ALCOHOL & ENTERTAINMENT LICENSING:

THE ROLE OF PUBLIC HEALTH

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In association with the Safe Sociable London Partnership

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“Every form of addiction is bad, no matter whether the narcotic be alcohol or morphine or idealism”

– Carl Jung
THE STEREOTYPICAL ALCOHOLIC...
THE DAILY MAIL READER...

I'm having fruit salad for dinner. Well, it's mostly grapes actually. Ok, all grapes. Fermented grapes. I'm having wine for dinner.
THE BINGE DRINKER...
Prime Minister’s Foreword:

“Binge drinking isn’t some fringe issue, it accounts for half of all alcohol consumed in this country. The crime and violence it causes drains resources in our hospitals, generates mayhem on our streets and spreads fear in our communities. My message is simple. We can't go on like this. We have to tackle the scourge of violence caused by binge drinking. And we have to do it now...”
The English are hard drinkers: -

“Drinking is a universal practice, in which occupation they passed entire nights as well as days. They were accustomed to eat until they became surfeited, and drink until they were sick.”
BINGE DRINKING – THE NEW CURSE?

• The English are hard drinkers: -

“Drinking is a universal practice, in which occupation they passed entire nights as well as days. They were accustomed to eat until they became surfeited, and drink until they were sick.”

- William of Malmesbury (c. 1095-1143)

... on the Norman Conquest
GIN LANE (HOGARTH, 1751)
Beer Street
“My rule of life prescribed as an absolutely sacred rite smoking cigars and also the drinking of alcohol before, after and if need be during all meals and in the intervals between them.”

- Winston S Churchill
“Alcohol is the anaesthesia by which we endure the operation of life”.

- George Bernard Shaw
DAMNED STATISTICS: CRIME & DISORDER

• 47% of violent incidents – perpetrator believed to be under influence of alcohol.

• 20% of all violent incidents took place in or around a pub or club.

• Total cost of alcohol-related harm in England: £21 billion
**Damned Statistics: Health**

- 1.2 million alcohol-related hospital admissions
- 25% increase in liver disease (2001-9)
- Alcohol - 3rd biggest lifestyle risk factor for disease and death in UK (after obesity and smoking)

(Home Office 2010-13)
DAMNED STATISTICS : HEALTH

• 9 million adults drink at levels that may pose some risk to their health.

• 2.2 million drink at higher risk levels for harm

• 1.6 millions have some degree of alcohol dependence

• Binge-drinking among 15-16 year olds among highest in Europe

• Alcohol related harm costs NHS (England) £3.5 bn/yr
NHS STATISTICS (2012)

• “Long-term downward trend” in the proportion of adults drinking.

• 2010 (1998) – 68% (75%) of men and 54% (59%) of women reported drinking in week prior.

• 2010 (2001) - 13% (26%) of 11-15 year olds drank alcohol in week prior
NHS STATISTICS (2012)

• 2001 – 2010 – 44% decrease in overall volume of alcoholic drink purchased for consumption outside the home

• 1992 – 2010 – 45% increase in purchase of alcohol for consumption within the home
NHS STATISTICS (2012)

• Alcohol 45% more affordable in 2011 than in 1980.

• Married/cohabiting men and women most likely to report drinking on 5 or more days in previous week (16%) compared to single adults (7%)
-Independent Scientific Committee on Drugs, *The Lancet* (6.11.10)
PROHIBITION
AL CAPONE

A smile will get you pretty far, but a smile and a gun will get you farther
PROHIBITION ENDS AT LAST!

GOOD OLD DAYS ARE BACK AGAIN!
“Beer is proof that God loves us and wants us to be happy.”

- Benjamin Franklin
"In moderation, alcohol can have a **positive impact** on adults’ wellbeing, especially where this encourages sociability. Well-run community pubs and other businesses form a key part of the fabric of neighbourhoods, providing employment and social venues in our local communities."

-Government’s Alcohol Strategy, 2012
NOT ALL BAD …

• Over 200,000 premises licensed to sell alcohol:

“Most make a positive and valuable contribution to their local communities”

- Government’s Alcohol Strategy 2012
NOT ALL BAD ...

• Alcohol industry contributes £29 billion to UK economy

• £42.1 billion – alcohol spend in 2010 (E+W)

• Over 1.8 million jobs in UK supported by alcohol industry
NOT ALL BAD...

