



26 February 2010

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House of Commons
London SW1A 0AA

Effective Regulation of Alcohol Sales

I have been following the recent debates in Committee and the House – and comments made by you and your Front-bench colleagues - on the erratic nature of recent Government initiatives to regulate alcohol sales effectively. Whilst we may differ on the final solutions which would wish to see applied, we would entirely concur with your assessment of the current approach as being “shambolic”.

As the national trade body representing the interests of pub, club and bar operators, the Association of Licensed Multiple Retailers is particularly concerned not only about the content of the new measures but also about the way in which they have been introduced and the mis-use of parliamentary procedure. This is not an effective way to regulate a vital and dynamic industry. It will result in a patchwork of initiatives which fail to deliver political objectives to regulate the sale of alcohol effectively. More importantly, by continuing to leave the sale of alcohol through the off-trade largely unregulated, they will fail to curb excessive consumption.

We would welcome the opportunity to meet with you to discuss an holistic approach to the retailing of alcohol and range of measures which could be introduced as part of a comprehensive solution – for example, the reversal of the total deregulation of off-licence alcohol sales in the Licensing Act 2003, a ban on below cost selling or bulk volume discounts.

In addition, there are two current parliamentary issues of concern which we would welcome your support in addressing:

- **Alcohol Code of Practice:** the SI implementing the Code will be considered by the First Delegated Legislation Committee next Monday afternoon (1st March, 4.30pm) and there will be a motion for approval of the SI at the end of business on Tuesday. In view of your previously expressed concerns about the Code, we would seek your help in opposing the motion.

The Government response to the consultation on the Code contents published 19th January 2010 states that

*“across all consultation strands, most respondents emphasized that they would not like to see any type of premises exempted from the mandatory licence conditions... Many point to the importance of ensuring that conditions applied to the off-trade as well in an attempt to reduce the problem of pre-loading on alcohol We are committed to tackling **all** irresponsible promotions and practices and will take this feedback on board when drafting regulations and guidance”.*



These views have been expressed not only by the pub trade but also the Local Government Association, Alcohol Concern, Royal College of Physicians and the Health Select Committee. The SI currently before the House fails to reflect that – there is no evidence whatsoever of the Government’s commitment to take “this feedback on board when drafting regulations”.

We therefore consider that the Statutory Instrument as drafted does not reflect the Government’s commitment as stated in its response to the consultation on the statutory code to tackle “all irresponsible promotions and practices”. A failure to include measures targeting bulk volume and low price off trade promotions in the mandatory code will not deliver the Government’s stated policy objectives to ensure that licensed premises trade responsibly. Moreover, it will further burden the on-trade and increase the price differential between the two channels.

- **Crime and Security Bill:** This proposal has been brought forward without any prior consultation with affected businesses, nor indeed notice of intent. We understand that many political stakeholders, the police and local residents have expressed concern about 24 hour licensing. This appears to be an attempt to grab a cheap and quick political headline without facing up to a full, open and honest debate about the merits of the policy.

The proposed amendments ride roughshod over normal parliamentary procedure and represent a dangerous tinkering which is wholly without the principles of the existing legislative framework. The ability to impose blanket conditions as opposed to individually targeted ones may be ultra vires and indeed was abandoned as part of the Alcohol Code in light of concerns its legality and workability. In any case such a measure is unnecessary given that local authorities already have the power to review existing 24 hour licences. The retrospective nature of the amendment raises very grave concerns about compatibility of the new power with the European Convention on Human Rights, a licence and the goodwill built up by an existing business being recognized in law as possessions.

Whilst we acknowledge that you are supportive of the principle behind the amendment, we would urge you to continue to oppose it on the grounds that measures such as this need to be taken forward as part of a cohesive whole to deliver real solutions.

I would very much welcome the opportunity to meet with you to discuss both your proposals for reform and our own initiatives to deliver a appropriate framework to control consumption. If you would like to discuss any of the issues raised in this note please contact Kate Nicholls on 07958 796 238

Kind regards

Kate Nicholls
Head of Communications