

Scrutiny call for evidence**Theme: The physical health of the borough****Availability of Alcohol on our high streets and in pubs and bars**

This document outlines the approach to preventing and reducing harm from alcohol in Southwark: the document starts with a brief summary of the recent successes and challenges in this area. It then uses the National Institute of Health and Care Excellence (NICE) recommended actions to assess what is being done locally and what the priorities are for future action.

Success Stories

- Southwark is understood to be one of the top 5 boroughs in terms of numbers of licensed premises. Together they offer significant levels of employment and a broad range of leisure opportunity. In the majority of cases, operators demonstrate good management practice and can be considered to benefit their local community, operating without complaint or concerns raised;
- Targeted, risk assessed and intelligence led enforcement coupled with a partnership approach has provided for more effective and co-ordinated action against problem premises. This is particularly demonstrated by the work of the partnership Night-Time Economy Team. This approach has also enabled more resource to be directed toward supporting responsible premises management through initial induction and early during operation inspection processes;
- The most recent annual partnership analysis of alcohol related violence for 2013, indicates that alcohol related violence against the person (VAP) and calls to the police concerning alcohol related disorder and rowdiness (CAD) are at their lowest level in Southwark since the monitor first began back in 2007.

Challenges

- How to raise alcohol health harm considerations within licensing practice and policy in lieu of a public health licensing objective;
- To continue to develop the quality of information available to the partnership analysis for inclusion in the annual report by improving the quality of PH and LAS information provided. In doing so, to understand why alcohol related calls to the LAS have risen across London and Southwark in recent years while VAP and CAD have fallen;
- How to encourage the licensed trades to become more socially responsible around alcohol health harm; and
- How to continue to raise education and awareness among consumers around alcohol health harm impacts.
- In addition to licensing, the use of planning policy regulation may be explored to prevent further saturation where there are concerns relating to concentrations of bars.

1. Introduction

- 1.1 Whilst the majority of people who drink alcohol enjoy it responsibly the harmful use of alcohol has significant adverse impacts on our communities.
- 1.2 Misuse of alcohol can seriously affect an individual's physical and mental health as well having a wider impact on crime, anti-social behavior and domestic violence.
- 1.3 Southwark has the highest rates of wholly attributable alcohol admissions in South London (789/100,000 respectively) which is considerably higher than the London or England average rates (545 and 573).

2. What is the local picture?

- 2.1 Within Southwark there are 1286 premises licensed under the Licensing Act 2013¹. Of these 1041 are licensed for 'on sales'² of alcohol and / or 'off sales'. Many different types of premises are included in this total. An indication of the largest categories of premises is given in Table 1 below.

1	Supermarkets / Convenience Stores / Grocers	341 premises
2	Restaurants / Cafes / Take-Aways	340 premises
3	Public Houses / Bars	219 premises
4	Other leisure (Theatres / Cinemas / Sports Halls & Clubs	33 premises
5	Vessels	23 vessels
6	Hotels / Hostels	20 premises
7	Night-Clubs	11 premises

- 2.2 Additionally around 800 Temporary Event Notices are received per year notifying the council of occasional community events. Many of these incorporate alcohol sales.
3. Alcohol is readily available for purchase within our community 24 hours a day. The Safer Southwark Partnership Analysis of Alcohol Related Violence (2013) reports on alcohol outlet availability across the borough, within hourly time bands (see Table 2 below).

¹ The Licensing Act 2013 (the 'Act') sets out the licensing regime for the sale and supply of alcohol (alongside the provision of specified 'regulated entertainments' and of 'late night refreshment').

² 'On sales' licenses allow consumption of alcohol on the premises.

