

Selling Alcohol Responsibly: A Consultation on the New Code of Practice for Alcohol Retailers

Overview Report

Prepared for

**The Home Office
by**

Dialogue by Design Ltd

November 2009

Contents

Executive summary	3
Chapter 1 Introduction	6
1.1 Background	6
1.2 Consultation.....	7
1.3 About this report	8
Chapter 2 Overview of consultation activities	9
2.1 Statutory consultation	9
2.2 Additional engagement activities	10
2.3 Overall analysis	11
Chapter 3 Attitudes and opinions	12
3.1 Problem identification	12
3.2 Dealing with alcohol-related crime and disorder.....	13
Chapter 4 Mandatory licensing conditions	14
4.1 General comments	14
4.2 Detailed comments and suggestions.....	16
Chapter 5 Local discretionary conditions	20
5.1 General comments	20
5.2 Detailed comments and suggestions.....	21
Chapter 6 Further measures	26
6.1 Considerations for future action.....	26
6.2 Further discretionary conditions	27
Chapter 7 Conclusion	29

Executive summary

The Home Office is taking forward legislation to further reduce alcohol-related crime and disorder. This legislation, *A New Code of Practice for Alcohol Retailers*, essentially consists of a range of mandatory licensing conditions and a number of discretionary local conditions.

Consultation

A consultation on the issue was held between 13 May and 14 August 2009. Along with the formal consultation a number of additional engagement activities were held. The main audiences were: licensing authorities; enforcement agencies and health bodies; those who sell and supply alcohol; and members of the public. Across all activities, around 7,000 responses have been received commenting on the proposals.

Attitudes and opinions

It is apparent that many respondents agree with the need to address the UK's binge-drinking culture and the problems associated with excessive alcohol consumption. The majority of respondents across the respondent types believe that alcohol and drunkenness contribute to crime and disorder, although the majority of members of the public are not affected themselves. Still, many people believe more should be done to reduce harassment and intimidation around licensed premises.

Mandatory licensing conditions

There is clear support for the proposed mandatory licensing conditions among licensing authorities, enforcement agencies and health bodies, who generally view the conditions as an improvement to the current licensing regime. Many members of the public that were consulted also think the conditions will contribute to a reduction of alcohol-related crime and disorder. Respondents across audiences agree that no exemptions to the conditions should apply.

Some members of the public, along with most people from the alcohol retail sector, worry that the conditions will have a negative impact on businesses and therefore on consumers, especially through an increase in costs. Respondents from different backgrounds agreed with the consultation document that the measures should not penalise the responsible majority. Among licensing officers and alcohol retailers it is also questioned whether enough resources are available to local authorities for a proper implementation of the conditions.

There is some doubt among respondents across the respondent types about the effectiveness of some of the conditions, notably the requirement to display unit and health information at the point of sale. The public survey shows that only a minority of people thought they would drink less as a result of this condition or as a result of the condition that requires premises to have smaller measures available (condition 3). Members of the public do feel that the display of unit and health information can be helpful in making informed choices.

The wording of the conditions is considered imprecise and ambiguous by respondents of all types but especially by those with a licensing, enforcement and health background. They express particular concern over the phrase 'irresponsible promotions' (condition 1). There is also unease

about the current definition of 'responsible person' (several conditions) and about 'reasonably available' (condition 4).

Members of the public are supportive of conditions that increase their choice (condition 3) or ensure that free tap water be made available (condition 4), whereas both of these are considered potentially costly by the alcohol retail sector. Respondents from the alcohol trade also feel that condition 5 around age verification systems for online alcohol sales may harm existing good practice and that the Food and Safety Act condition, obliging the display of unit and health information at the point of sale, will be burdensome for businesses.

Opposition from the retail sector to conditions 1 and 2, bans on irresponsible promotions and on dispensing alcohol directly into customers' mouths, is less unanimous. Respondents from other audiences tend to back the purpose of these conditions, although the need for having condition 2 is questioned. Some people from all audiences would like condition 1 to apply to the off-trade as well.

Local discretionary conditions

Views vary on the proposed discretionary local conditions. With regard to licensing, enforcement and health bodies, opinions are evenly divided between those who wholeheartedly support the conditions and those who challenge the requirement. Those responding as members of the public also have diverging views. The majority of retailers are opposed to the conditions and are sceptical over how workable they will be.

Considerations about the local discretionary conditions in general are similar to those about the mandatory licensing conditions: some concentrate on the potentially beneficial effects on crime and disorder, while others are concerned that the administrative burden and increased costs will have an impact on the trade and the responsible majority. In addition, there is considerable unease about the application of the local discretionary conditions to two or more premises. Respondents, mostly from the licensing and retail sectors, think some of the conditions are complicated and difficult to enforce.

People from all audiences believe that many of the proposed discretionary local conditions are already common practice and, if need be, can be enforced through the use of existing legislation. There is also concern about the wording of conditions, in particular where times are specified. This is often seen to undermine the purpose of a condition.

Condition 15, which imposes a Challenge 21 age verification scheme, receives considerable backing from licensing, enforcement and health professionals as well as from members of the public, while people from the alcohol retail trade are reluctant. Licensing and enforcement bodies would like the condition to be applied to both the on-trade and the off-trade as a mandatory condition.

Further measures

A number of possible further measures are introduced in the Consultation Document. Opinions on the size of single spirit measures are largely divided between those who support the introduction of one standard measure, preferring 25 ml, and those who want the status quo to be maintained. Members of the public are more inclined to support standardisation at 25 ml, although many are unaware or indifferent if they are drinking 25 or 35 ml.

Many people across respondent types support the proposal to prohibit sales below duty plus VAT. However, a significant minority oppose the measure, either because they are against any form of pricing intervention, or because they would prefer a minimum price per unit of alcohol.

Both members of the public and licensing authorities are mostly positive about retail staff training requirements. Retailers are worried that requirements would interfere with what is already in place. The same split in opinions occurs with regard to requirements for the use of more, and better trained, door staff. Requirements relating to the level of seating and background music are met with doubt about both their effectiveness and their enforceability.

Chapter 1 Introduction

This report provides a summary of a multi-strand consultation initiated by the Home Office. Concentrated around a formal consultation on the issue of a Code of Practice for Alcohol Retailers, a wide variety of activities were undertaken between May and August 2009 with the aim of collecting information about people's perceptions, attitudes and opinions on the issue of alcohol-related crime and disorder, and how it may be reduced. Separate analysis and reporting has been carried out for all the different strands; this report contains the highlights of the findings.

1.1 Background

Behaving responsibly in promoting and selling alcohol is part of all alcohol retailers need to fulfil the objectives of the Licensing Act 2003. Almost half of violent crimes are alcohol related, and the cost of alcohol related crime has been estimated at between £8 billion and £13 billion per year. The Home Office believes that some alcohol sales practices and promotions are contributing to this situation.

In November 2005, 16 trade associations and organisations in the alcohol industry published *Social Responsibility Standards for the Production and Sale of Alcoholic Drinks in the UK*. These standards provide a voluntary code of conduct.

Safe Sensible Social: the next steps in the National Alcohol Strategy was published in June 2007 and included the commitment that the Government would commission a number of reviews to improve our understanding of how alcohol affects us and our society.

