

TACKLING 'BOOZE BRITAIN'

*A Liberal Approach to
Alcohol & Licensing*

Proposals from the Liberal Democrats



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FOREWORD

Drinking alcohol has played a major part of British life for centuries. For many of us having a drink is an essential part of the time we spend socialising with friends or enjoying food. But concern has been mounting in recent years over the amount of alcohol people are consuming and the impact this has on our society.

A report by the Academy of Medical Sciences states that per capita consumption of alcohol has risen by 50 per cent in the UK since 1970, whereas in France and Italy consumption has more than halved.ⁱ We should recognise the fact that in the short term some progress is being made. The most recent figures from the NHS show a slight decrease in the total amount of alcohol being consumed. But a rise in the number of binge drinking incidents demonstrates that a lot more still needs to be done.

Much of the furore that surrounds this debate often ignores the fact that most of us enjoy alcohol on a regular basis in an entirely responsible manner. Indeed, there is even evidence to show that light to moderate consumption of alcohol has some health benefits. However, we can't afford to ignore the enormous financial and social burden that those who do misuse alcohol place on Britain today. The latest figures put the cost of alcohol-related harms to society as high as £25 billion each year, and current estimates suggest that this will rise even further.ⁱⁱ

After eleven years in power Labour has spectacularly failed to tackle alcohol misuse. The Government relaxed the laws on drinking hours without addressing the enormous alcohol-related health and crime problems. A vague aspiration to create a 'continental drinking culture' lacked any details about how this was to be achieved. Anyone who has seen the drink-induced carnage of an A&E department on a Saturday night, or set foot in their town centre after dark knows that Labour's policies aren't working.

Unlike the other two parties, the Liberal Democrats don't believe it's the job of government to moralise. We believe that it's up to people to choose how they spend their money and free time. But as liberals we also believe that when somebody behaves in a way that causes harm to others, they should be made to pay the price. That's why our proposals, rather than penalising the responsible majority, target the causes of alcohol-related harm.

We will work with local communities to make sure existing powers are being used to crack down on alcohol-related crime, disorder and underage drinking. We will hold irresponsible drinkers who create disorder in A&E departments to account. We will provide parents with skills to show their children how alcohol can be enjoyed responsibly. We will help local authorities target irresponsible premises and reward responsible licensees. We will provide more help to those suffering from alcohol addiction. And we will put an end to irresponsibly priced alcohol.

We need a new approach – a liberal approach - one where people take responsibility for their behaviour and face the consequences if they don't.

EXECUTIVE SUMMARY

This paper presents the Liberal Democrats' proposals for tackling alcohol-related harm. We believe that the key factors affecting the drinking culture in this country are price, availability, and the social environment. The following policies are practical measures to deal with the problems related to alcohol misuse:

The Liberal Democrats will:

- Stop irresponsible drink promotions by introducing a minimum price for alcohol.
- Put an end to the sale of alcohol to minors by imposing a 'one strike and you're out policy'.
- Provide educational resources for parents so that they can teach their children how to drink responsibly.
- Increase funding for alcohol treatment services.
- Protect Accident & Emergency staff by ensuring that drunks who are disruptive in hospital A&E departments are dealt with.
- Give local authorities the power to target irresponsible premises and make them pay their fair share.
- Help local authorities to share best practice from their experiences.
- Support the roll out of pilot schemes that help the police such as identifiable barcodes for off-licence sales.
- Promote choice in bars by re-introducing smaller glass measures.

COST OF ALCOHOL

CALLING TIME ON LOSS LEADING ALCOHOL

While healthy competition is vital to our economy, the use of alcohol in price wars between retailers has reached irresponsible levels. We believe that increasing alcohol taxation would unfairly target responsible drinkers. But we cannot ignore the fact that alcohol being sold at rock-bottom prices is particularly appealing to those most at risk – chronic drinkers, binge drinkers and children. We will introduce a minimum price for alcohol to ensure that irresponsible drinks promotions come to an end.