Table 2: Number of premises open within time bands							
Time Range	MON	TUE	WED	THU	FRI	SAT	SUN
0000 – 0100	405	439	439	442	456	514	512
0100 – 0200	249	271	271	273	306	399	395
0200 – 0300	161	164	164	168	179	211	210
0300 – 0400	144	140	140	144	147	167	166
0400 – 0500	138	132	132	136	139	149	146
0500 – 0600	134	132	132	134	137	144	141
0600 – 0700	191	189	189	190	193	195	188
0700 – 0800	288	287	287	287	289	286	263
0800 – 0900	518	518	518	518	520	517	348
0900 – 1000	620	621	621	621	626	626	456
1000 – 1100	829	831	832	832	834	834	727
1100 – 1200	975	980	981	980	982	981	877
1200 – 1300	1019	1022	1023	1022	1023	1022	1015
1300 – 1400	1019	1022	1023	1022	1023	1022	1015
1400 – 1500	1019	1024	1025	1024	1025	1024	1017
1500 – 1600	1019	1023	1024	1023	1024	1023	1015
1600 – 1700	1019	1023	1024	1023	1024	1022	1013
1700 – 1800	1022	1027	1029	1028	1029	1026	1016
1800 – 1900	1018	1022	1025	1025	1027	1023	1006
1900 – 2000	1022	1026	1028	1029	1033	1026	1005
2000 – 2100	1012	1016	1018	1019	1023	1017	996
2100 – 2200	1001	1005	1007	1008	1013	1007	980
2200 – 2300	973	977	979	980	986	980	942
2300 – 0000	675	676	676	682	695	694	634

3. What are effective interventions?

3.1 The best evidence of what is effective (including cost-effective) at reducing harm from alcohol comes from the NICE public health guidelines *Alcohol use disorders: preventing harmful drinking (PH24)*. Table 3 outlines the 12 recommendations from that guideline.

Table 3: Recommendations from the NIC public health guidelines <i>Alcohol use disorders: preventing harmful drinking (PH24)</i>		
POLICY		
1	Price	Making alcohol less affordable is the most effective way of reducing alcohol-related harm
2	Availability	Making it less easy to buy alcohol, by reducing the number of outlets selling it in a given area and the days and hours when it can be sold
3	Marketing	Exposure to alcohol advertising is associated with the onset of drinking among young people and increased consumption among those who already drink: children and young people should be protected as much as is possible by strengthening the current regulations
PRACTICE		
4	Licensing	Regulating the availability of alcohol.
5	Resources for screening and brief interventions	Prioritising investment in identifying those individuals whose drinking might be impacting on their health and delivering simple, structured advice: an 'invest-to-save' measure.
6	Supporting children and young people aged 10-15 years	Supporting children and young people aged 10-15 years who are thought to be at harm from their use of alcohol
7	Screening young people aged 16-17 years	Identifying those individuals aged 16-17 years whose drinking might be impacting on their health
8	Extended brief interventions with young people aged 16-17 years	Delivery of 'extended' brief interventions i.e. 'brief motivational interviewing' to young people aged 16 and 17 years who have been identified via screening as drinking hazardously or harmfully
9	Screening adults	Identifying those adults whose drinking might be impacting on their health via the use of a validated alcohol screening tool.
10	Brief advice for adults	Delivery of structured advice lasting 5-10 minutes to adults who have been identified via screening as drinking a hazardous or harmful amount of alcohol
11	Extended brief interventions for adults	Delivery of extended brief interventions to adults who have not responded to brief structured advice or would benefit from an extended brief interventions for other reasons.
12	Referral	Referring those aged 16 years and over who may be alcohol-dependent to specialist treatment

4. What is being done locally to address the issue?

4.1 This section outlines what is being done locally against the NICE Recommendations 1, 2 and 4 relevant to alcohol on the high streets and in pubs and bars.

Recommendation 1: Price

Minimum Unit Pricing

4.2 There has been considerable debate in recent years over the possible introduction of a minimum unit price for alcohol. Supermarkets regularly use cheap alcohol as a 'loss leader'. Many convenience stores offer alcohol at very low prices.

4.3 Though proposed by the Government within consultations on its alcohol strategy, this has not been introduced, with issues around restrictive trades practices being raised. To date the government has introduced the 'ban on the sale of cheap alcohol', but this is set so low that it has had minimal effect in this borough. The 'ban' prohibits the sale of alcohol below the price of VAT + Duty. On this basis, the minimum price of a 330ml bottle / can of 5% ABV beer / lager is 38p. A 440ml bottle / can of 5% ABV sparkling cider is 21p.

Priority areas for improvement

4.4 Currently, there is no local work on minimum unit pricing in Southwark. The Council does not have a formally stated position on minimum unit pricing.

