

Licensing Authorities  
Cc: Police and Crime Commissioners

6 August 2014

Alcohol is a key driver of crime and disorder and a major public health challenge, estimated to cost around £21bn per year. This includes the costs of alcohol-fuelled crime (around £11bn) and NHS costs (around £3.5bn). I am sure you will agree that these costs are unacceptably high. As Minister for Crime Prevention I am grateful to the work of licensing authorities in addressing these harms associated with alcohol.

I am keen to ensure that all tools and powers to tackle these alcohol harms, for example on sales to drunks and the new anti-social behaviour powers, are used fully. In particular, I wanted to draw your attention to a few specific alcohol measures.

#### *Late night levy*

Firstly, I would like to congratulate those of you who have adopted the late night levy and I hope to hear from you about the benefits that this is bringing your area. The levy enables a contribution to be raised from businesses benefitting from late-night alcohol sales to support police and local authority costs. While the legislation stipulates that the police must receive at least 70% of the income generated. I want to make it clear that there is no bar at all to making a local agreement between the licensing authority and the Police and Crime Commissioner to vary this percentage split by allocating some of the PCC's share of the revenue back to local authority initiatives, in areas such as Cheltenham and Newcastle such agreements were important in the decision to bring in a late night levy.

#### *Early Morning Alcohol Restriction Order (EMRO)*

Secondly, I have been interested to see the type of issues raised in a number of public consultations on the EMRO. Areas which have considered introducing an EMRO have often found that the discussions with the licensed trade, which the process prompts, have established useful voluntary schemes. Such engagement should be welcomed and I would encourage you all to consider whether an EMRO would be a suitable tool to use in your area. As part of a wider review of the section 182 guidance, I have also asked my officials to update the EMRO guidance to ensure that it is as useful as possible for you. The updated guidance will be published in the autumn. If you are considering an EMRO, and have specific

questions which you would like help with, please do get in touch with my officials in the Home Office who will be happy to help.

#### *Local Alcohol Action Areas (LAAAs)*

The Home Office is keen to support local partners, for example through the LAAA scheme. This project supports twenty areas to deliver objectives to cut alcohol-related crime and disorder, reduce the damage caused to people's health and promote diverse night-time economies. Amongst other things, the LAAAs are exploring the processes needed to underpin a policy to introduce health as a licensing objective, which I look forward to hearing more about.

#### *Local super-strength schemes*

I am aware that there are numerous local schemes, operating some form of voluntary restriction on strong alcohol, which are now in place. I welcome your initiative and determination to find ways to tackle the harms associated with high volume super-strength alcohol. Some of you have expressed concerns regarding the application of the Licensing Act 2003 and the complexities of competition law in this regard. The position is that any action taken under the Licensing Act 2003 must be with regard to the promotion of one of the licensing objectives and, you will want to satisfy yourselves the legality of any specific scheme you are planning.

The Competitions and Markets Authority (formerly the Office of Fair Trading) has issued some guidance on competition law relating to these types of voluntary schemes, which is available on

<http://webarchive.nationalarchives.gov.uk/20140402142426/http://www.offt.gov.uk/news-and-updates/events/local-initiatives/>

You might also be interested in the new set of pledges, recently agreed by the alcohol industry, as part of the Government's Public Health Responsibility Deal. This includes a pledge on responsible packaging which, I hope, is a welcome step in addressing the harms associated with the excessive consumption of high volume super strength alcoholic drinks. The full list of pledges can be seen here:

<https://responsibilitydeal.dh.gov.uk/pledges/>

#### *"Sobriety" pilots*

The Government's Alcohol Strategy stated that we would pilot compulsory sobriety measures as requirements in community orders relating to serious offences such as common assault and actual bodily harm. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced Alcohol Abstinence Monitoring Requirements (AAMR) to be made as part of a community order or suspended sentence order, and the Act requires that the AAMR is piloted prior to any national roll-out. A sobriety scheme using conditional cautions was carried out in 2012 involving five pilot areas, focussing on lower level offences. We have also been exploring ways to pilot compulsory sobriety measures and suspended sentence orders. In July, a pilot was launched in London using ankle tags to monitor alcohol consumption by offenders convicted of alcohol related offences. I am pleased that the pilots have begun, and I know that many of you will be interested to hear about the outcomes of this work in due course.

#### *Deregulation Bill*

As you may be aware, there are a number of alcohol licensing provisions progressing through Parliament as part of the Deregulation Bill. One such measure

is the removal of the need to renew a personal licence. The timescales for the Bill means that there may be some who will need to renew their licence before the changes take effect. This is beyond my control, although I do recognise that it is far from ideal. My officials will work with you to establish the best way of handling transitional arrangements and we will publish specific guidance later this year. Separately, the consultation on locally-set licensing fees (which I know is of interest to many of you) has concluded and is being analysed. An announcement will be made in the near future and I will ensure that you are made aware of our decision.

Finally, I would like to take this opportunity to thank you for your hard work to reduce the harms caused by alcohol. I appreciate that this is not an easy task and am grateful for the work you do. Please do get in touch with the Home Office if there are particular issues, concerns or successes you would like to share.

On a personal note, I am planning a number of visits to licensing authorities later this year and hope to have the chance to meet many of you then.

Yours sincerely

A handwritten signature in blue ink that reads "Norman Baker". The signature is written in a cursive, flowing style.

**Norman Baker**  
**Minister for Crime Prevention**