

## **NORWICH CITY COUNCIL**

### **Report for Resolution**

**Report To** Licensing Committee

15 July 2010

**ITEM**

**7**

**Report of** Head of Citywide Services

**Subject** Motion to Council – Alcohol Promotions

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#### **Purpose**

To inform Members of the current position following the motion to Council on 26 January 2010 regarding irresponsible alcohol promotions.

#### **Recommendation**

1. That members resolve not to pursue a strategy on alcohol promotions as outlined in the motion, following the introduction of mandatory licensing conditions relating to irresponsible drinks promotions.
2. That members determine whether write to the Secretary of State for Health to endorse proposals for a minimum price for alcohol sold in Norwich.

#### **Financial Consequences**

The financial consequences of this report are nil.

#### **Corporate Objective/Service Plan Priority**

The report helps to achieve the service plan priority of protecting the interests of the public through the administration of the licensing function.

#### **Contact Officers**

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#### **Background Documents**

Report to Licensing committee 18 March 2010

## **Motion to council**

1. At the meeting of Council on 26 January 2010 a motion concerning alcohol promotions was considered. The wording of the motion is set out below.

“Like many other cities, Norwich experiences alcohol-related disorder. Alcohol promotions driven by price may lead to increased competition between alcohol providers and supermarkets in Norwich. A report to the Parliamentary Health Select Committee this month, backed by MPs, called for a minimum pricing of alcohol. Oldham Council through the Licensing Act has taken action to tackle irresponsible drinks promotions.

Council resolved to:-

(1) write to the Secretary of State for Health to endorse proposals for a minimum price for alcohol sold in Norwich.

(2) ask the Licensing Committee to consider, in conjunction with Norfolk Trading Standards, developing a strategy in Norwich for dealing with irresponsible drinks promotions by licensed premises and shops selling alcohol (including supermarkets), taking account of the measures introduced by Oldham Council.”

Council resolved to refer the motion on alcohol promotions to the Licensing Committee.

## **New mandatory licence conditions**

2. At the previous meeting of the Licensing committee on 18 March 2010, members received a report informing them of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010, which introduced five new mandatory licence conditions relating to the sale by retail or supply of alcohol in premises licences and club premises certificates. The conditions contained in the Order are:

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, 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—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

**2.** The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

**3.** The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**4.—(1)** The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**5.** The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a

securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Conditions 1, 2 and 3 came into force from 6 April 2010, with conditions 4 and 5 taking effect from 1 October 2010.

### **Oldham Council**

3. Reference is made in the motion to the measures introduced by Oldham Council in respect of irresponsible drinks promotions. After becoming aware of a number of heavily discounted drinks promotions in December 2008 / January 2009, Oldham Council's Trading Standards Department decided to instigate a review of the premises licences held by 22 premises in Oldham town centre. Oldham Council has confirmed that this was not a 'blanket review' but each individual premise was considered on its own merits.

4. The holders of the premises licences concerned reached agreement with the Trading Standards Department on various additional conditions to be attached to the licence, ranging from additional security staff, drinks promotions protocols and 'post office' style queuing.

### **Summary**

5. Following the introduction of the new mandatory licensing conditions and the existing powers available under the Licensing Act 2003 for responsible authorities (e.g. Trading Standards, Police) and interested parties (e.g. local residents / businesses) to review existing premises licences, it is considered that to develop a strategy as proposed in the motion would duplicate existing statutory powers designed to deal with irresponsible drinks promotions.