Recommendation 2: Availability

Ban on the sale of super-strength alcohol

4.5 A number of local licensing authorities have targeted cheap super-strength lager and cider and have worked toward voluntary agreements not to sell such products. Different approaches have been taken in different areas with voluntary agreements based on anything between 5.5% ABV to 7.5% ABV. Approaches have varied because of differences in opinion on how to deal with craft and speciality beers. Ipswich were one of the first local authorities to introduce a voluntary ban and reported in 2013 that this had contributed toward a 50% reduction in street drinking. A problem with the voluntary agreement approach is that it is not enforceable and it is more likely to be taken up by responsible operators who are unlikely to be contributing to the concerns which such policy is intended to deal with.

4.6 A ban imposed under condition would be more effective but local licensing authorities are prevented, by law, from imposing blanket conditions. In July 2014, the Association on Convenience Stores (ACS); the British Beer and Pub Association (BBPA), the Wine and Spirit Trade Association (WSTA) and the National Association of Cider Makers (NACM) wrote jointly to local licensing authorities advising of their shared concerns over the potential legal implications of policy decisions to impose bans under licence conditions of this kind. The bodies note in their correspondence that "Under licensing law, any such conditions should be evidence based and tailored to specific premises and therefore the creation of a generalised scheme of

this kind will exceed existing licensing powers and place retailers in an uncertain legal position should they comply.

4.7 This authority has recently looked to use such conditions at specific premises where it has been appropriate to do so. This has either been imposed through the licence review process where specific problems have been identified or voluntarily included within an operating schedule by an applicant upon application for a new or varied licence as part of the conciliation process.

Priority areas for improvement

4.8 The sale of super strength alcohol will be included into the forthcoming licensing policy review with encouragement for licensees to propose this condition as a good practice management control under applications.

Recommendation 4: Licensing

4.9 The Licensing Act 2003 requires any person who wishes to provide any one or more of the licensable activities set out in the Act (incorporating the sale of alcohol) to firstly obtain a premises licence from the local licensing authority (within Southwark, this Council). Similarly, any person who wishes to supply alcohol to club members must firstly obtain a club premises certificate from the licensing authority.

4.10 Applications for premises licences / club premises certificates must be made on a specified form to the licensing authority and copied to a number of named 'responsible authorities'. These include the police; trading standards; fire brigade; planning; social services; environmental health (pollution control & occupational health and safety); and public health.

4.11 During the consultation period it is open to the responsible authorities and other persons to make representations concerning the application, relevant to one or more of the four licensing objectives.

- The prevention of crime and disorder;
- The prevention of nuisance;
- Public safety; and
- The protection of children from harm.

4.12 If no representations are made, then the application must be granted in the terms sought, with the actions taken to address the licensing conditions transformed into the premises operating conditions supplemented by certain other mandatory conditions (see section 11).

4.13 If representations are made, then a conciliation process is entered into managed by the council's licensing team. This conciliation service intends to bring applicant and 'objectors' together to discuss the application in detail and explore scope for a negotiated agreement acceptable to all parties. If no agreement can be made then

the application is determined by the council's licensing sub-committee at a public hearing.

Cumulative Impact Policies (CIPs)

4.14 The Guidance to the Act enables local licensing authorities to introduce CIPs where there are concerns over the cumulative impact of currently licensed premises within a specified area. A CIP substitutes the presumption to grant applications for licences with a presumption to refuse. This does not mean that no new licences may be issued within the area to which such policy applies but new operators are required to demonstrate to the licensing committee that the operation of their premises will not add to the identified local concerns that gave rise to the policies introduction.

4.15 There are currently 3 CIPs in place within Southwark. These cover Borough and Bankside, Camberwell and Peckham.

Night Time Economy Team

4.16 The Council & Police operate a jointly funded partnership night-time economy team which operates primarily in a footprint within the Borough and Bankside area but is available to work outside of the footprint on directed cases. A police team works day and night shifts Tuesday through to Sunday and is supported by council licensing and community safety officers on Friday and Saturday nights. It provides a high visibility patrol intended to provide a reassuring presence in the night-time economy; build rapport with premises management and front of house staff; and identify and deal with problem premises and issues in and around the night-time economy, using a problem solving approach. The partnership team also planned and runs joint initiatives with other council services; customs and excise; the SIA; fire brigade and more.