In January 2008, the Home Office commissioned KPMG to undertake a review of the alcohol industry's voluntary standards, considering:

- The extent to which on- and off-trade vendors adhered to the standards; and
- Whether the standards contributed to a reduction in alcohol-related harm.

The KPMG review revealed: "...a disturbing level of irresponsible and harmful practice in significant sectors of the industry, along with limited evidence that the current social responsibility standards are consistently applied or effective in promoting good practice."¹

In April 2008, the Home Office was commissioned to lead a cross-government taskforce to develop a new code of conduct for the responsible sale of alcohol. A draft code was produced which has been refined following review by colleagues across government, and informal consultation with stakeholders.

In July 2008, the Department of Health published *Safe, Sensible, Social – Consultation on further action*. This included consultation on the high-level content and application of any future code of conduct.

¹ Department of Health: *Safe, Sensible, Social – Consultation on further action* p.23

Provision to introduce a code of conduct via Statutory Instrument is contained in the Policing and Crime Bill, currently before Parliament. The Policing and Crime Bill creates an enabling power allowing the Home Secretary to make amendments to the Licensing Act (2003) to introduce a small number of mandatory licence conditions that apply to all new or existing licences to sell alcohol, together with a larger number of conditions that can be imposed by local licensing authorities on groups of premises in an area experiencing high levels of alcohol-related crime and disorder.

There will be no more than nine mandatory conditions. The mandatory conditions could potentially apply to all licensed premises and to all those with a club premises certificate. This includes all pubs, nightclubs, shops that sell alcohol, supermarkets and members clubs.

Local licensing conditions were proposed to be available to local authorities to impose additional requirements on groups of two or more premises which are clearly linked to problems of alcohol-fuelled crime and disorder.

In addition to mandatory and discretionary local conditions, the code contains a national requirement to inform customers about the unit content of alcoholic drinks and to provide health related information.

There is also to be accompanying guidance underpinning the code to ensure its effective implementation, use and enforcement.

The code recognises that the majority of businesses that sell alcohol do so responsibly. The code should not affect the majority of businesses who behave responsibly but aims to target those that do not.

1.2 Consultation

The consultation was open from 13 May 2009 to 14 August 2009 and consisted of various strands; besides the official formal consultation route, four additional engagement activities were undertaken to augment the consultation:

The official consultation

This involved a statutory (or formal) consultation open to all respondents. The consultation document that was provided for the statutory consultation included three sets of questions, each targeting a specific audience:

1. Consultation questions for members of the public;
2. Consultation questions for those who sell or supply alcohol and trade associations; and
3. Consultation questions for licensing authorities, enforcement agencies and health bodies.

Additional engagement activities

A number of further initiatives were undertaken in order to obtain a better insight into people's concerns and attitudes:

4. A leaflet questionnaire for members of the public;
5. Stakeholder consultation events with stakeholders from retail, licensing, enforcement and health;
6. Focus group research with members of the public; and
7. A survey among a representative sample of the general public.

The various consultation strands are discussed in more detail in Chapter 2.

1.3 About this report

The structure of this report resembles the structure of the consultation document. There are separate chapters dedicated to the proposed mandatory conditions (Chapter 4) and the local discretionary conditions (Chapter 5). Respondents' comments and attitudes are dealt with both generally and in more detail for separate conditions or small clusters of conditions. There is also a chapter in which remarks about the further measures introduced in the consultation document are briefly considered (Chapter 6).

Prior to the chapters about the conditions and measures, people's general opinions are discussed in Chapter 3. Chapter 2 gives an overview of the different consultation strands and their analysis.

Throughout the report the separate consultation strands are referred to, so that it is clear in which documents more detail on specific findings can be located. The strands are indicated using numbers in brackets. They are referred to as follows:

- (1) Formal consultation – questions for members of the public;
- (2) Formal consultation – questions for alcohol retail and trade associations;
- (3) Formal consultation – questions for licensing authorities, enforcement agencies, health bodies;
- (4) Leaflet questionnaire;
- (5) Stakeholder consultation events;
- (6) Focus group research;
- (7) Representative public survey.

References are omitted in the executive summary and the conclusion (Chapter 7).

Chapter 2 Overview of consultation activities

This chapter provides an overview of the different strands of the consultation. Each strand will be discussed in some detail. Information is provided about who participated, what questions they were asked and how responses were analysed.

2.1 Statutory consultation

The Consultation Document was publicly available from the start of the consultation and contained three separate sets of questions, targeted at different audiences. A response form was provided that people could send to the Home Office by post or email. Additionally an online facility was provided for people to respond to the questions.² The question lists for all audiences were structured in the same way as the Consultation Document and there is some overlap, especially between the questions for licensing authorities and those for alcohol retailers.

The consultation was carried out by the Alcohol Strategy Unit of the Home Office. The analysis of responses was done by Dialogue by Design.

1. Consultation questions for members of the public

Members of the public were asked 14 questions, many of which could be answered by selecting from a limited number of response options. Every question however provided respondents with the opportunity to comment or clarify their response.

These questions generated 1,907 responses, consisting of 474 individual responses and 1,433 identical 'campaign' responses. In addition, 2,357 signed postcards were received in support of one organisation's response to the consultation questions. A closer look at the individual responses reveals that people from all regions responded, with almost equal numbers for female and male respondents. Relatively few young people (under 35) provided a response. Up to 250 respondents to these questions have occupations that relate to alcohol retail and/or licensing. The 1,433 campaign responses were predominantly sent in by male respondents and numbers of responses vary significantly between regions.

2. Consultation questions for those who sell or supply alcohol and trade associations

People in the alcohol retail sector were asked 16 open questions. The questions generated 219 responses, the majority of which were from owners and/or managers of on-trade premises. Relatively low numbers of responses were submitted by individuals and organisations in the off-trade. Nineteen responses were received from trade associations. Responses came in from all regions.

3. Consultation questions for licensing authorities, enforcement agencies and health bodies

Respondents from licensing, enforcement and health organisations were asked 19 open questions. A total of 247 responses were received to these questions. Many of these were composed by

² The online forms for licensing authorities and alcohol retailers became available some time after the opening of the consultation, compelling some people from these sectors to respond to the questions designed for members of the public instead.

licensing officers and/or licensing authorities; smaller numbers were received from health bodies and police. Responses came in from all regions.

2.2 Additional engagement activities

The additional engagement activities were carried out within the timeframe of the statutory consultation. Different activities targeted different audiences, with most aimed at involving members of the public. People in alcohol retail, licensing and enforcement, and health participated in the stakeholder consultation events. The Home Office worked with various contractors for the delivery of the additional engagement activities.

4. Leaflet questionnaire for members of the public

The Home Office prepared a questionnaire for members of the public, which was printed on a leaflet and distributed. The leaflets were designed to be returned to a freepost address. The questionnaire consisted of nine numbered questions about the measures the Home Office is proposing and questions to capture respondents' data. Response options and tick boxes were provided for all questions; some questions also enabled respondents to make a short comment.

Several thousand copies of the leaflet were distributed across the UK and 291 were returned to the Home Office before the closing date of the consultation. Fourteen of these were left blank; therefore 277 valid responses were counted. Male respondents formed a slight majority and there were a relatively small number of responses from people who are 55 or over. There were very few responses from some regions and substantial numbers from others.

