

## Report of Head of Licensing and Registration

### Report to Licensing Committee

**Date: 8 July 2014**

**Subject: Strong Alcohol Schemes**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): City and Hunslet, Armley, Harehills & Gipton, Hyde Park and Woodhouse, Middleton Park, Beeston, Holbeck		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number:		

### Summary of main issues

1. Ipswich is reporting success with a voluntary scheme that asks off licences and supermarkets to remove the high strength, low cost alcohol from sale in order to affect antisocial behaviour in their area.
2. This success and the introduction of the scheme in a number of other areas, including Wakefield, suggest that Leeds should also consider this scheme as a solution to antisocial behaviour being experienced by residents and users of the city centre.
3. Work has been undertaken to assess the viability of a scheme in Leeds and the results indicate that the principles should be incorporated into existing schemes to achieve the best results.

### Recommendations

3. That Licensing Committee note the contents of this report.

## **1 Purpose of this report**

- 1.1 To inform Licensing Committee on the progress being made with a voluntary scheme which works with businesses to remove the high strength, low cost alcohol from sale in areas which are experiencing incidents of alcohol related antisocial behaviour.

## **2 Background information**

- 2.1 'Super strength' alcohol is often described as lager, beer and cider with an alcohol volume of 6.5% or over that is sold very cheaply. It is mostly bought by people with alcohol-dependency problems. Excessive consumption of these drinks can lead to health problems for the individual, can make them vulnerable to various types of crime and can lead to anti-social behaviour and community issues.

### Reducing the Strength - Ipswich

- 2.2 Partners in Suffolk have launched a campaign to stop the sale of super strength alcohol from off-licences in Ipswich. Off-licence owners have been asked to become Ipswich 'superheroes' by becoming 'super strength free' and removing these products from their stores. Suffolk Constabulary, NHS Suffolk, Ipswich Borough Council, Suffolk County Council, the East of England Co-operative Society, Tesco and Martin McColl work together in an effort to end the sale of this kind of alcohol, which has serious effects on consumers and communities.
- 2.3 The campaign is targeting the sale of these items only in off-licence premises. Licensees in Ipswich have been asked to join the campaign by voluntarily removing the sale of these products from their stores. Twenty-three independent stores in Ipswich are already 'super strength free'. In total there are 130 off-licences in Ipswich, 53 of which were super-strength free following the launch.
- 2.4 A year after its launch, the campaign has helped cut crime. The Reducing the Strength campaign signed-up two thirds of the town's shops to the project. The Police advised the number of identified street drinkers dropped from 78 to 38 in a year. The force's statistics for the first six months of the scheme showed the number of anti-social "incidents of concern" dropped from 191 to 94 compared to the same period the previous year.

### Reducing the Strength – Wakefield

- 2.5 Wakefield are launching a [Reducing the Strength Scheme](#) in two areas in the borough. The pilot initiative will be introduced in two wards, Normanton and Airedale & Ferry Fryston, as these wards have some of the highest levels of harmful and hazardous drinking, and anti-social behaviour outside of the city centre. The wards are ideally positioned to pilot such an initiative as they are sufficiently isolated to prevent people going to neighbouring areas to purchase cheap, super strength alcohol. In total 23 retailers will be involved. It is hoped that the scheme will reduce alcohol consumption and drunkenness in the ward areas, especially amongst young people. This in turn will lead to improved community safety.

## Other Areas

2.6 Other areas to have introduced the scheme are:

- High Wycombe – [Super Strength Alcohol Initiative](#)
- Westminster – Westminster have sought to ban the sale of high strength alcohol since 2008
- Nottingham – Super strength free

2.7 The Grocer reports that over 20 authorities are seeking to introduce a similar scheme. Our research shows that the areas that are considering the scheme include:

- |                     |               |
|---------------------|---------------|
| • Brighton and Hove | • Northampton |
| • Cambridge         | • Plymouth    |
| • Coventry          | • Portsmouth  |
| • Derby             | • Sudbury     |
| • Lincoln           |               |

