUND PAPERS

The Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003

The London Borough of Hillingdon's Statement of Licensing Policy

The Policing and Crime Bill