The leaflet questionnaire was designed and distributed by the Home Office. The analysis of the questionnaires that were completed and returned was carried out by Dialogue by Design.

5. Stakeholder consultation events

Between July and August 2009 ten stakeholder consultation events were held in ten locations across England: Birmingham, Cardiff, Fenland, Hull, Liverpool, London, Newcastle, Nottingham, Portsmouth and Weymouth. The events were attended by representatives from licensing authorities and enforcement agencies as well as representatives from the alcohol retail.

Questions similar to those in the Consultation Document were addressed in group sessions and responses were captured on laptops. To a limited extent, voting on statements was carried out in some events. The total number of tables was 104, producing approximately 3,000 responses. After the workshops, these were collated electronically and analysed using analytical software.

The stakeholder consultation events were organised by Ontrac360.

6. Focus group research

Twenty focus group discussions were held across England and Wales in July and August 2009; two discussions at ten locations. Each focus group was made up of eight-to-ten specially recruited members of the public, making the total number of participants 188. Each focus group discussion was held with participants from a specific age range; one meeting was with students only. Participants to two focus groups had been identified as victims of alcohol-related crime; one focus

group was made up of people described as offenders. Most sessions were mixed; six focus groups had a female bias.

A total of 14 questions were discussed with each focus group, with the questions broadly mirroring the proposals in the Consultation Document and the questions in the written consultation. Discussions were concluded with a vote.

The focus groups, as well as the analysis of the responses, were completed by Ontrac360.

7. Survey among a representative sample of the general public

A total of 1,710 interviews with adults aged 18 and over were carried out in England and Wales in July 2009. The sample is assumed to be representative of the entire population. The survey was carried out as part of a weekly face-to-face in-home omnibus survey. Respondents were asked questions about their drinking patterns and behaviour and their perception of crime and disorder in their area, before being asked a series of questions relating to the Home Office proposals for reducing alcohol-related crime and disorder.

Responses to questions were subjected to secondary analysis to identify possible correlations between responses and respondents' age, gender, region or social grade. Correlations with regard to people's attitudes and behaviour were also spelled out.

The survey was carried out and analysed by Ipsos MORI.

2.3 Overall analysis

Summary reports for all consultation strands were available to Dialogue by Design to complete the overall analysis. The objective for this analysis was to identify the main issues as they emerge throughout the various consultation strands, thus surpassing the level of the individual strands. The overall report indicates similarities and differences between responses from various groups of respondents and compares people's comments with findings from the representative survey.

The overall analysis is essentially a qualitative analysis. Priority is given to reflecting the range of opinions and attitudes that the consultation strands have generated, rather than focusing on what most people said.³ That being said, it has been noted that the opinions that are reflected in this report occur repeatedly across strands.

³ The comments from campaign responses have been considered along with comments from other, individual, responses. The emphasis was on the content of the campaign response, not on the number of submissions received.

Chapter 3 Attitudes and opinions

In this chapter, an impression is given of respondents' opinions and attitudes on the issue of alcohol and alcohol-related crime and disorder. By giving an overview of people's concerns, the chapter provides a perspective that can be used to consider people's detailed remarks in the subsequent chapters. The focus is on those who have responded as members of the public.

3.1 Problem identification

The majority of the public surveyed think that alcohol and drunkenness contribute to crime and disorder (1,6,7)⁴. A sizeable minority will avoid a certain area because of it (7), such as town and/or city centres on weekend evenings (1,6). In one survey, young respondents and those living in urban areas were more likely to report direct experience of problems; whilst older respondents, and those living in quieter places, were more likely to base their views on the media or hearsay (6).

Many members of the public blame alcohol-related disorder and antisocial behaviour on the young, under-age drinking, drinking large quantities in a short period, and pre-load (1,6). Others are concerned about drinking on the street and in parks, and behaviour on the way home in the early hours of the morning (1,6). The off-trade is seen as a key contributor to the problem, rather than pubs and clubs where the environment is easier to control (1,2,3,5,6). However, many members of the public also think that drinks promotions in licensed premises cause more crime in and around a premises (1,7). Older people are more likely to think that young people drink too much in general and that they lack family values and respect for others (6).

Harassment and intimidation in and around licensed premises is of concern to a significant minority of the public consulted (7). Lower social grades are more likely to say it is a problem, along with those who perceive there to be alcohol-related crime and disorder where they live and who avoid these areas as a result (7). Many members of the public feel more should be done to protect people from violence in and around places that sell alcohol (4). One of the main proposals for dealing with this issue is increased police presence (4,7). Others feel it is a matter for the staff and management of the particular pub or bar (7), with fewer feeling it is up to the local council to address such problems. For comments on door staff see pages 22 and 28.

Some believe that matters have already improved in specific locations (6). A range of examples are given of measures being taken, for example where there is greater police presence, community police, better-trained door staff, taxi marshals and problem venues being shut (6).

However, many respondents feel more should be done to address alcohol-related problems. Many ideas go beyond the Government's main proposals. They range from practical measures to tackle local disorder, such as improved training for licensed premises staffs, to those who think the overall drinking culture needs to change through better health education. Proposals relating to local disorder include: improved policing; partnership working in city centres; harsher punishments and

⁴ As mentioned in Chapter 1, Section 1.3, the numbers in brackets refer to separate consultations strands, so that it is clear in which documents more detail on specific topics can be found.

increased enforcement; and licensed premises taking greater responsibility, for example not selling alcohol to those who are already drunk. Other broader suggestions include: parents taking greater responsibility; stronger controls for under-age sales; tackling cheap promotions offered by the off-trade; minimum pricing; restrictions on alcohol advertising; reverting to old licensing hours; and providing rehabilitation services for those with problems. These suggestions are drawn from all strands of the consultation.

3.2 Dealing with alcohol-related crime and disorder

Most members of the public in the survey would make a complaint if they were concerned about problems relating to the sale of alcohol, however a significant number might not (1,4,6,7). Those who would are most likely to contact the police first, followed by the local council and then the licensed premises (6,7). Some respondents do not know who to contact in the local authority (6). Others are not comfortable complaining, because they don't think it will make any difference, they don't want to get involved, or they don't feel it is their responsibility (1,7).

Chapter 4 Mandatory licensing conditions

A number of the measures to reduce alcohol-related crime and disorder that are proposed in the Consultation Document should apply to any licensed premises and are described as mandatory licensing conditions. This chapter gives an overview of the main findings in relation to the five mandatory licensing conditions and the additional mandatory condition which would be applied through the Food Safety Act.

4.1 General comments

Opinions are divided on the value of the proposed mandatory licensing conditions: people who are supportive of the conditions think they will help to lower crime and disorder; others foresee negative consequences and therefore oppose the conditions. In addition, there are those who are less categorical in their responses, supporting some conditions rather than all, or proposing amendments to the conditions.

Supportive comments

People who offer their general support tend to be from licensing authorities, enforcement agencies and health bodies (2), and members of the public express support as well (1,4). The common expectation among respondents from licensing authorities is that the measures will help them address alcohol-related crime and disorder and that this represents an improvement to current licensing instruments.

