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IAS response to Home Office consultation on Community Ancillary Notices

About the Institute of Alcohol Studies (IAS)

The core aim of IAS is to serve the public interest on public policy issues linked to alcohol, by advocating for the use of scientific evidence in policy-making to reduce alcohol-related harm. The IAS is a company limited by guarantee, No 05661538 and registered charity, No 1112671. For more information visit www.ias.org.uk.

IAS welcomes the opportunity to respond to the Home Office consultation on Community Ancillary Notices (CANs). In addition to the responding to each consultation question, we would like to make the following comments on the proposals outlined by the Home Office:

1. CANs: Chipping away at the foundations of the licensing system

Our underlying concern about these proposals is that whilst they may not have major direct adverse consequences in themselves (although it is noted that the impact assessment states that the plans will result in a “possible increase in crime and health harms”), they represent a chipping away of the foundations of the licensing system in a way which could have significant consequences in the future

2. Lack of need/demand for change

Regarding the need for change, there seems to be little evidence that B&Bs/guesthouses or small businesses in general have been pressing for these reforms. There is no evidence presented in the consultation documents and the only information available on these stakeholder views concerns the responses to the ‘Next Steps’ consultation in which a relatively small, self-selected group of respondents commented on the idea of reform proposed by the government itself, and their opinions seemed relatively evenly divided.

Furthermore, the consultation document does seem to exaggerate somewhat the current costs to B&B/Guesthouses of obtaining a premises licence. The document states the costs to range from £100-£1900, with annual renewal costs of up to £200. But this is the range for licences overall. The average cost of a premises licence for a normal B&B/Guesthouse is more likely to be in the range £100-£190, with renewal costs in the range of £70-£180 thereafter. On the face of it, these costs do not seem excessive

3. Increasing availability leads to an increase in harm

While the current proposals are limited to B&Bs and community groups, the clear implication within the consultation document is that, should CANs be deemed

successful, they will be rolled out further, potentially to businesses such as florists and hairdressers. Such a move could amount to a considerable increase in the availability of alcohol. There is strong and consistent evidence from home and abroad indicating that the more widely available alcohol is, the higher the levels of consumption, which in turn leads to higher levels of alcohol related health harms.

4. CANs: Creating a two tier licensing system?

As the impact assessment states, groups within the licensed trade have expressed concerns that CANs will lead to a two tier licensing system. It is worrying that those with potentially the least experience will be subject to the least oversight, and that the majority of those responding to the government's consultation thought that CANs would have an adverse impact on the statutory licensing objectives.

5. Enforcement and regulation

We have concerns around the enforcement and regulation of CANs for a number of reasons. Firstly, licensing teams are extremely stretched in many areas and already struggle to adequately police the licensing system. Opening up another license for licensing officers to oversee will only add to this problem, even if it is regarded as 'low risk', which is a new method of categorizing licenses in the UK. Budget problems make up part of the problem here: while the impact assessment for this proposal states that there is a requirement for the fee to cover all processing and administrative costs, as it is the current licensing system does not meet this test, with licensing authorities frequently subsidising their licensing operation out of general funds, often to the tune of hundreds of thousands of pounds.

CANs, as consulted on, will have a number of specific elements that should not be breached, such as the amount of alcohol served per person, the size of the event, and the fact that tickets must be sold on the door or before the event. Given this, and the problems already faced by licensing teams, it is impossible to see how CANs will be overseen and their conditions enforced effectively in practice.

6. Permitted Hours

Details in the Home Office Consultation Notice state that the permitted hours for a CAN will be between 7am and 11pm. We consider that this is too wide a time scale, not to be in the public interest, or to be in keeping with the supply of alcohol on a purely ancillary basis. Such hours are not in keeping with the daily operating profile of small business B&B accommodation, or the scope of low key community events, nor is it in keeping with what the general public consider to be normalised hours of alcohol supply. In such a situation we would not support supply of alcohol through a CAN before 11am.

7. Community Groups (Number of Participants)

The Home Office Consultation Notice states that CANs could be used for 'Sales of Alcohol for consumption at organised events of up to 300 people.' We consider that this number is too great, and is not in keeping with the vision of small community events, held on a small scale, at which alcohol supply is purely ancillary. It poses a real risk in terms of the

application of the existing four licensing objectives, particularly given that no training or qualifications are needed to take out a CAN.

Group and crowd dynamics can be unpredictable, especially where alcohol is an influencing factor in crowd behaviour. The group dynamics at the higher end of the CAN scale will be potentially hard for an organiser to manage and control without the necessary level of training, professional input, and if necessary control through use of stewards and professionally qualified staff. In such situations a TEN should be applied for, which would allow the police and other agencies to assess the event and if necessary intervene in the public interest.