Social Minimum Pricing

Retailers have often used alcohol as a key part of their price promotions. Surveys such as those commissioned by mysupermarket.com have shown that despite high levels of inflation in most food and drink items, the cost of alcohol has actually fallen in the last 12 months, with the price of some brands in major supermarkets falling by as much as 20%.

Many alcohol charities such as Alcohol Concern have long argued that the wide availability of very low-cost alcohol in supermarkets has contributed to the rise of binge drinking within the UK, while organisations such as the Campaign for Real Ale argue that the availability of heavily discounted alcohol in supermarkets has driven people away from traditional pubs which are less able to absorb the cost of duty rises.

As of May 2008 the average cost of a draft pint of lager in a pub was £2.75 (£4.95 per litre). Supermarkets, however, are currently selling lager in excess of 4% strength for as little as £1.20 per litre and weaker lager for as little as 52p per litre. It is also clear that some spirits are being sold as loss-leaders by supermarkets. Tesco currently sells a 70cl bottle of value vodka at £6.54. Of this price £5.98 is taken in duty and a further £1.14 is taken in VAT totalling £7.12 – more than the retail price.

In order to tackle shops who sell alcohol at an irresponsibly low level, the Liberal Democrats will introduce a minimum price for alcohol. The aim of minimum pricing is to ensure that retailers are unable to sell alcohol below a specified price. Unlike the case with duty increases, this has the advantage of tackling sales likely to contribute to binge drinking while ensuring that the majority of people who do not buy highly discounted alcohol and consume it in responsible amounts are not penalised. Similarly, and noting that pubs are closing at a rate of 50 a month, such a move does not penalise responsibly run pubs.

Unlike the blanket duty rises of the last budget, which were little more than a tax grab, a further advantage of minimum pricing is it makes clear that the Government's intentions are to tackle the health problems caused by binge drinking.

We would make an exemption under the Competition Act 1998 to allow minimum pricing of alcohol. Deciding what the minimum price should be for each form of alcohol would be dependent on a number of factors; namely working to meet specific health objectives while at the same time minimising price distortion for the majority of the alcohol market.

Setting minimum prices on the basis of these considerations requires a detailed understanding of the market and should not be made on a political basis. The Liberal

Democrats propose setting up an independent board of economists and industry and health specialists to make recommendations on minimum prices.

ENFORCING THE LAW

USING EXISTING POWERS

Labour's talk of 'crackdowns' and 'new powers' on binge drinking is an attempt to sound tough and chase headlines. They're trying to divert attention away from their failed policies rather than present serious solutions. Many of the powers to tackle alcohol misuse already exist; they just need to be properly enforced.

Effective Enforcement

In recent years Labour has overwhelmed the criminal justice system with an enormous array of new powers and responsibilities. The solution to alcohol-related disorder on our streets is not yet more laws but better use of the ones already available. It is already illegal for licensees to sell alcohol to children or to someone who is drunk. It is also illegal for licensees to allow disorderly behaviour on their premises.

The police and local authorities have considerable powers. They can review premises licences if any of the four licensing objectives are being undermined.ⁱⁱⁱ They can close premises where disorder is imminent or noise is too high. And they can order anyone in a public place to leave the area (and even ban them for 48 hours) if they are likely to contribute to alcohol-related crime or disorder.

The Government claimed that the Licensing Act 2003 would help prevent crime and disorder but has been forced to accept that it has had little, if any, impact.^{iv} Last year there were 947,000 violent incidents where the offender(s) was believed to be under the influence of alcohol.^v This is hardly surprising when you consider that: prosecutions for drunkenness have halved over the last five years;^{vi} in the last three years only one person has been convicted of selling alcohol to a drunk person;^{vii} and in 2007/08, out of 155,400 licences to sell alcohol, only 160 premises' (0.1%) had their licences revoked.^{viii}

To tackle this problem we will ensure that the law is properly enforced by making everyone involved in enforcement aware of the powers they have available to them. We will put 10,000 more police on the streets and reduce bureaucracy so that the police are more able to use their powers.

STOPPING THE SALE OF ALCOHOL TO MINORS

Labour has missed the point about tackling the problems with young people and alcohol. Instead of trying to criminalise parents and kids we will provide support for families while cracking down on unscrupulous retailers who sell alcohol to minors.