Although views from members of the public vary, those that are supportive are hopeful that the mandatory licensing conditions will help to reduce excessive drinking and antisocial behaviour (1). Some expect to feel safer going out in the evening, especially in towns and cities. Others hope that there will be a reduction in alcohol-related disturbance, such as noise from bars and pubs, and litter on the streets (1,4). Interestingly, some who are supportive of conditions do not think they will directly benefit from them, either because they only drink in moderation, or not at all, or because they do not live in a location that suffers from problems (1,4).

Challenging comments

Those who are not favourable towards the proposed mandatory conditions cite a number of reasons for their opposition. Respondents from the alcohol retail sector are often inclined to be negative about the proposals. Many are worried about the direct consequences of the conditions on their businesses. It is thought that the additional regulatory burden will result in increased costs at a time when many licensed premises are struggling to survive (2,5). There is a view amongst all sectors, but especially the retail sector, that current legislation is sufficient to address the problems (2,5) and a worry that the measures will have a disproportionate impact on the majority of responsible operators (1,2,5). A few respondents from the alcohol retail trade are less concerned; stating that they believe the impact on their businesses will be limited.

Some members of the public are also concerned that prices will go up unfairly, penalising the responsible majority. The measures are seen to be taking away individual choice and are therefore regarded as interference by the 'nanny state'. Some also feel that the measures will not address

alcohol-related problems, notably the 'binge-drinking culture', and that those who drink heavily will continue to do so. It is felt by some that more evidence supporting the need for the conditions is required.

Other general comments

A number of responses do not offer a strong opinion either in favour or against the mandatory licensing conditions. The reasons for this appear to vary. Many respondents, including both those that are generally supportive of the conditions and those that are negative, propose ways the conditions could be improved. It is stated that the drafting of the conditions is imprecise and ambiguous (2,5). Particular concern is expressed over the phrase 'irresponsible promotions' (5) and the negative impact it could have on responsible operators and consumers if it is not more carefully defined (2). There is also unease about the current definition of 'responsible person' which may thwart effective enforcement, as the person who is actually responsible for breaking a condition may evade sanctions (3). Frequently, respondents recommend reviewing the wording and definitions in the proposed document (1,2,3,5) and developing the conditions in more detail, in consultation with others, before implementing them.

Respondents also question whether enough resources are available for a proper implementation of the conditions, and some doubt the ability or capacity of the local authorities to work with these conditions (3,5). It is also suggested that the mandatory licensing conditions may make it more difficult to maintain the present level of engagement between licence holders and responsible authorities (3).

It is apparent that although many respondents agree with the need to address the UK's binge-drinking culture and the problems associated with excessive alcohol consumption, some question whether the conditions proposed are the most effective way of meeting this goal or wonder if other mechanisms would be more effective (1,2,3). A few, mostly members of the public, feel the current proposals do not go far enough (1). Many propose measures that could be used in addition to, or instead of, those outlined in the Code. These proposals are wide-ranging; some examples are the incorporation of a condition forcing alcohol retailers to use a proof-of-age scheme (3); price measures affecting alcoholic drinks, including a minimum price per unit of alcohol (1,3,7); and staff training requirements (3,7).

Exemptions

Many respondents stress that they would not like to see any type of premises exempt from the mandatory license conditions (1,3,4,5). There is a desire for a consistent approach with all premises being treated equally.

Many point to the importance of ensuring that conditions apply to the off-trade as well, in an attempt to reduce the problem of pre-loading (1,2,5). In contrast, a few think that the off-trade should be exempt (2,4). Respondents who do feel that exemptions should apply propose various types of premises; sometimes this relates to a specific condition, such as the point of sale information, but often it is more general (2,4). Questions are also asked whether non-permanent licence holders under a Temporary Event Notice will be included (1,3).

4.2 Detailed comments and suggestions

This paragraph touches upon the main issues emerging from the comments that people have made in relation to the specific conditions.

Condition 1 – Banning irresponsible promotions

Many consultees across all strands condemn irresponsible promotions and share the view that they contribute towards excessive drinking and cause more crime and disorder. However some members of the public do not think that promotions are the sole or primary cause of alcohol-related problems (6). The public survey shows that people who are older, who do not drink in licensed premises, or who live in an area that is perceived to have a higher level of alcohol-related crime, are more likely to feel that promotions cause more crime and disorder (7).

Although many welcome the condition (1,3,6), some push for amendments to the condition in its current form, notably respondents from licensing authorities (3). Some members of the public are against a ban, expressing concern that it restricts their freedom of choice, that they will be 'done out of a bargain' because of the irresponsible minority and that it will not affect the behaviour of those who want to drink heavily (1,6). Others are uneasy about the negative impact it will have on the on-trade (2,6).

Many express concern about the wording of the condition, especially the unclear meaning of 'irresponsible promotions'. There is uncertainty about what will be covered by the ban. Licensing authorities remark that any lack of clarity will make it harder to enforce the condition and means it is more likely that licensees will appeal. In contrast a few licensees are worried that the authorities will push them into making changes when it is not clear if they are required by law. A few refer to guidance provided by the Portman Group on running responsible promotions. It is clear from all stakeholders that greater clarity is needed before introducing this condition.

Respondents mention various promotions that they think should either be banned or retained. For example, licensing authorities tend to want happy hours to be banned, however some members of the public think they make drinking more affordable and do not contribute to disorder. A number of other promotions are mentioned which respondents do not think should be included. These include marketing tools used by hotels and bars, and promotions targeted at specific segments of the community by pubs (1,2).

A significant number think that the condition should be applied to the off-trade as well as the on-trade (1,2,3,6). The use of promotions by the off-trade is seen as a contributory factor in excessive drinking.

Condition 2 – Dispensing directly into mouth

The vast majority of people who comment specifically on this condition are opposed to the activity of dispensing alcohol directly into the mouth of customers. Many add that the activity is not a widespread phenomenon. Views vary between those who support a ban (1,3) or are unconcerned if the condition is introduced (2), and those who think that a specific condition is not required as the problem is not widespread (1,2,3).

There is some confusion about what 'dispensing alcohol directly into the mouth of a customer' would signify and further detail is sought by a few (2,3). There is also a call for similar activities, such as free dispensing of alcohol in test tubes, to be included under the condition (3).

Condition 3 – Smaller measures available

Views are divided on Condition 3. Many members of the public and licensing authorities think that smaller measures should be available (1,3,4,6) and describe it as a 'no brainer' (6). One advantage of ensuring smaller measures are available is that it gives customers greater choice, which is helpful for example if someone is driving (1,4,6). Some specifically support the introduction of standard measures, without referring to smaller measures (5).

People in the retail sector however are broadly opposed to the proposal (2) and a few members of the public also have concerns (1,4,6). Respondents from the on-trade are concerned about the costs associated with having to provide 125 ml measures (2). There is also a concern that smaller measures will increase consumption, for example if it results in consumers 'looking to have' a second drink (3,5).

It is not clear how many people would utilise smaller measures or how difficult it is to obtain them currently. It is challenged by some whether there is adequate evidence that offering smaller measures will reduce consumption or alcohol-related problems (1,2,3,6). Only a minority of the public think that they would drink less if single or smaller measures were available (7). There is criticism of those who only offer larger measures (4). However when asked directly, most people indicate never having been refused a single measure when they asked for one (7).