“For many people, alcohol can be something to enjoy with friends at home, at a local pub or a community event. As well as contributing to social interaction and local life, the alcohol industry plays an important part in enhancing the health of the economy, supporting over 1.8 million jobs.”

(Home Office, July 2013)
THE GREATEST HAPPINESS OF THE GREATEST NUMBER
LICENSING ACT 2013
LICENSING ACT 2013
LICENSABLE ACTIVITIES

• Sale of alcohol
• Live and recorded music
• Performance of dance
• Theatre and films
• Late night refreshment (11pm-5am)
• Indoor sports, boxing and wrestling
Checks and Balances

• Generally permissive subject to checks and balances:
  • Promotion of licensing objectives paramount
  • Operating schedules
  • Representations from responsible authorities and “other persons”
CHECKS AND BALANCES

• Consideration of objections by democratically elected decision-makers

• Policy

• Licence Reviews
GUIDANCE AND STATEMENTS OF LICENSING POLICY

• Licensing authorities must have regard to:

  • Secretary of State’s **Guidance** to Licensing Authorities (issued under s.182 LA03)

  • Their own **Statement of Licensing Policy**

• Cumulative Impact Policies
THE LICENSING OBJECTIVES

“Promoting”

• The prevention of crime and disorder
• The prevention of public nuisance
• Public safety
• The protection of children from harm
• Public health
LICENSING OBJECTIVES

Crime and disorder
LICENSING OBJECTIVES

• Police main – but **not only** - source of advice on crime and disorder.

• Also Community Safety Partnership
2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

(Extract: s.182 Guidance, June 2013)
LICENSING OBJECTIVES

Public Nuisance
2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community... (Extract: s.182 Guidance, June 2013)
 LICENSING OBJECTIVES

... It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
LICENSING OBJECTIVES

Protection of children from harm
2.25 The protection of children from harm includes the protection of children from *moral*, *psychological* and *physical harm*. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

(Extract: s.182 Guidance, June 2013)
Licensing objectives

- Consider:
  - Off-licences near to schools or alcohol rehabilitation centres?
  - Under-age sales of alcohol?
  - Late-night take-ways and obesity?
  - Lateral thinking
LICENSING OBJECTIVES

Public Safety
2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation...

(Extract s.182 Guidance, June 2013)
... Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.
2.9 A number of matters should be considered in relation to public safety. These may include:

- **Fire safety**;
- Ensuring appropriate *access for emergency services* such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts...
Licensing objectives

- Ensuring the presence of trained **first aiders** on the premises and appropriate first aid kits;
- Ensuring the **safety of people when leaving the premises** (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of **glass bottles**;
- Ensuring appropriate limits on the maximum **capacity** of the premises
Licensing objectives

2.11 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

• Providing information on the premises of local taxi companies who can provide safe transportation home; and

• Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.
IG NOBEL PRIZE 2009
“... whether it is better to be smashed over the head with a full bottle of beer or with an empty bottle?”
IG NOBEL PRIZE 2009

- **Empty** beer bottles are sturdier than full ones:

  “However, both full and empty bottles are theoretically capable of fracturing the human skull”.

(See Journal of Forensic and Legal Medicine, Volume 16, Issue 3, April 2009, Pages 138–142)
WHO CAN HAVE THEIR SAY?

• Applicant/Licence Holder
• “Other persons” – e.g. residents, residents groups, businesses
• Councillors
• Responsible authorities
RESPONSIBLE AUTHORITIES

• Include:
  • Police
  • Environmental Health
  • Fire
  • Trading Standards
  • Child Protection Body
  • Planning
  • Licensing authority...
RESPONSIBLE AUTHORITIES

• And since April 2012 – local health bodies (originally Primary Care Trusts)

• Since 1 April 2013:
  • Local authority’s Director of Public Health (England)
  • Local Health Board (Wales)
METHODS OF INVOLVEMENT

• Responding to an application for new premises licence or variation of existing one

• Launching a Licence Review

• Supporting a Licence Review lodged by another party

• Consulting on Statement of Licensing Policy and local initiatives
PARTNERSHIP WORKING

8.40 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

(Extract: s.182 Guidance)
PARTNERSHIP WORKING

• Examples of partnership:
  • Voluntary agreements with operators
  • Operator schemes (Proof of age standards scheme: PASS)
  • Voluntary local schemes (Street Warden, taxi marshal e.g. LB of Hackney)
  • Code of Conduct (City of London)
  • Westminster CAB Licensing Project
  • Social engagement (Street Pastors)
ROLE OF HEALTH BODIES