2.8 A voluntary scheme isn't the only way to address the issues of very cheap alcohol. Examples of other actions taken by licensing authorities include:

- Newcastle – introduced a voluntary scheme on alcohol promotions suggesting a minimum price be observed
- Ealing – Imposed condition on Sainsbury Local when applying for extended hours to stop the sale of high strength alcohol
- Watford – Convenience store licence suspended for one month, and condition imposed banning the sale of high strength alcohol

## **3 Main issues**

3.1 Since the last report to Licensing Committee in December 2013, a working group has been researching the issue of super strength. The group has been made up from officers from Public Health, Acute Trust, Area Committees, Community Safety and Licensing.

3.2 The group, meeting monthly, has undertaken the following:

- Identification of the areas in Leeds that are vulnerable to antisocial behaviour by people who are alcohol dependant
- Identification of premises which sell alcohol for consumption off the premises
- Audit of premises to establish prevalence of super strength alcohol
- Identification of super strength products
- Gathering of evidence to link antisocial behaviour and super strength
- Gathering of anecdotal evidence relating to the effect super strength alcohol has on people who are alcohol dependant
- Discussion about possible solutions and unintended consequences

## Evidence to link Super Strength with Antisocial Behaviour and Poor Health Outcomes

- 3.3 Before the Council can consider any scheme, voluntary or otherwise, there must be clear evidence that this will have a positive outcome. The initial request for work to be undertaken into a super strength scheme came from the Police, in reaction to anti-social behaviour connected to people with alcohol dependency problems in the city centre.
- 3.4 There does not seem to be any published research into the effect of super strength products. It is difficult to differentiate between crime, disorder and health harms associated with lower strength and high strength alcohol. White cider products, which are higher strength but more importantly lower priced, are relatively new.
- 3.5 As part of the research into this issue in Leeds, the working group sought the opinion from alcohol workers on a scheme which concentrated on the city centre. St Anne's, LAU and ADS are the three main providers of alcohol dependency treatment in Leeds and York Street Practice, who provides primary care and drug and alcohol treatment for the homeless.
- 3.5.1 *"Our clients have always sought to drink the strongest and cheapest available alcohol – such is the nature of dependency. 15-20 years ago, the favoured drink was 15% QC Sherry. This has changed over the years to strong beers and lagers, with strong white cider being the most common drink amongst our clients.*

*With regards to the proposal around city centre premises, although the impact of city centre drinking is visible and concerning, only a small percentage of our clients drink in the city centre – the vast majority drink at home and would be unaffected by these proposals.*

*We are certainly supportive of such a scheme, as it will benefit residents, but would like it city-wide."*

- 3.5.2 *"We think our service users have always sought out high strength alcohol; the reduction in price of high strength alcohol and its growing promotion has resulted in more people purchasing it for its greater effect. Logically there must be a huge benefit to Leeds residents from restricting its availability, given that its primary purpose is to induce intoxication as rapidly as possible. There must be an evidence base and this would be a good question for a student of public health to research."*
- 3.5.3 *"I would very much like to support any restrictions on selling of high strength, low cost alcohol in Leeds, e.g. the white ciders etc. Unfortunately we can't provide any evidence of how many of our clients drink it, but anecdotally I would suggest that a significant number (e.g. more than half) of service users that are dependent on alcohol would drink either high strength cider or lager.*

*I think it would be beneficial primarily because if it was not available it would prevent people drinking as many units of alcohol and therefore reduce people's level of dependency. We have had people come to us with benefits cuts saying that they want to cut down because they can't afford to drink as much. I am sure that if the cost of the alcohol would rise to people then this would force them to reduce their intake similarly.*

*If people drank less they would not damage their own health as quickly. This would hopefully be less of a burden then on the health services of Leeds and so beneficial for other residents.*

*I would not be able to provide any evidence about crime and disorder, however based on work with ATRs and some street drinkers I would suggest that a lot of alcohol related offending is linked to dependencies that are more easily supported through cheap alcohol, e.g. antisocial behaviour.”*

- 3.6 It was clear that the problem was not restricted to the city centre. In fact a preliminary audit of city centre off licences showed that there are few super strength products on sale in the city centre itself. The working group wanted to explore the situation in the inner areas of the wider district.