A number of other considerations are raised. Responses from licensing authorities suggest it would be preferable to oblige licensees to use the smaller measures by default, which the condition in its current form is not believed to do (3). Some authorities are also concerned that it omits spirits with a percentage between 30 and 40, and cocktails (3). Members of the public draw attention to the small price differential between large and small glasses, and single and double shots and feel that this is as big a problem, if not more of a problem, than 'all you can drink' type promotions (6).

Condition 4 – Free tap water

There is broad support for a condition ensuring that free tap water is available. Members of the public welcome the condition, although some add that they thought it was a legal requirement already (1,6).

A significant number of respondents from the retail sector are opposed to the measure (2). Although it is common practice amongst many who comment, they do not think it should be made a legal requirement. Concerns are raised that it will be open to abuse by those making little or no purchase (2,5) and it will make it harder to manage 'undesirable' customers (2). Others comment that there is a cost involved with serving tap water to customers (2,5). It is therefore argued that if this is made a condition it should be linked to the purchase of another product (2,5).

The condition is unchallenged by licensing authorities, enforcement bodies and health authorities although they do have reservations about the wording, notably the inclusion of 'reasonably available' which makes the condition difficult to enforce. The condition should also state that tap

water is available from the bar, to avoid any confusion. Some remarks are made suggesting an extension of the condition to also ensure the availability of non-alcoholic drinks at a more reasonable price (1,3,6).

Questions are raised about the health benefits and whether those at most risk would take advantage of this condition. There is also some confusion amongst the public as to the role of water in respect to getting drunk and there is little confidence it will lower levels of intoxication (6). There is also a problem of image, with those who drink to excess not wishing to be seen drinking tap water (6).

Condition 5 – Age verification

There is an overriding sense from all sectors that the condition which seeks to ensure that online or mail order alcohol retailers have age verification systems in place, needs to be considered in more detail before it is introduced (2,3). People's responses unveil a number of potential difficulties with the condition in its current form. Although many members of the public would welcome the condition (1), there are doubts as to whether it can be effectively policed (6). This is echoed in comments from people from licensing and enforcement bodies, saying that they would want the wording of the condition to be more explicit (3).

It is stated in comments from retailers that effective age verification systems are currently in place and some would oppose a condition forcing them to change what they feel is good practice. Generally, many businesses would want the condition to be flexible (2).

Various comments are made on the nature of age verification schemes. Views vary on whether checks should be at point of sale or point of delivery. Some in the retail sector say that they already refer to current practices, such as training delivery staff in Think 25 (2) which is a measure supported by some in the licensing and enforcement sector (3). However, others in retail say this may be difficult to implement as they use third party couriers (2). Across the sectors, reference is made to the value of disallowing purchases using debit cards, as they can be used by under 18s (3,6). There are a range of existing practices and ideas that can be drawn on to further develop this condition.

Food and Safety Act Condition – health and unit information

Opinion is split amongst consultees as to whether this condition should be adopted, with licensing authorities, enforcement and health bodies inclined to express support (3) and retailers generally opposing (2).

Those who are supportive of the requirement to display unit and health information think it will help people to make more informed choices about their drinking (1,3,4). Some believe there is still confusion over what constitutes a unit and others comment on the value of introducing health information.

There is, however, uncertainty expressed across all consultation strands as to whether this measure will change behaviour (1,2,3,4). The majority of the public do not think they would drink less alcohol if unit and health information were to be displayed at the point of sale (7). Some believe that it will not change the behaviour of heavy drinkers, but it will influence moderate

drinkers (6). Several are concerned that displaying unit information may encourage some to drink more (1,2,3,5,6) and that young people may fear being laughed at if they buy smaller measures (6).

In addition, many feel that people do not pay attention to this kind of information in licensed premises and refer to 'poster fatigue' (1,2,6). Others do not think pubs and bars are the right place to display information, especially health messages, as people are relaxing and socialising (1,2,4). It seems that some members of the public would support unit information, but are less inclined to support the introduction of health information (6).

Respondents from the alcohol retail sector also oppose the conditions due to the increased administrative and cost burden it will place on their businesses (2). Some retailers comment that there will not be enough space to display more signs (2), an opinion that is also understood by a few respondents from licensing authorities (3). Others worry how they will stay legally compliant due to the removable nature of signs (2). A few respondents question whether licensing authorities will have the resources to enforce the requirement (2,3).

Among suggestions as to where unit and health information should be displayed, there is considerable support for labelling bottles (1,2,3,4) and also suggestions to label pumps and taps. This option is sometimes proposed by licensees in the on-trade in preference to having to display signs (2). Others also suggest adding labels to glasses (1). Many people recommend printing the unit and health information onto menus or price lists (1,3,5), or onto posters (1,3). There is no clear consensus whether the condition should allow for flexibility or whether the signs should be Government-designed and supplied (2,3). Some members of the public think calorific values should be included (1,5,6) while views differ on whether ABV information should be included (1,2,5). Proposals are supplied for the materials to be produced in Braille (1) and to take into account different languages (1,5).

Another proposal across all strands relates to the need for a wider education campaign (1,2,3,4,6). This could include TV advertisements, information being sent to homes or education in schools, for example. Some feel this will be a better way to disseminate health messages in particular (6).

Chapter 5 Local discretionary conditions

Besides the mandatory licensing conditions the consultation document proposes a further set of measures that local authorities can apply to groups of two or more premises in an area where those premises are contributing to alcohol-related nuisance and disorder. There are 16 of these measures called local discretionary conditions. This chapter gives an overview of the main findings with regard to the local discretionary conditions.

5.1 General comments

Views vary on the proposed discretionary local conditions. With regard to licensing, enforcement and health bodies, opinions are evenly divided between those who wholeheartedly support the conditions and those who challenge the requirement (3). Those responding as members of the public also have diverging views (1). The majority of retailers are opposed to the conditions (2) and are sceptical over how workable they will be (5).

Supportive comments

Those who support the conditions believe they will encourage a more proactive approach to reducing crime and disorder (3) and hope they will help to reduce antisocial behaviour in problem areas, such as town centres on weekend evenings (1). Some point out that similar measures are already being utilised, and examples are given of good practice, although opinions vary on whether voluntary activities should become licensing conditions (2,3).

Whilst offering general support, many suggest how the conditions could be strengthened and amended (2,3). Some want them to go further, for example urging they be made mandatory (3). Others feel that to have the desired impact they need to be used in a preventative way (3).

Challenging comments

Some of the concerns regarding the local discretionary conditions are similar to the proposed mandatory conditions. For example, many are troubled about the negative impact on the trade in terms of increased costs, administration and regulatory burden (2,3,5). Others worry that the responsible majority will be unfairly penalised, especially those on lower incomes (1,3).

In addition, there is considerable unease about the application of the local discretionary conditions to two or more premises (1,2,3,5). Many are anxious that good operators will be unfairly penalised (2,5). Others caution that it may be difficult to provide direct evidence that each venue in an area is contributing to local problems (3). Many prefer that premises continue to be judged on their individual merits and add that much can already be achieved using existing powers (1,2,3,5).