Our recommendation is that CANs are limited to events of no more than 100 people. Where events above that number are organised, then a TENs application should be applied for. This would alert the respective local authority and policing services, and give an opportunity for direct or indirect support to be given to organisers.

IAS response to consultation questions

Question 1

What size of accommodation do you think can be determined a “small accommodation provider” for the purpose of the CAN?

- a) An accommodation provider with up to five bed spaces
- b) An accommodation provider with up to ten bed spaces
- c) An accommodation provider with up to fifteen bed spaces
- d) An accommodation provider with up to twenty bed spaces
- e) Don't know

a) An accommodation provider with up to five bed spaces.

We consider that any premises offering more than five bed spaces falls under the definition as a hotel business and therefore warrants application for a premises license.

Question 2

How much alcohol do you think should be allowed to be sold by ancillary sellers under a CAN, per guest, in a 24 hour period?

- a) Up to 2 units (e.g. a small 125ml glass of wine; a pint of 3.5% ABV of beer; a 330ml bottle of 4% ABV lager; one double measure of spirits)
- b) Up to 3 units (e.g. a large 250ml glass of wine; two 330ml bottles of 4% ABV lager; a pint of 5% ABV beer)
- c) Up to 5 units (e.g. a 750ml bottle of 13% ABV wine between two people or a 250ml bottle of spirits between two people)
- d) More than 5 units (e.g. allowing a bottle of wine between two people in a room plus an additional glass of wine with a meal)
- e) Don't know

Whilst the intention of such a cap would seem to be to ensure that the sale of alcohol is ancillary to other activities, in our view placing a limit on the amount of alcohol ancillary sellers are able to sell would be impractical and unenforceable. Those allowed to sell alcohol should be recognized as suitable and responsible enough to do so, and if not they should be prevented from selling alcohol. Our answer therefore falls outside any of the above options.

It is our view that CANs would create a two tier licensing system. Given the potential harms alcohol can cause for both the drinker and those they come into contact with, all those deemed able to sell alcohol should go through adequate training and be subject to the proper enforcement and regulatory guidance that licensed premises are already subject to. This will not be the case for CANs.

Question 3

The CAN will be available for use by B&Bs and other similar accommodation providers. Do you think other types of accommodation providers should also be able to use the CAN? (tick all that apply)

- a) Self catering holiday homes
- b) Camping and caravanning sites
- c) Youth hostels
- d) Don't know

None.

We consider that none of the listed accommodation providers should be permitted to use CANs. If any of the above providers wish to make alcohol sales part of their business there is no reason why they cannot apply for a premises license.

Question 4

How do you think a community group should be defined?

- a) A broad definition to allow any group which has local membership and operates on a not-for-profit basis.
- b) A defined list which includes groups such as charities, voluntary groups, faith groups, and community interest companies which operate on a not-for-profit basis.
- c) Don't know

b) A defined list which includes groups such as charities, voluntary groups, faith groups, and community interest companies which operate on a not-for-profit basis.

Question 5

How much alcohol should be allowed to be sold by community groups under a CAN?

- a) Up to 2 units (e.g. a small 125ml glass of wine; a pint of 3.5% ABV of beer; a

- 330ml bottle of 4% ABV lager; one double measure of spirits)
- b) Up to 3 units (e.g. a large 250ml glass of wine; two 330ml bottles of 4% ABV lager; a pint of 5% ABV beer)
 - c) Up to 5 units (e.g. a 750ml bottle of 13% ABV wine between two people or a 250ml bottle of spirits between two people)
 - d) More than 5 units (e.g. allowing a bottle of wine between two people in a room plus an additional glass of wine with a meal)
 - e) Don't know

As above: We believe placing a limit on the amount of alcohol ancillary sellers are able to sell would be impractical and unenforceable. Those allowed to sell alcohol should be recognized as suitable and responsible enough to do so, and if not they should be prevented from doing so.

It is our view that CANS would create a two tier licensing system. Given the potential harms alcohol can cause for both the drinker and those they come into contact with, all those deemed able to sell alcohol should go through proper training, and be subject to the full enforcement and regulatory guidance that licensed premises are already subject to.

Question 6:

How frequently should a community group be allowed to provide alcohol under their CAN?

- a) Once per month
- b) Twice per month
- c) Once per week
- d) More than once per week
- e) No restriction / daily
- f) Don't know

- a) Once per month

Should CANS be granted, their frequency should be limited to once per month. If community groups were to supply alcohol on a more regular basis than this, they would essentially be entering into the alcohol supply business, so should apply for a premises license.

If a community group plans to hold a specific event at which alcohol may be sold, they would still have the opportunity to do this by applying for a TEN. This process will allow more control over the level of alcohol being sold in the local area by councils and police who will ultimately be responsible for dealing with any consequences.