#### Identification of vulnerable areas

- 3.7 In conjunction with the Area Community Safety Officers and Health and Wellbeing Managers, areas were identified where street drinking is an issue for both health outcomes and antisocial behaviour. These areas are:
- Armley
  - Harehills
  - Hyde Park
  - Middleton
  - Belle Isle

#### Super Strength Audit

- 3.8 With the assistance of the local neighbourhood policing teams, volunteers and officers visited off licences in the vulnerable areas to establish how prevalent the super strength products are in these areas.
- 3.9 It became clear that there are two forms of retailing. Some premises had one or two lines of super strength product which constituted a small percentage of their alcohol sales. These were generally the multiple retailers and medium sized convenience shops. Some of the smaller newsagents/convenience shops that are sometimes described as corner shops also sold perhaps one or two products but again their overall alcohol sales were low.
- 3.10 However there were other premises which sold a large range of these products and it was clear that these were businesses that relied on the sale of these products.
- 3.11 To provide some context, the teams audited 102 off licences and the following list provides the top 15 products in terms of availability.

Rank	Brand	Pack Size	Places Available
1	Frosty Jacks	3 litre bottle	49
2	Special Brew	1 x 500ml can	48
3	White Ace	3 Litre Bottle	42
4	Skol Super	1 x 500ml can	38
5	Tennants Super	1 x 500ml can	36
6	White Ace	2 litre bottle	32
7	White Ace	1 litre bottle	28

Rank	Brand	Pack Size	Places Available
8	Oranjeboom XS	1 x 500ml can	26
9	White Ace	1 x 500ml can	24
10	Tennants Super	4 x 500ml cans	20
11	Kestrel Super	1 x 500ml can	18
12	Special Brew	4 x 500ml cans	17
13	Skol Super	4 x 500ml cans	15
14	Frosty Jacks	1 Litre Bottle	14
15	Kestrel Super	4 x 500ml cans	10

- 3.12 Officers asked the shop owners who is buying super strength products. The majority of responses stated that older people or people with alcohol dependency problems were their main customers for these products. Some of the descriptions were:

“British, mostly males, 35-65 yrs old”

“Not a great deal sold, 4-5 customers, males, 40-50, 1 female 30-40”

“Local residents”

“Regular drunks, alcoholics”

“Street drinkers”

- 3.13 During the audit in Armley, officers discussed with shop owners a possible voluntary scheme to remove the larger pack sizes from sale. There was considerable resistance to the idea. The concern was that they would lose customers who would go elsewhere, most likely to a neighbouring shop.
- 3.14 In general the shops did not experience problems with antisocial behaviour in their premises and had no issues with selling this type of alcohol to their customers.

#### Identification of products

- 3.15 Through the audit, we have identified a list of products that could be considered to be super strength. These are predominantly lager and cider. The cider products (known as white cider) are generally 7.5% abv. The strength of the lager products range from 7.5 to 10% abv. In addition there is a small resurgence of perry products such as Lambrini, or similar, which are higher strength but low cost. A full list of super strength products is attached at **Appendix 1**.

#### Possible Solutions

- 3.16 Having spoken with people in recovery, it is apparent that people who are alcohol dependent must drink a specific amount of alcohol each day to reduce the effects of alcohol withdrawal. If the high strength product is not available it is likely that people will move from super strength cider and lager to spirits such a sherry, vodka and other forms of alcohol. A lack of money may lead people to resort to counterfeit products.