There is also a question as to whether licensing authorities will have the resources to enforce the measures (3) and concern that there may be variations in how the conditions are applied across localities (2). Many comments relate to the complexity and enforceability of the conditions (3).

5.2 Detailed comments and suggestions

Conditions 1-2 (discount restrictions, pub crawl restrictions)

There is some support for Conditions 1 and 2 amongst all sectors. However, concerns are also expressed over the need for the conditions, their potential effectiveness, and the exact wording (1,2,3). Support is strong amongst members of the public aged 35 or over who are concerned about antisocial behaviour around premises on Friday and Saturday nights (6). Others however feel that the responsible majority will be unfairly treated by this condition (1).

Some respondents argue that the proposed mandatory condition banning irresponsible promotions makes this local condition obsolete (3) and that it is already a requirement in law not to serve people who are drunk (2,3). Others believe that the problems relating to alcohol will only be addressed through a debate about the culture of drinking (3).

A number of specific comments and wording suggestions are made. For example, Condition 1 does not have the option of imposing it 'at any time', as Condition 2 does, and the specified times are felt by some to hinder the condition's effectiveness. A repeated concern is expressed over the need to clearly define 'irresponsible'.

Enforcement is also an area of concern (2,3). Some wondered how licensees can be expected to know, or enforcement officers be able to prove, that a customer has purchased alcohol at another venue within the previous 24 hours. Some feel that operators may find ways around the condition, and that to effectively address the problems minimum pricing is needed (2,3).

Condition 3 (risk review)

Condition 3 is supported by the majority of licensing and enforcement bodies, though they make various recommendations as to how it could be improved (3). For example, it is suggested that reference is made to 'maintenance' and 'implementation' to ensure plans are taken forward. Concern is also raised that the precise wording puts licensees in the difficult position of having to maintain continually repeated consent.

Where retailers comment on Condition 3 they express reservations (2). The primary reason is that steps are being taken already to address risk and the condition is therefore considered disproportionate (2). They are also worried it may put off some venues from reporting crime (2). Some people consider risk management to be a requirement under Health and Safety at Work legislation (2,3). However, differing standards are observed across the trade: from small off-licences who may have limited understanding of risk assessment to large chains who use solicitors to draw up risk management plans but may not keep them as working documents (3).

Both licensing and enforcement bodies and the trade raise the question of whether licensing authorities have the resources needed for the level of involvement implied by the condition (2). It is also queried whether it would be more appropriate for plans to be agreed with the police.

Conditions 4-6 (glass restrictions)

Although there is some support for the aims underlying these conditions, respondents comment on and criticise the detail of the conditions, particularly the timings that have been specified, and the reasonableness of the responsibilities imposed on licensees (2,3).

Views vary on the requirements for glass collections. Some argue that they should be required constantly as a matter of good management (3). Others challenge the specified times, believing them to be too prescriptive, impractical (2,3) and potentially costly (2). Retailers comment that it is already standard practice and is better left to the discretion of operators, as the need for collections will fluctuate throughout the day and may not fit with the times specified in the condition (2). If timings are specified, a number of suggestions are made, such as including bank holidays (3).

Although there is some support for the use of non-glass containers, again respondents question the periods proposed under condition 5. Some prefer that all premises in high-risk areas replace all glasses with toughened glass or polycarbonate (3), whilst retailers prefer a risk-based approach, which takes into account specific premises at certain times, such as when there is a football match (2). Some people do not like drinking out of plastic containers (1). Retailers explain this can result in mature customers going elsewhere, which can result in a less mixed clientele which can be more likely to result in disorder (2). Others note it is already possible to impose this condition on premises under the licensing review (3).

A number of issues are raised in connection with Condition 6. Retailers are opposed and respondents from licensing and enforcement bodies feel that, despite its good intentions, it may be overly onerous. Many think it will be difficult for licensees to comply with the requirement. For example, will it cover people who go outside for a cigarette or to drink in a beer garden (2,3)? As with Condition 4, venues may have to employ extra members of staff which has cost implications (2). Various suggestions are made, including specific wording, which it is felt would clarify and improve the condition (3).

Condition 7 (toilet checks)

Both the retailers and the licensing and enforcement bodies who comment on Condition 7 have reservations about it. Toilet checks are seen as a matter of good management and problems can already be addressed using existing powers (2,3). There is anxiety that in specifying exact times, the condition is overly prescriptive and will take responsibility away from managers for ensuring premises are well run (3). If times are included, amendments are proposed such as taking into account specific types of events such as football matches (3).

Condition 8 (door staff)

Views vary on Condition 8. Some people see benefits in the use of trained, professional door staff (1,3,5), whilst others find them intimidating and feel their presence has the potential to exacerbate situations (1). Licensing bodies consider the use of door staff as a routine matter (3) and those commenting from the retail sector see it as a sensible policy in certain places (2). Both comment that it can already be made a requirement under existing legislation (2,3). A number of detailed suggestions are made on how to strengthen the condition (3).

Conditions 9-11 (incident record, dispersal policy, CCTV)

Respondents who comment on the keeping of incident books generally regard it as uncontroversial and part of standard practice for well-managed premises (2,3). It is felt by the retailers, however, that the penalties laid out are too severe (2). Suggestions are made on how to improve practice, such as using a bound book, and on the specific wording of the condition (3). Some propose that the recording of incidents by both on-trade and off-trade premises is made a mandatory condition (3).

Dispersal policies are also regarded as standard practice, notably for large premises and venues in town centres (2,3,6). Young people support dispersal policies if they result in people leaving pubs and clubs with a frenetic atmosphere in a calmer frame of mind (6). Some people think the condition, or at least part of it, is too much for the off-trade (2,3) and for small premises (2). Licensing and enforcement also query some of the details of the condition (3).

Views diverge on the need for CCTV. Some people object to its use and consider it a breach of privacy (1,3,6). Others question its value as a deterrent (1) and think that people intent on causing trouble will move out of range or to another location (6). The cost of introducing CCTV is also of concern (2,3) and, as a result, some respondents anticipate that the condition will result in appeals (3). People who are positive about CCTV think it will improve the behaviour of people leaving venues (1) and feel it is a valuable tool for authorities (3,6). However, some emphasise that there must be justifiable reasons for using the condition and it must be proportionate to the problems of disorder or crime that it is meant to address (2,3).

Various other points are made on the detail of Condition 11. Licensing authorities are concerned it may conflict with conditions already attached to premises, which are thought to be more effective than Condition 11 (3). Retailers have concerns over the police having the power to decide where cameras are installed. Operational matters are raised such as when it is to be used, the quality of footage, how long tapes are stored for, and who holds them (1,2,3).

Conditions 12-13 (taxi information, direct telephone line)

Those who are positive about Condition 12 think that the requirement is sensible (3) and already good practice in many places (2,6). Some members of the public, particularly women, consider that a good and readily available taxi service is essential to get home safely (6). Reservations about Condition 12 relate to the practicalities of providing accurate public transport information, which many think should not be required from licensees (1,3,6).