Underage Sales

The Government argue that because most minors get alcohol from their parents, they need to 'crackdown' on irresponsible parents.^{ix} This approach simply won't work. In most cultures where young people learn to drink moderately and responsibly, they learn to do so in their families. Rather than criminalising parents and children we need to provide them with support to show their children how to drink alcohol responsibly in the home.

Some of the other major sources of alcohol for children are shops, bars and pubs. While the alcohol industry has made some progress in trying to reduce underage sales it is taking far too long. Home office figures show that out of 10-17 year olds who admit to drinking alcohol in the last year, 18% (over 500,000 children) had purchased it themselves in bars and 13% (over 350,000 children) purchased it from shops.^x

The consequences for crime and disorder are a cause for grave concern. Home Office figures show that young people who drink more often are more likely to go on and commit further offences: In 2006, 28.8% (215,000) of children who drank every week went on to commit a violent offence.^{xi}

The Government has proved itself incapable of dealing with this problem. The most recent Home Office campaign targeting underage sales of alcohol to children found that, out of 2,683 premises targeted, children were able to buy alcohol at 40% of them at the first attempt.^{xii} This is simply unacceptable and shows that some retailers just don't take the current enforcement system seriously. This is not surprising when you consider that while the maximum fine for selling alcohol to a minor is £10,000, in 2006, just 58 people were fined for selling alcohol to children, with an average fine of just £305.^{xiii}

The Liberal Democrats would enforce a 'one strike and you're out' rule for shops found selling alcohol to children. This would include:

- Ensuring that any premises proven to have had sold alcohol to anyone underage immediately has its licence reviewed. If the licence holder has failed to demonstrate due diligence in the sale of alcohol then they will have their licence revoked at the first offence and fined.
- Making it a condition, before a licence is granted, that any premises seeking to sell alcohol must have a training programme in place that makes clear to all staff their legal responsibilities when selling alcohol.
- Using innovative solutions like placing invisible labels on alcohol with particular appeal to the young. The Police are then able to identify where alcohol they have confiscated has come from and identify culprits who have bought the alcohol by using barcode and CCTV technology.
- Promoting industry solutions like the WSTA and British Beer & Pub Association's Challenge 21 campaign which raises awareness of underage sales. The Challenge 21 message is: 'if you look 21 or under you should expect to be asked for ID if you try to buy alcohol.'

DRINK DRIVING

While a huge amount of progress has been made in changing attitudes towards drink driving there are still far too many alcohol-related incidents on our roads.

To further reduce the impact of alcohol on drivers, Liberal Democrats would lower the maximum permitted blood alcohol level from 0.8mg per 100ml to 0.5mg. Recent reports suggest that 65 lives per year could be saved by such a move and there is strong support in Britain for a decrease in the legal limit.

HEALTHCARE & EDUCATION

EASING THE BURDEN ON ACCIDENT & EMERGENCY

Doctors and Nurses are on the frontline when it comes to dealing with people who have drunk too much. Anyone who's been to their A&E department on a Saturday night can testify to the disruption and violence that alcohol can cause. We will put in place a system that provides support to the people who need it and protects health workers on the front line.

Fines for Anti-Social Behaviour in A&E

The issue of violence against health professionals at work is a serious one which needs to be addressed immediately. Half of all doctors who responded to the BMA's annual review stated that violence was a problem in their workplace. The report also revealed that in more than half of cases, no action was taken by doctors following a violent incident.^{xiv} Even the official figures state that each year there are around 10,000 assaults against NHS staff in England.^{xv}

We believe that such attacks are wholly unacceptable and that health workers deserve greater protection. In order to enforce a cultural change in hospitals we will roll out a nationwide scheme in which A&E staff and police officers will work in partnership to reduce anti-social behaviour.

