



Home Office

Lord Henley

MINISTER OF STATE FOR CRIME PREVENTION AND ANTI-SOCIAL BEHAVIOUR REDUCTION

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www.homeoffice.gov.uk

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All Local Authority Chief Executives: Police Chief Constables in England and Wales

THE GOVERNMENT'S ALCOHOL STRATEGY AND CHANGES TO THE LICENSING ACT 2003

On 23 March, the Home Secretary announced the publication of the Government's Alcohol Strategy. The Strategy will radically reshape the approach to alcohol and reduce the numbers of people drinking to excess.

The Strategy is targeted explicitly at dangerous drinkers, problem pubs and irresponsible shops. It is not targeted at those who drink in moderation. It makes clear that moderate alcohol consumption can also have a positive impact on adults' wellbeing, and acknowledges its importance to the pub and hospitality industry both of which remain key employers and important to the economy and social fabric of the UK. However, the strategy makes clear that the Government will no longer tolerate the sale of heavily discounted alcohol which leads to irresponsible behaviour and unacceptable levels of crime and health harms.

Over the forthcoming months, the Government will run a number of public consultations on key proposals in the strategy, including the level to be set for a minimum unit price for alcohol and a proposed ban on multi-buy discounts in the off-trade. The Government also proposes to introduce a health-related objective for determination of licensing decisions linked to outlet density.

As you know, we have overhauled the Licensing Act 2003 through the Police Reform and Social Responsibility Act 2011 to give local areas the powers to tackle local problems, including the ability to restrict opening and closing hours, control the density of licensed premises and charge a late-night levy to support policing. The Alcohol Strategy sets out the Government's intention to bring into force all the Police Reform and Social Responsibility Act alcohol reforms on 25 April 2012, except for Early Morning Alcohol Restriction Orders, the late night levy, and locally set licensing fees which require complex secondary legislation. We expect to introduce these measures from October 2012.

Further information on the measures being introduced on 25 April is included in the attached annex. To support this, we will publish preliminary and supporting guidance on the key measures as soon as possible on the Home Office website and, on 25 April, will issue a revised version of the statutory guidance to licensing authorities issued under section 182 of the Licensing Act 2003.

You may also be aware that on the 16 March this year, the Government made an Order relaxing licensing hours to celebrate the Queen's Diamond Jubilee. The Order will allow licensed premises in England and Wales to stay open between 11pm on Friday 1 June and 1am on Saturday 2 June, and between 11pm on Saturday 2 June and 1am on Sunday 3 June for:

- the sale or supply of alcohol for consumption on the premises;
- regulated entertainment; and
- late night refreshment where alcohol is also sold or supplied for consumption on the premises.

Those businesses without the relevant authorisation will need to apply (if appropriate) for a temporary event notice. Further information on the Licensing Order is also available via the Home Office website (<http://www.homeoffice.gov.uk>).

I hope this helps to clarify our implementation plans. I should be grateful if you would disseminate this letter to those who work on licensing in your organisations, where relevant.



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ANNEX - THE GOVERNMENT'S ALCOHOL REFORMS

Introduction

The Government has legislated via the Police Reform and Social Responsibility Act 2011 (PRSR Act) to reform the Licensing Act 2003.

Timing for commencing the alcohol provisions in the PRSR Act

The Government intends to bring into force all the PRSR Act alcohol reforms on 25 April 2012, except for those that require complex secondary legislation, including: early morning alcohol restriction orders (EMROs), the late night levy and locally set fees. It expects to introduce these measures in October 2012 or April 2013.

PRSR Act measures for implementation on 25 April 2012 are as follows:

- Sending out a strong message that the Government will not tolerate the sales of alcohol to children by doubling the fine for persistent underage sales to £20,000, and making it easier to shut down businesses found guilty. The new legislation also increases the period of voluntary closure, as an alternative to a fine, from 48 to 336 hours (section 118 of the PRSR Act).
- Giving licensing authorities (LAs) greater powers and flexibility by making them responsible authorities in their own right under the Licensing Act 2003. This gives them stronger powers to, for example, remove licences from, or refuse to grant licences to, premises that are causing problems without having to wait for the police or another responsible authority (section 103).
- Giving health bodies a greater say by making them "responsible authorities" so that they are automatically notified about new premises applications and can make representations, if relevant to the existing statutory licensing objectives (section 104). Applies to Primary Care Trusts in England (primary health functions of local authorities after NHS reform) and Health Boards in Wales.
- Increasing flexibility for, and reducing the burdens on, licensing authorities by lowering the evidence threshold for decisions made under the Licensing Act 2003 (sections 109 to 111 of PRSR Act).
- Allowing licensing authorities to suspend premises licences due to non-payment of annual fees (section 120 of the PRSR Act).
- Giving local residents a greater say by scrapping the 'vicinity test' so that anyone can make representations about licensing decisions regardless of whether they live close to the premises concerned and requiring LAs to publish more information on-line (section 105 -108 and changes to the regulations).
- Reforming the system of Temporary Event Notices (TENs) to prevent it being exploited by unscrupulous operators e.g. allowing environmental health authorities (EHAs) powers to object to a TEN in addition to the police; extending the grounds on which the police and EHAs can object to all four of the licensing objectives (crime and disorder; public safety; public nuisance; and the protection of children from harm); giving LAs the discretion to impose any existing licence conditions on a TEN if there are objections from the police or EHA. Alongside this, reforming TENs to increase flexibility e.g. by extending the period that may be covered by a single TEN from 96 hours (four days) to 168 hours (seven days)

and allowing a limited number of late TENs submitted up to five days before an event (sections 112 -117).

- Reducing the burden on LAs by **changing the frequency for publication of Licensing Policy Statements** from 3 to 5 years (section 122).
- **Adding various offences to the list of relevant offences** at Schedule 4 of the Licensing Act 2003- to be taken into account by LAs in granting new personal licences and, in the event of convictions, for the suspension and forfeiture of personal licences following convictions for relevant offences (section 123).
- Requirement that the Secretary of State reviews the effect of amendments five years after their commencement (section 124 of the PRSR Act).

Statutory and other guidance

On 25 April 2012, the Government also intends to issue new statutory guidance under section 182 of the Licensing Act 2003. As announced in December 2010, it is also intended that the new guidance will include various other changes including express guidance to LAs to accept "reasonable representations" from the police; that cumulative impact policies will have a lower evidential hurdle for introduction; allowing LAs to adopt measures such as fixed or staggered closing times; and a requirement on licensing applicants to give greater consideration to the local area.

The Home Office will also produce separate guidance for health bodies on their role as responsible authorities and is consulting representatives of health bodies in England and Wales on this. The preliminary and supporting guidance will be available on the website.

<http://www.homeoffice.gov.uk/drugs/alcohol/licensing-act-next-steps/>

PRSR Act measures for implementation later in 2012/13

The Government has finished a public consultation on the detail of the two measures in the PRSR Act that specifically target problems of late night drinking – **EMROs and the late night levy** (sections 119 and 125 to 139 of the PRSR Act). The consultation closed on 10 April. The Government will publish its response to the consultation with firm proposals shortly. The Government expects to introduce the secondary legislation on EMROs and the levy for commencement in October 2012. At that stage, it also intends to repeal the earlier legislation on Alcohol Disorder Zones. Further information about plans for the implementation of **locally set licensing fees** will also be available later this year.

Additional background

The Government's response to the public consultation in December 2010 and a series of factsheets produced during at the Bill stage that explain more on the policy aims behind the PRSR measures are available on the Home Office website.

<http://www.homeoffice.gov.uk/drugs/alcohol/rebalancing-consultation/>

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