- 3.17 Comments were sought from alcohol workers at the York Street Practice who deal with people with alcohol dependency issues. Specifically they were asked if withdrawing the larger quantity pack sizes would be useful and if there were any unintended consequences to withdrawing all super strength products from sale. They expressed support for a system that retained the single cans but reduced availability for 3 litre plastic bottles, and suggested that unintended consequences would be insignificant, bearing in mind the risks that are taken by people with alcohol dependency issues on a regular basis.
- 3.18 Therefore it is proposed that there should not be an effective outright removal of these products from sale. Many people are dependent on them, but they should not be so cheap or readily available in large quantities as this encourages people to buy and consume more than they need.
- 3.19 Any solution must come hand in hand with support from the treatment services in Leeds, so that should people wish to reduce their alcohol consumption they can do so with help from experts.
- 3.20 There are a number of measures, schemes and programmes already in place which work with retailers. For example:
- Local Licensing Guidance – used when new or variation applications are received in vulnerable areas to encourage responsible retailing.
  - Retailing Forum – being set up as part of Town and District Centres Regeneration Scheme.
  - Responsible Retailing – a Trading Standards initiative that works with retailers around under age sales.
- 3.21 The proposal is that rather than having a single scheme that tackles super strength products in isolation, retailers are approached as part of other schemes and programmes. Material can be produced which provides information on the issues relating to higher strength products and the benefits of removing them from sale.
- 3.22 Although it would take longer to see the impact of this approach, it is the view of the working group that this approach would be more successful at effecting a culture change and this would provide longer lasting results than a specific scheme that would require an investment of extra resources, but would have a limited success.
- 3.23 Specific attention should be given to businesses in the most deprived areas of Leeds, such as Little London, Armley, Middleton, Belle Isle, and Harehills.
- 3.24 Baseline information has already been gathered on the types of products and the related antisocial behaviour. This research can be repeated at intervals to see if the stepped approach is having an impact.
- 3.25 The evidence can be kept under review and should the approach not be having the desired impact, further consideration could be given to a Super Strength Scheme.

## Unintended Consequences

- 3.26 There is concern about people who are alcohol dependant migrating onto other, more harmful alcohol products like spirits, counterfeit alcohol or other alcohol products not designed for human consumption. However this consequence is reduced by only removing the products sold in plastic bottles. People who are alcohol dependant would still be able to buy smaller quantities of stronger alcohol.

## Impact on Low Income Families

- 3.27 There is no evidence to show that people are buying super strength alcohol and drinking it because it is preferable to the lower strength alcohol. There is some anecdotal evidence to show that people who are alcohol dependant buy it as it is the most cost effective way of consuming the required number of units, but those on low incomes are far more likely to buy multipacks of lower strength lager, cheap spirits and wine.
- 3.28 This was confirmed, anecdotally, by the shop owners during the audit, especially one who expressed that the biggest sellers to his regular customers are the multipacks of 12 cans of standard strength lager such as Fosters or Stella.

## Other Options

- 3.29 The government has introduced legislation that will **ban below cost sales** of alcohol. Cost is defined as duty plus VAT. At the moment, in general the lager products are already retailed at a higher price than the white cider products and so would be unaffected by the ban on below cost sales. However white cider is sold considerably cheaper than super strength lager, with a 3 litre bottle of White Ace being promoted at £4.05. There is some difficulty in determining if white cider is classed as “sparkling cider and perry” or “sparkling wine and made wine” for duty purposes, or indeed “still cider or perry”. Clarification is being sought from HMRC.
- 3.30 If this is the correct duty classification for white cider, it is possible that the increase in price that would be required to bring these products into line would be enough to deter people from buying the product and they will migrate onto other products. For example the difference in cost would be as follows:

Brand	Type	Abv	Pack size	Current Price	Cost Price
3 Hammers	Cider	7.50%	3 litre bottle	£3.49	£9.53
Frosty Jacks	Cider	7.50%	3 litre bottle	£4.00	£9.53
White Ace	Cider	7.50%	2 litre bottle	£2.99	£6.36

- 3.31 Should any premises be linked with crime and disorder or public nuisance it can be subject to Entertainment Licensing **enforcement action**. This would be a proportionate approach, which starts with liaison with the premises licence holder. However should a satisfactory resolution not be found Entertainment Licensing or anyone else has to option to request that the premises licence be reviewed in light of the negative impact on the licensing objectives. The options open to the licensing subcommittee could be revocation of the licence to applying more stringent conditions on the licence.