The majority of comments on Condition 13 point out problems. Some think that providing a direct telephone link is asking too much of smaller businesses (3) and the off-trade (2,3). Retailers challenge the requirement based on the prevalence of mobile phone use (2) and comment that they call cabs for customers when required which should be an acceptable alternative (2). Another difficulty is that direct phone lines require the support of local firms, which may not always be possible or desirable (2). Some people want taxi marshalling schemes to be promoted, a concept that is supported by both the public and licensing authorities (3,6).

Condition 14 (live connection to local police)

Comments on Condition 14 are divided between those who are opposed to it because of the cost that it will place on businesses, particularly the off-trade (1,2), and those who do not find it controversial and instead focus on the practicalities (3). Some question whether there is a need for a text or pager unit when another mechanism is already in place, such as a panic alarm system with a link to the police (2,3). Others say it would be better to rely on 999 (3). It is also tabled that the effectiveness of a system will depend on police resources (2,3).

Condition 15 (Challenge 21)

There is considerable support for Condition 15 among members of the public (4,6,7) and licensing and enforcement authorities (3), perhaps more so than any of the other local or mandatory conditions. Licensing and enforcement bodies would like it to be applied to both the on-trade and the off-trade as a mandatory condition (3). Some prefer that Challenge 25 is made a mandatory condition. Others propose making Challenge 21 mandatory and Challenge 25 a discretionary local condition (1,3).

The overwhelming majority of the public who were surveyed are in favour of those who look under 21 being asked for ID (4,6,7) and many strongly support Challenge 21 (7). It tackles a general concern over under-age drinking and related antisocial behaviour (6), particularly in open spaces (1). In one strand, the support was equally high across gender and age (7), whilst in another strand younger people were the most in favour; they are also used to carrying and showing ID (6). There is also variation in the level of support across social grades and across regions (7). Interestingly, the more frequently the respondent drinks and the greater volume consumed, the more likely it is that they will support the requirement (7).

However, support for making Challenge 21 a legal requirement is by no means universal across all sectors. From a retail perspective, a voluntary scheme, as successfully developed and introduced by the industry, is preferable to the proposed licensing condition. There is much concern that not checking the ID of someone who appears under 21 will become a criminal offence, even if the customer is over 18, and the penalties are thought to be disproportionate. Some comment that age estimation is subjective and question how officers will be able to prove that a seller did not think a customer looked over 21 (2).

Some members of the public think it is wrong to use Challenge 21 when the legal age to buy alcohol is 18 (1,6) and others are opposed to the use of ID in principle (6). Some people are unhappy with the idea that people over the age of 18 might be penalised for trying to buy alcohol while not having identification on them (4). There is concern that the underlying intention is to raise the legal age to purchase alcohol to 21 (1,4,6).

Other points are raised regarding implementation. Some think it will be difficult for licensees to distinguish between genuine and fake ID (3,6). Suggestions are made on suitable ID e.g. a driving licence (3). However, some customers are concerned about having to carry valuable ID (1). Licensing and enforcement bodies also point to other potential loopholes in the proposed condition (3).

Condition 16 (Bulk discounts)

Support for Condition 16 is patchy. There is some interest from members of the public (1,7) and the authorities (3), although many reservations are expressed too. Retailers are opposed to the proposed restrictions on bulk discounts (2). Views vary on whether the levels are too high, too low, or just right (1,3,7); some think it would be preferable to have a complete ban on bulk discounts (1,7).

One of the main concerns is the impact the condition would have on the responsible majority (1,2,3,6), particularly those catering for parties or stocking up on a supply that will last for some time (1,2). Respondents challenge the value of the proposed condition in tackling local problems, claiming for example that bulk discounts are not popular with young people (2,3,6).

Many comments relate to having set times and only applying the conditions to specific areas. The time slot is considered illogical as it will just mean people will wait to make bulk purchases until outside the restricted hours (3). It is therefore recommended by some that the condition is either required at all times or not at all (3). It is also felt that, unless applied nationally, it will just move any problems to another area (2). Some think a minimum price per unit would be a more effective tool (3). National retail chains worry about the logistics involved in having different licensing conditions across hundreds of premises, and the difficulty and expense it will create when organising national promotions and marketing campaigns (2).

There is some variation in opinion amongst members of the public (1,7). When asked specifically about 'banning promotions in areas where there is alcohol-related crime', opinions are split between those who feel they should never be banned, those who feel they should be banned in all circumstances, and those who feel there should be conditions in relation to the volume of drinks on promotion (7). Those who infrequently buy alcohol from the off-trade are more likely to support a ban than those who frequently shop in these places (7). A ban on drinks promotions is also favoured by females, older respondents and higher social grades (7). When members of the public are asked their opinion on a ban – without specifying that it would be in an area with alcohol-related crime – they are more likely to oppose the condition (6).

Chapter 6 Further measures

The Consultation Document encompasses a number of additional measures which are not proposed as immediate legislation but as considerations for future action or as further discretionary conditions. Some of the consultation strands included questions about these further measures. The responses are discussed below.

6.1 Considerations for future action

The size of single standard spirit measures

Opinions on the size of spirit measures are largely divided between those who support the introduction of one standard measure, preferring 25 ml (1,3,4), and those who want the status quo to be maintained (1,2,3,4). Members of the public are more inclined to support standardisation at 25 ml (4,6), although many are unaware or indifferent if they are drinking 25 or 35 ml (6,7).

Those who support standardisation think customers will be more aware of how much they are drinking (1,3), which is viewed especially helpful for those who are driving (6). The reasons for preferring a 25 ml measure include that it equates to 1 unit, which makes it easier to monitor consumption. Some think that 25 ml will reduce intake and support doubles being smaller (1,3); however, only a minority of those surveyed in one strand think they would drink less if smaller measures were available (7).

Those who prefer the status quo do not think there is evidence to show a link between smaller measures and increased incidents of disorder or increased consumption (2,3). Retailers think standardisation to one measure would be an unnecessary and costly intervention (2). Many who support the status quo do so as long as there is clear and prominent signage (1,2,3).

The few retailers who prefer 35 ml as standard do so on the grounds that people are less likely to ask for doubles and will drink less than if 25 ml was standard (2). When the public were asked whether only selling 25 ml would make people more likely to drink doubles, there were many different views expressed (4).

Pricing

Many respondents support the proposal to prohibit sales below duty plus VAT (1,2,3). However, a significant number oppose the measure, either because they are against any form of pricing intervention (1), or they do not feel the proposal as it stands goes far enough and would prefer minimum pricing per unit or the level of tax for each drink being based on ABV (3).

Those who support the proposal do so for a number of reasons. It is felt that the proposal will prevent large chains and supermarkets pursuing policies that smaller retailers and the on-trade are unable to compete with (2). It is also hoped that targeting loss-leading sales offered by the off-trade, especially supermarkets, will help to reduce the popularity of pre-loading (2). Other people, who support the proposal, and pricing measures more generally, feel that it will help to reduce consumption, which brings health benefits and reduces pressure on the NHS (1).

People who are less supportive of the proposal often argue that it will not be effective, suggesting that loss-leading sales account for a small percentage of overall alcohol sales (2,3). Some add that implementation will be costly both for businesses and for licensing authorities (3), while there is also concern that the impact will be felt more by people on lower incomes (1,3). Reference is made to research by Sheffield University, which provides evidence that a minimum price per unit of alcohol has more potential as a way of reducing alcohol consumption (1,3).

