
Licensing and Gambling Acts Committee

5th June 2009

Report of the Director of Neighbourhood Services

SELLING ALCOHOL RESPONSIBLY (MANDATORY AND DISCRETIONARY CODES) – A HOME OFFICE CONSULTATION DOCUMENT

Summary

1. The purpose of this report is for members of the Licensing Committee to examine the contents of the recently published government consultation document – Selling Alcohol Responsibly. It also seeks member's views to enable officers to complete the attached questionnaire on the suggested codes and conditions and whether they meet the objective of reducing crime and disorder and making it safer for people to enjoy alcohol responsibly.

Background

2. On the 13th May 2009 the government published a consultation document 'Selling Alcohol Responsibly' detailing a mandatory national alcohol code and discretionary local alcohol code. It is expected following consultation for the codes to be implemented in the Policing and Crime Bill.
3. The full consultation document of 83 pages can be found at <http://www.homeoffice.gov.uk/about-us/haveyoursay/current-consultations/> and at Annex 1 to this report.
4. The report acknowledges that drinking alcohol plays a long standing and generally positive role in British culture and that pubs, bars and clubs are an important part of many people's social and family life and contributes valuable revenue to the economy.
5. The report seeks the Local Authorities views on a range of proposed mandatory licensing condition across England and Wales, on a series of proposed codes and conditions that could be applied by licensing authorities at local level, and on how they should operate. The consultation also seeks views on a proposed requirement to display alcohol information through the Food Safety Act.
6. The codes cover three sections;

- Mandatory licensing conditions and Food Safety Act requirements – conditions that would apply to all premises selling or supplying alcohol across England and Wales;
- Discretionary local licensing conditions – allowing local licensing authorities to apply chosen conditions to two or more licensed premises when there is evidence of a link to alcohol-related disorder; and
- Guidance- to make sure that the code of practice is implemented and enforced

7. Proposals for mandatory codes

- Banning promotions such as ‘all you can drink for £10’ speed drinking competitions and dentist’s chairs where alcohol is dispensed directly into the mouth of any customer.
- Ensuring all bars, pubs and clubs offer alcohol in both measures so customers have the choice between a single or double measure of spirits and a large or small glass of wine.
- Requiring alcohol retailers to display information about the unit contents of drinks and for supermarkets and convenience stores, the health impacts of alcohol under powers from the Food Safety Act.

8. Proposals for discretionary codes

- Restricting happy hours or ‘pub crawl’ promotions at particular times most associated with alcohol related crime and disorder
- Banning irresponsible bulk buy promotions where for example a consumer must buy more than one 24 pack of lager to obtain a discount to reduce the risk of people drinking excessive amounts of alcohol at home then going out already drunk and causing crime and disorder
- Requiring staff to operate a Challenge 21 policy where anyone who may look under 21 must produce proof of age to buy alcohol
- Requiring licensed door staff to conduct checks for weapons and drugs at times most associated with alcohol related crime and disorder
- Banning glass containers or ensuring glasses are collected at regular intervals to reduce the risk of violent incidents
- Ensuring that CCTV is in operation at times associated with alcohol-related crime and disorder
- Display information on the location of public transport links and taxi numbers to help people get home safely.

9. The government has decided not to proceed with any national or local

measures around minimum unit price, as it would punish unfairly the sensible majority of moderate and responsible drinkers. However the consultation commits to developing further the evidence base in this area.

10. In addition the consultation asks for views on whether banning retailers from selling alcohol at prices below the level of excise duty paid, plus VAT due, would further the government's objectives in tackling alcohol-related harms in a way that does not unduly affect the majority of responsible drinkers and retailers.

Options

11. Not applicable for information and part of a national consultation exercise.

Analysis

12. None

Corporate Priorities

13. The effective exercise of the licensing legislation and guidance notes ensures the licensing function will impact on the councils priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

14. **Financial**

None

15. **Human Resources (HR)**

None

16. **Equalities**

There are no equalities implications.

17. **Legal**

In carrying out its licensing functions, the Licensing Authority must have regard to any guidance issued by the Secretary of State. The Licensing Authority may, if it appears appropriate, depart from the Secretary of State's Guidance but would need justifiable and identified reasons for doing so in order to withstand a legal challenge.

18. **Crime and Disorder**

The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authorities responsibility to co-operate in the reduction of crime and disorder in the city.

19. **Information Technology (IT)**

There are no information technology implications.

20. **Property**

None.

21. **Other**

There are no other implications.

Risk Management

22. In compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

Recommendation

Members are recommended to;

- Note the contents of this report and the published mandatory and discretionary codes as outlined in the government published document – Selling Alcohol Responsibly
- To advise officers in the response to the new codes of practice.

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Wards Affected:

All

For further information please contact the author of the report

Background Papers

The Licensing Act 2003.

The Department for Culture, Media and Sport Guidance issued under section 182 of the Licensing Act 2003.

Annexes

Annex 1: Home Office publications Safe. Sensible. Social -Selling Alcohol Responsibly: A consultation on the new code of practice for alcohol retailers