Minutes (15 September 09) – Matters Arising (Arrangements to tackle domestic violence): Response to Crime & Safety Scrutiny Panel reference to Alcohol Harm Reduction Board

Contact: Bob Griffiths (Assistant Director Planning and Environmental Protection) 020 8379 3676 or email Bob.Griffiths@enfield.gov.uk

The Panel referred the suggestion for introduction of a scheme to restrict the strength of beer available through local off licenses (along with miniatures) on to the Alcohol Harm Reduction Board for further consideration as a means of assisting to reduce the level of alcohol related crime and anti social behaviour. The Board considered the reference on 2 December 09 and its response is set out below:

Currently there are no legal powers to support the scheme, which would have to be a voluntary agreement. Two local authorities have trialed a voluntary arrangement to tackle specific issues.

1. City of Westminster Council

Supermarkets and off-licences cooperated with the council to tackle street drinking by taking super-strength lager and cider off their shelves. Shops including the main supermarkets agreed to stop selling Carlsberg Special Brew, Tennent's Extra and Diamond White in an attempt to deter street drinkers and combat associated problems such as begging and drug dealing. In addition to the voluntary restrictions on the sale of strong lagers and ciders, the council also used dispersal zones to stop people gathering in public places and enforce a borough-wide controlled-drinking zone and confiscating alcohol from street drinkers.

2. Oldham Metropolitan Borough Council

On Licensed Trade

Following attempts to introduce a Responsible Licensee Scheme (“Best Bar None”), which were rejected by the Licensed trade in Oldham, a review was made of the premises licences held by 22 premises in Oldham Town Centre.

In December 2008, the Council became aware of heavily discounted drinks promotions in Oldham Town Centre. Over the following 6 – 8 weeks, the drinks promotions intensified up to the last week in January 2009, when Oldham Town Centre was featured in national media after one bar ran a £5.99 unlimited drinks promotion. Although one particular bar was featured, this promotion was typical of promotions operating at the time. During January 2009, bar operators discussed with the Council, through the local Pub Watch meetings, the concept of developing a minimum price agreement. However, officers advised that this would be a Chapter 1 prohibition under the Competition Act 1998 and illegal.

Instead, it was suggested that operators dropping below threshold prices should see an increase in operating costs as a disincentive to heavy discounting. This could, in effect, achieve higher prices without banning lower price promotions. The concept
put forward was that conditions for operators offering cut price drinks should seek to slow down the rate of drinking and increase the protective resources available at that location.

The threshold was agreed based upon British Beer and Pub Association guidance on irresponsible drinks promotions and a price threshold at 75p per unit of alcoholic strength. Premises were selected on the basis that they were within the Town Centre environs and they were engaged in drinks promotions that would trigger the threshold (even if only on a few products). A total of 22 premises (out of 32 in the Town Centre) were subject to formal reviews to introduce new licence conditions, in particular one to deter price promotions:

*It shall be a condition of the licence that any regulated drinks promotion is brought to the attention of the Licensing Authority and Greater Manchester Police at least 7 days in advance. In addition, for the duration of the regulated drinks promotion, the licence holder must commission Greater Manchester Police to provide two additional police officers for the purpose of patrolling the premises and its surrounding environs. A fee is payable for this to GMP at standard advertised rates.*

**Off-licensed Trade**

Oldham Council is now considering banning supermarkets and other shops from having cheap alcohol promotions in their doorways. In a letter to all of the supermarkets in Oldham, the Council set out proposals to review their drinks licences and require additional measures if alcohol is to be sold at less than 50p per unit of alcoholic strength.

The proposals include:

- A licence requirement that ‘designated alcohol sales zones’ be identified on the operating schedule of the premises. The specific location and size would vary according to the premises size, but would typically be two aisles in your premises;
- That alcohol on sale below 50p per unit of alcoholic strength would not be permitted to be displayed outside of the designated zone;
- That the designated zone be delineated by a barrier with entrance gates. The entrance gates clearly showing that no unaccompanied under 18’s are permitted in the zone;
- That each designated zone be patrolled during opening hours by an SIA registered security officer;
- That the promotional material for alcohol on sale below 50p per unit of alcoholic strength be limited to a size less than 20cm by 10cm;
- That one of a choice of five social responsibility messages be displayed within a circle of 1 metre diameter (field of vision) for each location where alcohol is on sale below 50p per unit of alcoholic strength (definition of these is set out below);
None of the restrictions would apply if drinks are sold at more than 50p per unit of alcoholic strength.

The Council has given the retailers until the end of December to give their views on the proposals, before it will consider whether or not to seek changes to their drinks licences through the Licence Review process.

Two specific outcomes were sought with these proposed conditions:

- To reduce the available space for irresponsible drinks promotions in off licensed premises;
- To increase the protective services available, both through promotion of responsible drinks messages and through adequate security supervision of drinks promotion.

Comment

Both Councils sought such agreements / measures to tackle specific problems. In essence they were able to evidence that specific problems were attributable in Westminster’s case to strong alcohol being sold to street drinkers and the consequential problems associated with their behaviour; and in Oldham’s case to widespread crime & disorder associated with the availability of cheap alcohol.

Action under the Licensing Act can be taken to support any of the four licensing objectives – the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.