Some are opposed to any form of pricing intervention, which they see as government interference (1,2). Members of the public surveyed for one strand, frequently claimed that raising prices would not stop those intent on getting drunk and causing problems (6). It will also unfairly impact the responsible majority, including those on lower incomes and pensioners (1).

6.2 Further discretionary conditions

Training

Licensing authorities, enforcement bodies and others feel that training will be key to the implementation of the conditions and that it will help turn a tick box exercise into something that can have a positive impact on reducing crime and disorder, helping staff to diffuse problems and create a safer environment (3,5). Licensing officers focus their comments on what training should be offered, who should be trained and to what extent it should be mandatory (3). There is also support for a national training package and an accreditation scheme (3,5).

Retailers are more measured in their responses (2). They cite training programmes already in place and worry that the proposed scheme could damage the quality of what is provided already. Having locally designated requirements for training is also a concern, especially amongst companies operating in many localities (2). Some add that a national standard is needed. Other reservations relate to costs (2,3,6), the high turnover of staff (2,3,6) and whether local authority officers will have appropriate expertise (2). If the condition is established, it needs to be sector specific for the on-trade and off-trade (3,5) or it is proposed that either at a national or local level individual premises training schemes could be approved (2).

There is strong support amongst the public for training staff in areas that have problems with alcohol-related crime and disorder (7). Those from higher social grades, older respondents and females are more likely to strongly agree (7). Others support certified training for senior members of staff, but feel that informal training may be adequate for lower levels who should be discouraged from being involved in heavily intoxicated and potentially violent customers (6). A few feel it might be appropriate for village halls and B&B establishments to be exempt (7).

Seating

There is limited support for the implementation of a seating condition. The majority of the public (7) and retailers (2) feel that fewer seats make no difference to how much people drink or to crime and disorder. Amongst local authorities and others there is support for the general idea that seating can be effective in encouraging people to drink more slowly (1,3), but they are divided on how to devise a blanket condition for a number of premises (3). Many respondents see difficulties in setting a seating requirement that could be applied to a group of premises because of the wide variety of floor plans and prefer that each premises is looked at individually (2,3,5), with recommendations

made by fire services and other specialists (3). A few add that the seating format of individual premises can already be reviewed under existing powers (2,3).

Background music

There is also only limited support for the introduction of a music condition. Both the majority of the public (7) and the on-trade (2) feel that loud music makes no difference to crime and disorder or the amount of alcohol people consume. Whilst licensing and enforcement officers generally agree there is a link between high levels of music and levels of alcohol consumption, there is less agreement on what to do about it (3). They find it difficult to see how a set level could be applied across all premises given the different building constructions (3). Some make suggestions as to what else can be to address this issue, such as establishing what constitutes 'background music' and then issuing music licences and enforcement through environmental health legislation (3). Others also comment that there is sufficient legislation in place to address noise problems (2).

Door staff

Licensing and enforcement bodies generally accept that more and better trained door staff are an important factor in reducing violence and disorder, along with other measures such as CCTV (3). Only a few in the alcohol trade support the measure, with the majority considering it disproportionate. Reasons for opposing it include the significant cost it places on business (2) and concern amongst a few that door staff can be the focus of disorder (2,3). Emphasis is placed on the need to address issues relating to harassment and disorder in the immediate vicinity of premises and as people leave a venue (2,3). Various suggestions are made, such as increased police presence and working in partnership with the authorities (2,3).

Chapter 7 Conclusion

There is an almost unequivocal support for the Home Office's aim to target alcohol-related crime and disorder. Whether they are alcohol retailers, licensing officers or incidental customers, respondents agree that these problems are serious and need addressing. Yet, when it comes to the measures the Home Office is proposing to help reduce alcohol-related crime and disorder, there is some discord among (types of) respondents.

Responsible majority

Many respondents emphasise that they would only support measures – or conditions – if they would consider them to be proportionate. Members of the public, although supportive of most proposals, have concerns that some of the conditions would unfairly impact on what they call the 'responsible majority'; those who consume alcohol in moderation and therefore do not contribute to any alcohol-fuelled disorder. By and large it is viewed that the responsible majority should not face increased prices or considerable intrusions into their freedom or privacy, let alone the closure of their preferred pubs. On the other hand, members of the public would welcome conditions that extend their choice – such as smaller measures – or the guarantee of free tap water.

Administrative burden

The issue of proportionality is equally raised by many respondents from the alcohol retail sector. They often question whether conditions will prove to be effective in reducing alcohol-related crime and disorder, while worrying about the administrative and financial burden the measures may place on their businesses. There is a strong sense among respondents from the on-trade that the true causes of the problem are largely outside publicans' responsibilities. Suggestions are made to prioritise reducing 'pre-loading', and the role of the off-trade, rather than imposing more restrictions on bars and pubs, which they typify as supervised drinking environments.

Implementation

Respondents from licensing authorities, enforcement agencies and health bodies tend to have fewer concerns about the impact of the proposed conditions on the retail trade and their customers, and instead focus on the implementation. They are generally quite supportive of the conditions, but insist that details are improved to make them easier to enforce. The wording of several conditions is viewed to be confusing, especially where qualifications such as 'irresponsible' or 'reasonable' are used.

Under-age drinking

There is agreement across many strands that tackling under-age drinking is vital to reducing alcohol-related crime and disorder. Many suggest measures to combat binge-drinking among young people: popular options are applying conditions to the off-trade and imposing the Challenge 21 age verification scheme at a national level. It is also believed by many respondents across audiences that price measures can be effective in reducing under-age drinking and alcohol-related disorder more generally. There is a preference for a minimum price per unit of alcohol, as the proposed pricing restrictions are seen to be insufficient.

Mandatory licensing conditions

On the whole the mandatory licensing conditions receive more support than the discretionary local conditions. Notwithstanding some respondents' reservations about their effectiveness, the tendency with regard to the mandatory conditions is favourable. It must be said however that there is opposition among the alcohol retail about the conditions prescribing smaller measures and free tap water. The proposed Food Safety Act condition, requiring licensed premises to display unit and health information, is subject to some debate, as people express doubts as to how this will have an impact on alcohol-related crime and disorder. Whether people are behind the proposed measures or not, many agree that no types of premises should be exempt.

Discretionary local conditions

Some of the 16 discretionary local conditions receive strong support from various audiences, whereas others are approached with scepticism. More generally it is queried whether these conditions will be applied at all, as many respondents seem to have a preference for using existing individual licence reviews. The opposition to applying conditions to groups of premises is particularly pronounced among respondents from the alcohol retail trade. Licensing and enforcement officers identify numerous practical issues that may thwart successful implementation, though this does not necessarily imply that they oppose the conditions as such.

Existing legislation

A question that looms in responses across strands and across audiences is whether the regulation of the on-trade needs as much tightening as the Consultation Document suggests. It is stressed that most premises are not hubs of crime and disorder. Where problems may arise, many feel that the enforcement of existing legislation as well as voluntary local partnerships can go a long way in addressing them. Many measures are already considered good practice and it is questioned whether further legislation is therefore needed.