



Policy Briefing - The mandatory code *Frequently Asked Questions*

Why do we need minimum standards of practice?

The sale of alcohol in England and Wales is governed by a substantial complex of laws, voluntary codes and guidelines. However, despite the proliferation of new rules and penalties (especially over the past decade), the proportion of alcohol related violent crime, as a subset of total violent crime has remained steady. The AHA believes the reasons for this are two-fold.

First, the Government has failed to provide local areas with sufficient resources or guidance to effectively tackle problem licensees using their considerable powers under the 2003 Licensing Act. For example, The Act empowers local authorities to compel licensees to adopt specific harm reduction measures when it is apparent that poor practice is evident.

Yet despite Home Office-led test purchasing schemes revealing the existence of a large minority of premises where staff members continue to make illegal sales to the under-aged, only 1000 premises (out of a total 195,500 licensed premises) underwent a complete review for the latest time period for which there is publicly available data.¹²

Secondly, new evidence has come to light suggesting that the industry-led voluntary codes that are meant to support the statutory framework are also failing to make an impact.³

Dangerous practices frequently observed by the Home Office-commissioned researchers included:

¹ Home Office (2008) *Tackling Underage Sales Campaign (TUSAC)*. London: Home Office [Accessed 01 June 2009:

<http://www.crimereduction.homeoffice.gov.uk/tvcp/tvcp01tusaccampaign.doc>

² Antoniadou, P. and Benedetta, M. (2008) *Alcohol, Entertainment and Late Night Refreshment Licensing: DCMS Statistical Bulletin*. London: Department of Culture, Media and Sport (DCMS Evidence and Analysis Unit) [Accessed 01st June 2009:

<http://www.culture.gov.uk/images/research/AE-Statistics-bulletin-2008.pdf>

³ KPMG (2008) *Review of the Social Responsibility Standards for the production and sale of Alcoholic Drinks*. London: Home Office [Accessed 01st June 2009:

<http://drugs.homeoffice.gov.uk/publication-search/alcohol/alcohol-industry-responsibility/alcohol-industry-vol-1?view=Binary>

- People who appeared to be under 18 frequently being admitted to age restricted venues
- The promotion of alcohol through low price offers, inducements by DJs to consume greater quantities, and glamorization through links with sexual imagery;
- Encouragement to drink more and faster through shots and shooters being 'downed in one'
- Sales to obviously intoxicated people (an illegal practice)
- Overcrowding, broken glass and spilled alcohol
- Poor dispersal practices
- Several instances of anti-social behaviour and low level crime (fights and assaults, urinating and vomiting in public places, criminal damage).⁴

What are the main arguments against a national mandatory code?

Critics of the proposed code make three main points. Firstly, that nationally imposed conditions will 'naturally be ham fisted and will not necessarily take local circumstances into account'.⁵ Second, that the Home Office has understated the regulatory costs, and thirdly, the impact of implementing the code is likely to be particularly punishing to small pubs and bars.⁶

What is the AHA response?

In respect of the first and second criticisms, the Government has now published the conditions it proposes to make nationally applicable.⁷ These are in fact entirely reasonable and most carry only minor implementation costs. Admittedly the *optional* conditions available to local authorities (such as ensuring that Security Industry Authority licensed door staff conduct checks for weapons) may carry additional costs, but the very fact that they are discretionary means that it would remain up to local authorities, with a deeper

⁴ Ibid

⁵ Chris White, Local Government Association Spokesman giving evidence to the 2nd sitting of the Public Bill Committee (Answer to question 47 from James Brokenshire MP, Thursday 27th January 2009) [Accessed 01st June 2009: http://www.theyworkforyou.com/psc/2008-09/Policing_and_Crime_Bill/02-0_2009-01-27a.1.0]

⁶ Shane Brennan, Wine and Spirits Trade Association spokesman giving evidence to the 2nd sitting of the Public Bill Committee (Answer to question 47 from James Brokenshire MP, Thursday 27th January 2009) [Accessed 01st June 2009: http://www.theyworkforyou.com/psc/2008-09/Policing_and_Crime_Bill/02-0_2009-01-27a.1.0]

⁷ These are: the banning of irresponsible promotions, such as 'all you can drink for £10'; prohibiting the dispensation of alcohol directly into the mouth of any customer; ensuring that smaller measures (not smaller glass sizes) of alcohol are made available to customers to help them manage their alcohol consumption and reduce the risk of alcohol-related crime and disorder; ensuring that free tap water is available to customers to help them manage their alcohol consumption and reduce the risk of alcohol-related crime and disorder; ensuring that online or mail order alcohol retailers have robust age-verification systems in place to prevent underage sales and through the Food Safety Act, ensuring that there is point-of-sale information visible to all customers of licensed premises about the unit content of a representative sample of drinks, and in the off-trade there is further information about health guidelines and risks.

understanding of the dynamics at play to decide which premises, if any required additional conditions to be placed upon them.

In respect of the third point, the Alliance is a supporter of well run pubs, many of which as the BBPA point out, are in rural locations with little or no experience of the kind of night time violence that blights many of Britain's more urban communities. However, the mandatory conditions up for consultation would have little impact on establishments of this kind, beyond the requirement to provide free tap water and some form of point of sale information.

Moreover, the reasons for the widespread closures of pubs go well beyond questions of alcohol duty and regulation and into the way that industry is structured and how British people now prefer to drink. It is illogical for alcohol policy to hinge on the impact any new regulations have on this one, admittedly iconic section of the drinks industry, when as pub representatives have themselves admitted, modern day Britons now source most of their alcohol outside the pub environment