- 3.32 This would not address wider health concerns about dependant drinking, or general antisocial behaviour caused by the drinking of super strength products but it will address concerns about specific premises in an area if there is evidence that their management practices lead to adverse impact on the licensing objectives..

### Detailed Proposal

- 3.33 As part of existing schemes, the council can provide information and encouragement to retailers to effect a culture change within the off trade in the deprived areas of Leeds so that selling high strength, low cost alcoholic products to people who are alcohol dependent is no longer acceptable.
- 3.34 The aim of this would be to reduce the health harms associated with alcohol dependency and the incidence of antisocial behaviour related to people with alcohol dependency.
- 3.35 The project would have the following measurable objectives:
- to reduce the overall amount of super strength lager and cider that is available overall.
  - to remove from sale 1 litre, 2 litre and 3 litre plastic bottles of super strength white cider (i.e. Frosty Jacks, White Ace).
  - to reduce the incidence of antisocial behaviour associated with people with alcohol dependency.
  - to provide information to customers on treatment services, and to keep this information on site should staff be concerned about customers welfare.
- 3.36 Specific attention should be given to businesses in the most deprived areas of Leeds, such as Little London, Hyde Park, Armley, Middleton, Belle Isle, Holbeck, Burmantofts, Richmond Hill, Seacroft, Meanwood and Harehills.
- 3.37 The benchmark data gathering should be repeated in 12 months to ensure this is the right approach and that it is effective.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 An officer working group was formed to investigate a super strength scheme. Consultation was undertaken with Community Safety, Acute Trust, Police, Locality Teams, Health and Wellbeing Teams and Licensing. 102 off licences were visited and a scheme was briefly discussed with a number of operators.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 There are no implications for equality and diversity/cohesion and integration.

### **4.3 Council policies and City Priorities**

4.3.1 The licensing regime contributes to the following Best Council Plan 2013-17 outcomes:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us.

4.3.2 The licensing regime contributes to our best council objective:

- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city.

### **4.4 Resources and value for money**

4.4.1 The imposition of a voluntary scheme would be resource intensive. Funding for such a scheme would have to be found within existing budgets. There would not be a cost saving to the council in the short term, although there may be a reduction in disorder and health harms, which would lead to cost saving for agencies who deal with these issues.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 A super strength scheme could only be operated as a voluntary scheme. Health is not a licensing objective, and so a condition relating to the removal of certain products could not be included in licences on that basis. However the sale of super strength products has been linked to disorder caused by people who are dependent on alcohol. Individual premises could be subject to a review of their premises licence should disorder be linked directly to them and their sales practices.

### **4.6 Risk Management**

4.6.1 The imposition of any scheme that restricts a person's ability to trade or which imposes a blanket licensing conditions may be subject to challenge. As such any scheme must be entirely voluntary.

## **5 Conclusions**

5.1 The working group looked at other schemes in operation around the country. Comparison was drawn to the areas where the schemes are operating and determined these were confined to town centres, or isolated locations.

5.2 The working group audited off licences in the inner areas and discovered that the sale of super strength cider and lager was widespread and retailers were resistant to any scheme that may affect their customers even though sales and profits from this type of products were low.

5.3 As part of existing schemes, the council could provide information and encouragement to retailers to effect a change within the off licence trade in the deprived areas of Leeds so that selling high strength, low cost alcoholic products to people who are alcohol dependent is no longer acceptable.

- 5.4 Additionally, benchmarking has been completed, which can be repeated annually to see if there is a shift in the retailing of the products, and the reduction of antisocial behaviour.

## **6 Recommendations**

- 6.1 That Licensing Committee note the contents of this report.

## **7 Background documents<sup>1</sup>**

- 7.1 There are no unpublished background documents that relate to this matter.

