



ALCOHOL CODE OF PRACTICE – GOVERNMENT RESPONSE & NEXT STEPS

- The Home Office confirmed the next steps in the implementation of the new Code of Practice on Alcohol Retailing on 19th January. Publishing its response to the consultation carried out in the summer, the announcement sets out in overview the proposed contents of the Code and likely timetable for implementation.
- What the new Code will mean in practice can only be determined once the regulations be determined once the detailed regulations have been tabled in the House of Commons. These are expected to be published in February and must be formally approved by both Houses before they can take effect.

New Conditions

- The Government has confirmed that there will be five new mandatory conditions added to all licences. They will be introduced in two tranches – 6th April and 1st October 210 are given as indicative implementation dates but this is dependent on the Parliamentary timetable.

From 6th April:

- **‘irresponsible promotions’** will be banned. The legal definition of this has yet to be finalised but it is likely to focus on promotions which encourage people to drink quickly and which could lead to crime and antisocial behaviour. Happy hours are not the focus of this action but all you can drink offers, free drink deals and speed drinking are
- **Dentist Chairs** or direct dispense into a customers mouth will be banned
- free tap **water** must be available on request to customers

From 1st October

- **ID Checks:** all those selling alcohol must have **an age verification policy** in place requiring them to check the ID of anyone who looks **under 18**. Stronger proposals requiring checks for under 21s have not been taken forward.
 - **Small measures:** beer, wine and spirits must be available to customers in the smallest prescribed quantity ie half pint, 125ml still wine or single shot spirits. The key here is increased choice and you are only required to make small measures not small glasses available. For example, premises could have a single small wine glass size available and use a 125ml or 175ml measure rather than a lined glass. In addition, the requirements for wine and beer do not apply to pre-packaged quantities or sales by the bottle. A sale of a 500ml bottle of beer or single serving bottle of wine would not breach the regulations. For spirits, outlets will still be able to choose whether to offer 25ml or 35ml but the practice of automatic doubles will be banned.
- As currently drafted, the proposals would all apply to the on trade but only the condition on age verification would apply to the off trader. Specifically, controls on irresponsible promotions would not apply to the off trade, despite considerable pressure from all stakeholders and recognition by Government that the “use of promotions in the off trade is seen as a contributory factor in excessive drinking. This may be returned to when the regulations are presented to Parliament.
 - Any premises that breach the mandatory code or these conditions will face a range of possible sanctions including loss of licence, licence review, £20,000 fine and/or 6 months imprisonment.



Next Steps

- The proposals must now be tabled before Parliament and be scrutinised for a period of 40 days before being formally approved or rejected. In addition, the Government has also said that it will issue revised Guidance to Licensing Authorities which again requires Parliamentary approval. In both cases, both Houses of Parliament must take a vote and positively endorse the documents. No amendment is possible at this stage.
- Ordinarily, this process of approval is a matter of mere formality, but in the run up to a General Election, it becomes less certain. It remains a possibility that these regulations will fail to be approved in time ahead of a General Election resulting in a delay in their implementation.
- The 40 day period does not include Parliamentary half term recess or Easter and even draft regulations tabled next week could fall foul of this timetable and not be in place for 6th April. If an early General Election is called for 25th March as some commentators expect, there is now scant time to complete the necessary Parliamentary scrutiny. That is not to say that these measures will not be implemented in due course – the power to do so remains in place - but that they may yet be delayed.

Future Developments

- The Policing and Crime Bill gives Ministers the power to introduce up to 9 national mandatory conditions, and scope remains for the Code to be extended. Indeed, the consultation on the Code contents included a number of additional measures which remain under consideration.
- **Health Information:** the government remains keen to introduce new requirements to require mandatory unit labelling of alcohol and the provision of health information at point of sale. Originally this was envisaged primarily as applying to the off-trade but it could also affect the on-trade. The Home Office has confirmed that it remains under consideration and that voluntary measures will be reviewed before being taken forward.
- **Spirit measures:** whilst the Code will ban automatic doubles, it will continue to allow either 25ml or 35ml dispensers. The Government is keen, however, to move to a standard single spirit measure and this remains under active consideration. There was strong public support for a standard single 25ml measures. It is possible that Ministers will revisit this in due course and amend the Weights and Measures legislation in the next Parliament. We will remain alert to any developments.
- **Below cost selling:** the consultation in the summer also put forward the idea of banning a sales price below duty and VAT. Again, this has not been taken forward immediately due to concerns about business impact and cost, but it remains under active consideration. The Government has stated that they will carry out further research in this area and it is an issue which the Tories are known to be considering.