• s 182 Guidance (June 2013)

Health Bodies Acting As Responsible Authorities

9.20 Where a local authority’s Director of Public Health in England (DPH) or Local Health Board (LHB) (in Wales) acts as a responsible authority, they should have **sufficient knowledge of the licensing policy and health issues** in order to be able to fulfil this function...
ROLE OF HEALTH BODIES

...If they wish to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies exercising health functions in the area, such as emergency departments and ambulance services...
ROLE OF HEALTH BODIES

... Some of these incidents will be reported to the police, but many will not. Such information would be relevant to the public safety objective and in some cases the crime and disorder objective...
ROLE OF HEALTH BODIES

... In making representations, DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations...
ROLE OF HEALTH BODIES

... The **College of Emergency Medicine** has issued guidelines for **information sharing** to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred.
ROLE OF HEALTH BODIES

... Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.
PRACTICAL ENGAGEMENT

• Cumulative Impact Policies (but no health objective – yet)

• Late Night Levy

• Early Morning Alcohol Restriction Order (EMRO)

• Minimum Unit Price at local level (voluntarily or as condition on licence)

• Removal of premium strength alcoholic drinks
PRACTICAL ENGAGEMENT

• Clinical Commissioning Groups (CCGs)
• Health and Wellbeing Boards (HWBs) – Joint Strategic Needs Assessment (JSNA)
• Police and Crime Commissioners
• Cardiff Model for Violence Prevention
• College of Emergency Medicine – data sharing
• Local Alcohol Profiles for England
• Local alcohol strategy/Harm reduction strategy
• Licensing Information Pack (Safe Sociable London Partnership)
ALCOHOL STRATEGY

• Published March 2012
• Alcohol reduction - health issue
• Individual responsibility of drinker
• Responsibilities of business
• National and local initiatives - not just legal changes
ALCOHOL STRATEGY

• A change in behaviour so that people think it is not acceptable to drink in ways that could cause harm to themselves or others;

• A reduction in the number of people “binge drinking”;

• A reduction in the number of adults drinking above the NHS guidelines ...
CONSULTATION ON 5 KEY AREAS

- November 2012 consultation on:
  - Minimum unit pricing
  - A ban on multi-buy promotions
  - Health as new licensing objective for CIP’s
  - A review of mandatory licensing conditions
  - Cutting red tape for responsible businesses
CONSULTATION

• February 2013 - consultation ended.
• 1,445 responses
• 23 July 2013 – Home Office: “Next steps following the consultation on delivering the Government’s alcohol strategy”
GOVERNMENT “ACTION” SO FAR

• Police and Crime **Commissioners** – “key players”

• Reform of **Anti-Social Behaviour** powers

• **Health and Wellbeing Boards** - local authorities take lead (includes alcohol-related services)

• **Public Health England** – controls of alcohol marketing, evidence base
GOVERNMENT “ACTION” SO FAR

- Licensing Act 2003 “rebalanced” in favour of local communities
- Late Night Levy & EMRO’s
- Review of safe drinking health guidelines
Minimum Unit Pricing

• Home Secretary Theresa May (July 2013):

“[The] consultation has been extremely useful. But it has not provided evidence that conclusively demonstrates that Minimum Unit Pricing (MUP) will actually do what it is meant to: reduce problem drinking without penalising all those who drink responsibly...”
MINIMUM UNIT PRICING

“...In the absence of that empirical evidence, we have decided that it would be a mistake to implement MUP at this stage. We are not rejecting MUP – merely delaying it until we have conclusive evidence that it will be effective.”
MINIMUM UNIT PRICING
MINIMUM UNIT PRICING

• MUP as a licence condition?

• Newcastle City Council – “voluntary” condition of 50p MUP for new applications and variations (September 2013).

• Also: Oldham (2009); Wales, Greater Manchester, Cheshire (considering)
BAN ON MULTI-BUY PROMOTIONS
BAN ON MULTI-BUY PROMOTIONS

• Devil in the detail.