This will involve the police increasing their presence in A&E departments at peak times, where necessary, in order to prevent trouble and to reassure staff and patients. People who behave in an antisocial or disruptive manner will then either be issued with an on-the-spot £80 Penalty Notice for Disorder (PND) or arrested. In Bolton, where a similar scheme was piloted, the police were able to reduce their presence over a period of time as people became increasingly aware that anti-social behaviour would lead to fines or arrest.^{xvi}

The police cannot be present at all times so health workers will also be issued with referral forms so that all incidents are immediately referred to the police. The police will then be able to decide whether or not the issue is serious enough to proceed. If they choose to proceed they will go to the suspect's home and either issue a fine or arrest the individual.

Alcohol Health Workers

Alcohol misuse is a major cause of attendance and admission to general hospitals. Statistics show alcohol-related hospital admissions are rising by 80,000 admissions a year, with 811,000 admissions (6% of all admissions) in 2006.^{xvii} It is also believed that around 70 percent of A&E attendances between midnight and 5am on weekend nights are alcohol-related.^{xviii}

To tackle this problem we would ensure that all A&E departments use alcohol screening tests with appropriate referrals to Alcohol Health Workers. Evidence suggests that when used in A&E departments this reduces incidences of harmful drinking and future attendance in A&E departments.^{xix}

Alcohol Health Workers are there to provide support, advice and information to patients on their alcohol use and the impact it has on their health, and to discuss ways to make changes to their drinking habits.

SUPPORTING EVERYDAY HEALTH SERVICES

While A&E departments suffer the brunt of alcohol misuse, all health services suffer the strain. There are currently over 30,000 hospital admissions each year for alcohol dependence syndrome and up to 22,000 premature deaths per annum.^{xx}

Expanding Rehabilitation Schemes

Alcohol treatment services are currently woefully under-funded. We believe that investment in alcohol treatment to reduce people's alcohol dependency will produce savings in other areas of healthcare.

We will set up an independent commission to assess how alcohol treatment services can be improved. We will then use the Alcohol Trust model to direct funding from the alcohol industry directly to treatment services.

We would increase rehabilitation treatment to those with alcohol dependency – particularly for those serving custodial sentences. A recent Wirral scheme compels all offenders who are charged with offences fuelled by alcohol misuse to attend a mandatory rehabilitation program.

Providing Better Information about Addiction Services

We would establish a single website run by the Department of Health containing links to all alcohol addiction services - public and private - with an interactive map to help people find their nearest treatment centre.

ALCOHOL EDUCATION

Warning about the dangers of alcohol alone has a very limited impact in changing attitudes to drinking. This is especially true when it's so out of step with how we behave in our everyday lives. While it's important for schools to play their part in this process it is parents who, through the power of example, will be the most important influence on young people's behaviour.

Empowering Young People & Parents

There are serious problems relating to alcohol abuse among young people. 20% of 11-15 year olds drink alcohol every week, and the average amount of alcohol they consume increased from 5.3 units in 1990 to 12.7 units in 2007.^{xxi} This is having a horrendous impact on young people's health and education: 40,000 pupils were temporarily excluded from school for drug/alcohol reasons over the last four years;^{xxii} and 37,000 under-18s were admitted to hospital Accident and Emergency departments due to alcohol over the last 5 years.^{xxiii}

In countries with positive drinking cultures, alcohol is presented to children as a controllable substance, which can provide pleasure and positive social experiences. Labour and the Conservatives believe that criminalising parents and children will solve the problem of underage drinking – it won't. Instead, parents must be given the resources to teach responsible drinking to their children early in life.

We will raise money through the Alcohol Trust to pay for a wide range of resources to be made available for parents. These will enable parents to educate their children about how to drink alcohol responsibly.

Schools must also play a part. We will place the same focus on teaching children in school about the physiological dangers of alcohol as are currently used in warning young people about the dangers of drugs and sex.

LOCAL AUTHORITY POWERS

LOCAL SOLUTIONS WORK BEST

Labour expects local authorities to supervise the current licensing regime but hasn't given them the power or the money to make it work. The most recent estimates suggest the Government's policies have added £100 million to Council Tax bills.^{xxiv} We will instigate a review to determine the full extent of the financial burden on local authorities and then set appropriate fees. Licensing authorities will then be given the power to vary the fees for alcohol licences on a revenue neutral basis. This will enable local authorities to target establishments who create a particularly high social cost and reward responsible retailers.