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

## Appendix 1

### List of Products

Brand	Type	Abv	Pack size	Average price
3 Hammers	Cider	7.50%	1 litre bottle	£1.49
	Cider	7.50%	2 litre bottle	£2.97
	Cider	7.50%	3 litre bottle	£4.13
Amorino Bianco	Perry	7.50%	0.75 litre bottle	£1.49
	Perry	7.50%	1.5 litre bottle	£2.79
Barley Gold	Barley wine	7.40%	1 x 330ml can	£1.89
Bavaria	Lager	8.60%	1 x 500ml can	£1.99
Black Ace	Cider	7.50%	1 x 500ml can	£0.99
Crest Super	Lager	10.00%	1 x 500ml can	£1.79
Crest Super	Lager	10.00%	4 x 500ml cans	£6.50
Diamond White	Cider	7.50%	1 x 500ml can	£1.53
	Cider	7.50%	4 x 500ml cans	£4.55
	Cider	7.50%	2 litre bottle	£3.89
Frosty Jacks	Cider	7.50%	1 x 500ml can	£0.87
	Cider	7.50%	1 litre bottle	£2.15
	Cider	7.50%	2 litre bottle	£3.62
	Cider	7.50%	3 litre bottle	£4.19
	Cider	7.50%	2 x 3 litre bottles	£7.25
	Cider	7.50%	4 x 3 litre bottles	£13.00
Frosty Jacks Amber	Cider	7.50%	3 litre bottle	£4.59
HSL Kings	Lager	7.50%	1 x 500ml can	£1.75
K Cider	Cider	8.40%	1 x 500ml can	£1.46
	Cider	8.40%	2 x 500ml cans	£2.00
	Cider	8.40%	4 x 500ml cans	£5.17
Karpackie	Lager	9.00%	1 x 500ml can	£1.34
	Lager	9.00%	4 x 500ml cans	£5.00
Kestrel Super	Lager	9.00%	1 x 500ml can	£1.82
	Lager	9.00%	4 x 500ml cans	£6.61
	Lager	9.00%	6 x 500ml cans	£10.00
Lambrini	Perry	7.50%	1.5 litre bottle	£3.54
Lynx	Lager	9.00%	1 x 500ml can	£1.69
	Lager	9.00%	4 x 500ml cans	£1.79
Omega	Cider	7.50%	2 litre bottle	£2.89
	Cider	7.50%	3 litre bottle	£3.54
Oranjeboom XS	Lager	8.50%	1 x 500ml can	£1.45
	Lager	8.50%	4 x 500ml cans	£5.09
Perla Extra Strong	Lager	7.60%	1 x 500ml can	£1.10
Redrow Cider	Cider	7.50%	1 x 500ml can	£1.39
Skol Super	Lager	9.00%	1 x 500ml can	£2.00
	Lager	9.00%	4 x 500ml cans	£6.64
	Lager	9.00%	24 x 500ml cans	£46.07
Special Brew	Lager	9.00%	1 x 500ml can	£2.04
	Lager	9.00%	4 x 440ml cans	£7.99

Brand	Type	Abv	Pack size	Average price
	Lager	9.00%	4 x 500ml cans	£7.28
	Lager	9.00%	6 x 500ml cans	£10.00
	Lager	9.00%	24 x 500ml cans	£46.07
Tennants Super	Lager	9.00%	1 x 500ml can	£2.17
	Lager	9.00%	4 x 500ml cans	£6.82
	Lager	9.00%	6 x 500ml cans	£10.00
Union Black	Cider	8.40%	4 x 500ml cans	£3.99
White Ace	Cider	7.50%	1 x 500ml can	£0.99
	Cider	7.50%	4 x 500ml cans	£3.95
	Cider	7.50%	1 litre bottle	£1.75
	Cider	7.50%	2 litre bottle	£2.89
	Cider	7.50%	3 litre bottle	£4.09
White Star	Cider	7.50%	4 x 500ml cans	£3.36
	Cider	7.50%	1 litre bottle	£1.80
	Cider	7.50%	2 litre bottle	£3.34
	Cider	7.50%	3 litre bottle	£3.66
Zeppelin Cider	Cider	7.50%	3 litre bottle	£3.89