• Government illustrations:
  • Two for price of one – banned
  • Half-price offers – allowed
BAN ON MULTI-BUY PROMOTIONS

\[ B \cdot A = E_i A_i + \rho_j \sum B_j A_j F_j \]

\[ \vec{V} \times \vec{E} = \frac{\partial \vec{B}}{\partial t} \]

\[ \frac{\partial^2 u}{\partial x^2} + \frac{\partial^2 v}{\partial y^2} + \frac{\partial^2 u}{\partial z^2} = f \]

\[ dU = \left( \frac{\partial U}{\partial s} \right)_v ds + \left( \frac{\partial U}{\partial V} \right)_s dV \]

\[ \vec{F} = m \vec{a} + \frac{dm}{dt} \vec{V} \]

\[ F_j = \sum_{k=0}^{N-1} F_k e^{2\pi i j/k} \]

\[ -\frac{h^2}{8\pi m} \nabla^2 \psi(r,t) + V \psi(r,t) = \]

\[ \nabla \cdot \vec{D} = \rho \]

\[ \nabla^2 u = \frac{\partial^2 u}{\partial t^2} = \frac{\pi}{2\pi} \frac{\partial \psi(r,t)}{\partial t} \]

\[ Z = \sum_j g_j e^{-E_j/kT} \]

\[ \nabla^2 u = \frac{\partial u}{\partial t} \]

\[ \nabla^2 \vec{U} \frac{\pi^2}{\partial^2 \vec{F}} = \frac{\vec{F}}{\partial^2 \vec{F}} \]

\[ P(t) = \frac{\sum_i N_i B_i(t) P_i}{\sum_i N_i B_i(t)} \]

\[ \nabla \times \vec{H} = \frac{\partial \vec{D}}{\partial t} + \vec{j} \]
BAN ON MULTI-BUY PROMOTIONS

• Theresa May, Home Secretary, July 2013:

“... after careful consideration of the evidence – we have decided not to outlaw multi-buy promotions for alcoholic drinks (offers of the ‘buy two, get one free’ variety), as there is no convincing evidence that it would have a significant effect in reducing consumption.”
BAN ON BELOW COST PRICING

• Introduce existing legislation by Spring 2014.

• Bans sale of alcohol below level of alcohol duty for a product plus VAT.

• E.g. no can of beer below 0.40p
**Ban on below cost pricing**

- Home Secretary:
  
  “There is too much cheap alcohol available so we will ban the sale of alcohol at below what it costs the retailer to obtain it in the first place. This will stop the worst instances of deep discounting which result in alcohol being sold cheaply and harmfully. It will no longer be legal, for example, to sell a can of 4% ABV lager for less than 40 pence.”
HEALTH OBJECTIVE FOR CIP’S

• March 2012 Consultation - views on introducing health as a licensing objective for Cumulative Impact Policies.

• Evidence of relationship between:
  • increased density of licensed premises and consumption
  • density and harm
HEALTH OBJECTIVE FOR CIP’S

• July 2013 - Abandoned “local processes and data collection are insufficient”.
VOLUNTARY ACTION

• Praise for Best Bar None, Pubwatch, Community Alcohol Partnerships and Purple Flag.

• Targeted action by pubs and clubs themselves has:

“proved by far the most effective in curbing irresponsible drinking. It has also encouraged moderate sensible drinking in pubs and bars of the kind that most people enjoy and which helps town centres to flourish” (Home Secretary)
Voluntary Action

- Best Bar None in **Doncaster** – 42 per cent reduction in night time violent crime in town centre (2006-2012)

- Best Bar None in **Durham** – 58 per cent reduction in violent crime, footfall increased by 50%, turnover by 75% (2006-2012)
Voluntary Action


- Within 6 months - 2/3rd of licensed retailers “voluntarily” removed high strength beer and cider from shelves (and/or minor variation).

- 50% drop in street drinking, ASB fallen by 19%, overall crime by 14%
Voluntary Action

• Industry to demonstrate they can continue with voluntary steps to reduce alcohol harm

• E.g. Public Health Responsibility Deal – labelling cans and bottles with health and alcohol unit information.

• Removing one billion units of alcohol from market by end of 2015 (2%)
**VOLUNTARY ACTION**

- Industry to tackle high-strength or high volume products. (e.g. Heineken removed White Lightning and Strongbow Black from its portfolio)

- Responsible promotion and displays in shops (eg. Asda removed alcohol from shop foyers, Morrisons never has).
VOLUNTARY ACTION

• Improving education (e.g. by funding education programmes for children, Drinkaware)

• Industry to support targeted local action and growth in local economies (e.g. pubwatch, BBN Community Alcohol Partnerships, BIDs)

• Action Plan to be agreed by Autumn 2013
“Alcohol is a very necessary article ... it enables Parliament to do things at eleven at night that no sane person would do at eleven in the morning”

– George Bernard Shaw
FURTHER INFORMATION

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