Real Power to Local Decision Makers

When the Licensing Act 2003 was implemented it was an attempt to bring together eight separate licensing regimes into one by transferring powers from licensing justices and magistrates' courts to licensing authorities. The Government believed that by setting the fees charged for licences centrally they would ensure a level playing field across the country and provide full cost recovery for the administration, inspection and enforcement of the new regime.

Instead the Government has created a system which is so complicated, bureaucratic and costly that many Local Authorities are struggling to implement the legislation effectively. Despite the government's commitment to provide the resources needed to make the new regime work the latest estimates calculate that Local Authorities are losing out by as much as £100 million.

In order to address these problems we will:

- Change the law so that Local Authorities are able to vary the fees imposed on a licence. This will enable Local Authorities to target problem establishments and better reflect the costs they incur in enforcing the law for different premises and locations.
- Ensure that the new system is conducted on a revenue neutral basis so that licensees who act responsibly are rewarded with lower fees. We would also insist that Local Authorities demonstrate to licensees how enforcement costs have been calculated and provide licensees with a right of appeal for changes in their fees.
- Encourage the adoption of models such as Business Improvement Districts to enable local businesses to allocate a proportion of their business rates to tackling the social costs of alcohol misuse.
- Create a central database of licensees. This would end the current situation where local authorities cannot check whether licence holders or applicants have had their licences revoked in other parts of the country.
- Support the use of powers to ban the consumption of alcohol in certain appropriate public areas. We recognise the fact that exclusion zones have provided a useful tool in dealing with problems related to public alcohol consumption.

- Encourage the establishment of “partnership councils” whereby a council which has successfully tackled problem drinking would pair up with a council facing similar problems.

THE ALCOHOL INDUSTRY

MAKING THE INDUSTRY TAKE MORE RESPONSIBILITY

The alcohol industry is worth over £30 billion and employs over one million people. In recent years the industry has made some progress in tackling binge drinking and underage drinking but more needs to be done. We want to work with the industry to make sure this happens.

Developing the Alcohol Trust

The alcohol industry has already set up its own independent trust – the DrinkAware Trust - and aims to raise about £4 million a year for it. But we believe that the trust can be a lot more effective at directing funding for researching and limiting problem drinking.

The reformed Alcohol Trust would operate in a similar way to the current Responsibility in Gambling Trust. By placing the Trust on a statutory footing we could then set financial targets for the industry to provide. If the industry failed to meet its funding requirements then we would use mandatory powers to ensure contributions were met.

An independent commission will be set up to recommend how much the industry should be contributing. This funding would then be directed towards treatment services for alcohol addiction, medical research, and education and awareness campaigns.

Facilitating Responsible Drinking

People can only be responsible for their actions and make informed decisions if they are provided with relevant information. We would introduce a compulsory labelling scheme - to be included on labels and displayed in licensed premises – so that consumers are fully aware of the units of alcohol they are consuming.

At the moment many drinkers are unaware of the number of alcohol units they are drinking. A simple, practical, measure which would both encourage responsible drinking and minimise the associated health problems, would be for bars and pubs across the country to sell wine in the traditional smaller measures. We will pass legislation to ensure that all on-licensed premises provide 125ml measures as well as the larger 175ml and 250ml measures.

Protecting Traditional Pubs

Pub companies and breweries have been accused in the past of buying up local pubs to prevent competition. The pub is then sold on with a covenant banning the use of the building for the supply of alcohol. Such practices are anti-competitive and ignore the community function of traditional drinking establishments.

We would create a mechanism to reform or remove restrictive covenants especially where they act in restraint of trade. Liberal Democrats would allow those wishing to remove a restrictive covenant to apply for permission to do so from the planning authority. The decision, as with all other planning decisions, shall be taken with regard to the local and community plans.