Under-age sales

4.17 Trading Standards carry out regular under-age test purchase exercises again based on intelligence received. The service promotes a 'Challenge 25' approach to age verification and provides support and information to operators wishing to establish age verification systems.

Public Health

4.18 Public health have been recently added as one of the 'responsible authorities' able to comment on licence applications and call licence reviews. Whilst health is not one of the licensing objectives there is considerable scope for health data – for example, data on A&E admissions, noise disturbance, domestic violence, ambulance call-outs to be linked to the existing four objectives.

4.19 A recent pilot in Lambeth, in which Public Health were fully engaged in reviewing and processing licensing applications, suggests that health data can make an important contribution to the licensing process. Public Health is identifying funding to develop capacity to fully engage in the licensing process.

Premises compliance

4.20 The licensing service will work together with responsible operators to achieve well managed safe and secure venues and retail outlets. New operators are given an 'induction meeting' and an early 'during operation inspection' aimed at ensuring that the operator understand his responsibilities; has good systems in place; and understands the support he can expect from the council and partner services. Frequency of inspections thereafter is determined on a risk-assessed basis. Enforcement activities are intelligence led based on information, complaint and observation.

Licensing Policy

4.21 Each licensing authority is required to establish a statement of licensing policy which sets out how that authority approaches its responsibilities under the Act. The policy must be consistent with the Act, secondary regulations and have regard to Guidance issued by the Home Office. The policy (and the impact of the authority's licensing decisions) must be monitored and the policy reviewed and updated at intervals. A review of the current Southwark Statement of Licensing Policy will commence this year.

Mandatory conditions concerning alcohol sales

4.22 Mandatory conditions that must be applied to premises licences which allow alcohol sales require the responsible person to ensure:

- That no sales of alcohol may be made at any time where there is no DPS or when the DPS does not hold a personal licence or that licence is suspended;
- That staff do not carry out, arrange or participate in any irresponsible promotion (Note: Irresponsible promotions are promotions which are carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children);
- That no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability);
- That free tap water is provided on request to customers where it is reasonably available;
- That an age verification policy is in place in relation to the sale or supply of alcohol, requiring any person who appears to be under 18 years of age to provide photographic ID;
- That where the following drinks are offered, the following measures are available –
 - a) Beer or cider ½ pint;
 - b) Gin, rum, vodka or whisky 25ml or 35ml; and
 - c) Still wine in a glass 125ml.

- That the relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price (Note: 'Permitted price' is calculated using the formula $P = D + (D \times V)$ where P = permitted price; D = Duty chargeable; and V = Vat chargeable;

Other conditions

4.23 The council's licensing sub-committee is able to add further conditions to a premises licence, upon consideration of representations, where it considers it to be appropriate for the promotion of the licensing objectives. This standard is recently relaxed. Until 2013 conditions imposed had to be necessary for the promotion of the licensing objectives. All conditions must be relevant, fair, proportionate, within the control of the licensee and enforceable. Conditions must not duplicate requirements made by other legislation.

Offences

4.24 There are a number of offences established within the Act concerning alcohol sales. These include:

- Carrying on, or attempting to carry on, a licensable activity on or form any premises otherwise than in accordance with an authorisation;
- Exposing alcohol for unauthorised sale and keeping alcohol on premises for the same purpose;
- Sale of alcohol to a person who is drunk;
- Obtaining alcohol for a person who is drunk'
- Keeping of smuggled goods;
- Sale of alcohol to children together with allowing the sale of alcohol to children;
- Purchase of alcohol by or on behalf of children;
- Consumption of alcohol by children;
- Sending a child to obtain alcohol; and
- Prohibition of unsupervised sales by children.

Priority areas for improvement

4.25 Three further areas are currently being monitored as potential area for CIPs. These are Elephant & Castle, Old Kent Road and Walworth Road.

4.26 Identify funding to develop the capacity of public health as a responsible authority in the licensing process.

4.27 Robust review of the Southwark Statement of Licensing Policy

Richard Parkins, Licensing & Environmental Protection Unit Manager
Anna Richards, Consultant in Public Health, Lambeth and Southwark Public Health Team.

