

Local voluntary bans on higher-strength beers and ciders

Background

A number of local authorities have sought to introduce restrictions on the sale of higher-strength beers and ciders as a measure to address local issues associated with street drinking. This follows the high profile example of the Ipswich 'Reducing the Strength' campaign which included a commitment not to sell certain beers and ciders as part of a broader programme of enforcement, treatment and support services.

Other areas pursuing such schemes:

- Hastings Borough Council will be asking off-licences to stop selling beer or cider over 6.5 per cent ABV and new off-licences will not be granted unless they agree to have such a ban as a condition on their licence
- Brighton & Hove has introduced an agreement for shops not to sell beer, lager and cider above 6 per cent (ABV)
- Nottingham council has consulted on including in its licensing policy a ban on beer, lager and/or cider with an ABV of 5.6 per cent or above as a best practice measure
- Northamptonshire Police has been calling for the introduction of a voluntary higher-strength ban based on the Ipswich model.

Why not higher-strength bans?

There is no firm evidence that bans on higher-strength beers and ciders have a direct impact on alcohol-related harm or are as effective in reducing crime and disorder as other enforcement measures. Ipswich has implemented such a scheme as part of a comprehensive package of law enforcement, alongside treatment and support in getting street drinkers off the street. Such bans are also unlikely to successfully address issues associated with street drinking, as those targeted may simply switch to alternative products or purchase products elsewhere

There are serious questions over the legality of such schemes for both councils and the businesses involved. The OFT has urged caution over pursuing such measures. Furthermore, the use of licensing conditions in some areas makes such schemes 'non-voluntary' and puts an undue obligation on retailers as this becomes a legal requirement whilst not being evidence-based.

OFT comment in *The Grocer*, 8 June 2013: "We are aware of the recent coverage of local voluntary schemes and campaigns around the sale of super-strength alcohol. The OFT encourages businesses to be aware of their obligations under competition law and is monitoring this. We will consider any competition infringements under our powers within the Competition Act of 1998."

Higher-strength bans may have a serious impact on consumer choice and have a major impact on producers' ability to agree national distribution of their products. Bans on products as low as 5.5 per cent ABV could remove a large number of popular products from our shelves, for a policy that only targets a very small number of drinkers. To avoid complexity over where they can, or cannot sell such products, larger retailers may de-list products that are currently consumed responsibly by the vast majority of local consumers. These include Leffe, Zywiec, Guinness Foreign Extra Stout, Duvel and Fuller's Vintage Ales, as well as hundreds of others.

Alternatives

The industry is fully committed to working in partnership with local authorities and police to tackle local problems and keen to engage in strategies to tackle alcohol misuse at a local level. There are already a wide range of powers in place which can be used to deal with alcohol related crime and disorder as well as a wide range of other measures including local partnership working, which can provide more sustainable long term solutions.

1. Enforcement of current laws

Alcohol Control Zones: Under the Criminal Justice and Police Act 2001 local authorities have the power to introduce these (officially called Designated Public Place Orders), which give police the power to confiscate alcohol in a designated zone .

Serving drunks: Under section 141 of the Licensing Act 2003 it is illegal to serve drunks.

Dispersal notices: Under the Violent Crime Reduction Act 2006, Section 27 notices can be issued to order individuals to leave a given area and not return for 48 hours.

Drinks Banning Orders: Also under the Violent Crime Reduction Act 2006, an individual who breaks the law or causes problems whilst drinking, can be banned from drinking or possessing alcohol in public, buying alcohol and from entering certain licensed premises.

Underage selling: The Government recently increased the maximum fine to £20,000 for persistent underage selling at the same premises which can be just two occurrences.

2. Forthcoming legislation

Legislation to prevent below-cost-selling (defined as duty plus VAT) and new anti-fraud measures will prevent the small numbers of retailers that sell at very low prices from doing so. This is particularly the case for beer, which has a higher duty rate for beers over 7.5% ABV.

3. Alcohol support services

Anecdotal evidence from Ipswich has shown that putting money and focus on providing support services to targeted individuals and getting them off the streets has had an impact on crime and disorder associated with the issue of street drinking. Whilst this is a complex issue with no easy solutions, tackling the causes of why people drink to this level and providing further help and support is likely to be much more effective and sustainable than simply removing certain products.

4. Partnership schemes

Partnership schemes contribute to creating a safer and more secure late-night economy in towns and cities around the country. Initiatives such as Pubwatch, Best Bar None, Business Improvement Districts, Community Alcohol Partnerships and Purple Flag fulfil a variety of different functions, but all help with tackling crime and anti-social behaviour.

5. Awareness and education

The industry continues to be extremely supportive of initiatives to better educate and inform consumers. We are committed to help consumers in making informed choices through funding of Drinkaware, to supporting initiatives and campaigns on responsible drinking and unit awareness.