ENDNOTES

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- ⁱ *Calling time: The Nation's drinking as a major health issue*, a report from the Academy of Medical Sciences, March 2004: <http://www.acmedsci.ac.uk/images/publication/pcalling.pdf>
- ⁱⁱ Department of Health - *Safe, Sensible, Social – Consultation on further action* http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_086412
- ⁱⁱⁱ The objectives are: preventing crime and disorder; maintaining public safety, preventing public nuisance; and protecting children from harm
- ^{iv} Evaluation of the Impact of the Licensing Act 2003 - <http://www.culture.gov.uk/images/publications/Licensingevaluation.pdf>
- ^v Crime in England and Wales 2007/08 - Findings from the British Crime Survey and police recorded crime. <http://www.homeoffice.gov.uk/rds/pdfs08/hosb0708.pdf>
- ^{vi} Prosecutions and Convictions for alcohol-related offences in each of the last five years - HC Deb, 20 March 2008, c1090 - <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080320/text/80320w0002.htm#08032072001167>
- ^{vii} Parliamentary Question: “how many prosecutions for sale of alcohol to a drunk person have been pursued in each criminal justice area in each of the last 10 years; and how many resulted in conviction”: <http://www.theyworkforyou.com/wrans/?id=2008-03-19e.180410.h&s=prosecution+and+sales+and+drunk#g180410.q0>
- ^{viii} Figures for the number of licensed premises, 24-hour licences, and licences revoked were published in - DCMS Statistical Bulletin *Alcohol, Entertainment and Late Night Refreshment Licensing England and Wales, April 2007 - March 2008* <[http://www.culture.gov.uk/images/research/Alcohol Entertainment and Late Night Refreshment Licensing Statistical Bulletin FINAL Draft.pdf](http://www.culture.gov.uk/images/research/Alcohol_Entertainment_and_Late_Night_Refreshment_Licensing_Statistical_Bulletin_FINAL_Draft.pdf)>
- ^{ix} Over half (53.5%) of all 10- to 17-year-olds have had an alcoholic drink in the past 12 months and 48.3% of them obtained it from their parents. – Analysis of the 2006 *Offending, Crime and Justice Survey* conducted by the House of Commons library (available on request).
- ^x *ibid*
- ^{xi} *ibid*
- ^{xii} *Tackling Underage Sales of Alcohol Campaign (TUSAC)* - <http://press.homeoffice.gov.uk/press-releases/underage-sales-down?version=1>
- ^{xiii} Figures for the number of cautions issued and the average fine issued for the offences of selling alcohol to persons under the age of 18 - <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080619/text/80619w0006.htm#08061980001755>
- ^{xiv} Violence in the workplace - The experience of doctors in Great Britain: [http://www.bma.org.uk/ap.nsf/AttachmentsByTitle/PDFviolence08/\\$FILE/Violence.pdf](http://www.bma.org.uk/ap.nsf/AttachmentsByTitle/PDFviolence08/$FILE/Violence.pdf)
- ^{xv} Parliamentary Question - <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080513/text/80513w0024.htm#08051384000804>
- ^{xvi} Success for A and E Fixed Penalty Fine Pilot - http://www.boltonhospitals.nhs.uk/news/articles/fixedenaltyfinepilot_0207.html
- ^{xvii} Hospital admissions for alcohol-related harm, NWPFO, July 2008
- ^{xviii} *ibid*
- ^{xix} Crawford, Patton, Touquet et al, *Lancet*, 2004 - <http://www1.imperial.ac.uk/medicine/about/divisions/sora/biosurg/accidentmed/alcohol/>
- ^{xx} *Alcohol Harm Reduction Strategy for England*, Cabinet Office, March 2004

^{xxi} National Centre for Social Research, Smoking, drinking and drug use among young people in England 2007

<http://www.ic.nhs.uk/webfiles/publications/sdd07/SDD%20Main%20report%2007%20%2808%29-Standard.pdf>

^{xxii} Analysis from *Permanent and Fixed Period Exclusions from Schools and Exclusion Appeals in England 2003-2007*: <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000793/index.shtml>

^{xxiii} Figures from *Hospital Episode - statistics on inpatient admissions*:

<http://www.hesonline.nhs.uk/Ease/servlet/ContentServer?siteID=1937&categoryID=203>

^{xxiv} Local Government Association – 01/07/08 -

<http://www.lga.gov.uk/lga/core/page.do?pagelD=765218>