

**Selling Alcohol Responsibly – Safe Sensible Social, A consultation on the new code of practice for alcohol retailers (England and Wales)**

**Summary**

- The legislation will set out a number of mandatory licensing conditions for alcohol retailers across England and Wales and give local licensing authorities flexible new powers to clampdown on specific problem premises in their area.
- These powers will not affect the majority of businesses, small or large, who behave responsibly- but is intended to target those who do not and deal with alcohol related crime and disorder.

The new code of practise for the retail of alcohol would include 4 objectives which will be addressed in detail below:

- **Mandatory licensing conditions** that will apply to licensed premises
- A requirement to display **alcohol unit content and health related information**
- **Discretionary local licensing conditions** that can be applied to groups of two or more premises in any local area that have been clearly linked to alcohol – related nuisance and disorder.
- **Statutory guidance** to support the conditions and requirements, maximising the positive impact of the code, and good practice guidance.

**Mandatory Conditions:**

To bring into force an effective ban on irresponsible promotions and advertising, and to enforce responsible behaviour by those licensed to sell or supply alcohol.

A summary is outlined below:

1. Bans irresponsible promotions, such as ‘all you can drink for £10’ or ‘ladies night’ and speed drinking competitions. Any promotion that encourages the consumption of large quantities of alcohol or rapid consumption that could increase the risk of alcohol related crime and decrease public safety must be taken into consideration.
2. Bans alcohol from being dispensed directly into the mouth of any customer, which encourages the type of excessive and irresponsible drinking.
3. Ensures that smaller measures (not just smaller glass sizes) of alcohol are made available to customers to help them manage their alcohol consumption and promote ‘choice’.
4. Ensures that free tap water is available.
5. Seeks to ensure that online or mail order alcohol retailers have robust age-verification systems in place to prevent underage sales.

**Alcohol unit content and health related information**

6. Through the Food Safety Act, ensuring that there is point-of-sale information visible to all customers regarding unit content of a representative sample of drinks. Off-trade further information about health risks will be provided.

**All of these conditions apply to On-trade and qualifying club premises certificate apart from #5 which is off-trade.**

### **Points to consider**

- This will NOT prevent 'Happy Hours', which are run and managed responsibly.
- Will not prevent any activity that does support and is consistent with responsible drinking.
- Point of sale information- will this encourage people in particular youths to choose the stronger drinks with more units in order to get drunk?
- Will smaller pubs display the same signage as larger pubs despite lack of space?
- Consideration for future action- the size of a single measure of spirit. Should all premises across England and Wales have the same single serving so not to confuse customers about how much they are actually consuming?

i.e. 25ml only, 35ml only, or whether it should remain the choice of the individual license holder to supply either 25 or 35ml.

### **How the new mandatory condition will work**

The Home Office will ensure that licence holders are made aware of the new mandatory licensing conditions through a variety of communication channels, including licensed trade specialist interest publications, trade associations, communications issued through the Government Office Network and the local police.

Licensed premises will not be able to appeal against the imposition of any of the conditions. Any breach will be dealt with in the same way that breach of any of the current licensing conditions is treated and would expect licensing authorities to peruse prosecution or enforcement were necessary. Yellow card Red card will be used when considering a breach.

### **Discretionary local licensing conditions**

To provide a menu of potential conditions that can be applied to groups of two or more premises in the area. Allowing local licensing authorities to tackle alcohol related nuisance caused by groups of licensed premises if they consider that:

- Nuisance to the public
- Nuisance on the premises
- Repetition of nuisance
- Use conditions to prevent future nuisance.

The conditions at a glance are outlined below:

- Bans the discounted sale of drinks within a specific time period i.e. happy hours, during periods of time most associated with nuisance and disorder.
- Bans 'pub crawl' offers, i.e. the sale of alcohol at discounted price according to whether the customer has purchased alcohol at another premise in one 24-hour period.
- Risk review of premises is carried out.
- Regular collection of empty or abandoned glasses.

- Bans serving alcohol in glass containers during periods of time most associated with alcohol related crime and disorder.
- Stops customers leaving premises with unsealed glass containers.
- Toilet checks
- Door checks
- Ensures that an incident record is maintained
- Ensures the preparation and implementation of a police checked dispersal policy
- CCTV operation
- Display of local licensed transport phone numbers and links to enable a safe journey home and a direct telephone line to licensed taxis.
- Ensures that a senior staff member together with any door supervisors maintains a live text or radio pager link for instant communication with local police to facilitate rapid response to any nuisance.
- Challenge 21 scheme
- Bulk discounts cannot be offered during stipulated times.

**Points to consider:**

- Staff Training
- Seating – little or no seating is associated with disorder
- Door staff- effectively trained
- Background Music- high levels of music played loudly can cause customers to drink faster. – Not evidence, based any views?
- Consideration for future action- public safety. The Government is concerned about people. In particular women, being vulnerable and targeted around the night- time economy in addition to travel arrangements and dispersal policies outlined above, other suggestions will be welcomed to protect both men and women.

**How the new discretionary local licensing conditions will work:**

Whilst mandatory conditions will be brought into effect at a national level, the locally applied conditions will only be brought into effect when an individual licensing authority considers it necessary. Unlike the existing system, where an interested party or responsibly authority must make a representation to the licensing authority before any new conditions can be applied, the new system will allow licensing authorities to initiate action themselves on whether or not to apply conditions to groups of two or more premises.

**Statutory guidance**

To underpin the code of practise, the Government will issue a comprehensive suite of guidance, Guidance will include:

- How conditions should be used, regulations and processes
- Dealing with Breaches
- The process for appeals
- How the point of sale requirements in the on and off-trade
- Dealing with non- compliance with the requirements
- Good practise on managing and running premises.