

# Report for Minimum Unit Price Task and Finish group



**Author**

Cheshire and Merseyside Task and Finish Group  
Minimum Unit Pricing for Alcohol

**Date**

September 2011

# CONTENTS

1.	About Minimum Unit Price .....	3
2.	National Context.....	4
3.	The Task and Finish group.....	7
4.	Legal issues.....	7
5.	Enforcement issues .....	8
6.	Public Opinion and Engagement .....	9
7.	The Industry.....	10
8.	Summary .....	11
9.	Conclusion.....	11
10.	Recommendations .....	12
11.	Appendices .....	13
12.	References .....	25

# 1. About Minimum Unit Price

A Minimum Unit Price for alcohol is one element of an effective strategy to tackle alcohol misuse. It has strong support amongst public health and medical professionals, as well as across a number of Local Authorities in Cheshire and Merseyside, and also Manchester. However all these partners recognise that it has to be used as part of a comprehensive strategic approach, which will also include action to reduce demand and intervene effectively where alcohol is having harmful effects. The most effective way to enforce a Minimum Unit Price (MUP) would be if it was implemented at a national level. However the current Government has not yet expressed support for such a measure and therefore Cheshire and Merseyside have been exploring the potential for local action on this.

The cornerstone of the evidence base for Minimum Unit Pricing is research carried out by Sheffield University in 2008, that identified that 50p per unit of alcohol would target irresponsible drinking, impacting on hazardous and harmful drinkers, while imposing a minimal financial effect on moderate drinkers and on-trade sales. Total bans of supermarket and off-license discounting would be effective but banning only large discounts has little effect; therefore a set minimum unit price is required. Overall the Sheffield analysis considered a minimum unit price for alcohol would have a major impact in reducing alcohol related harm. It values the national harm reduction cost benefits over 10 years at £12.9 billion.

This analysis has subsequently been endorsed by several authoritative national reviews, including

- Sir Liam Donaldson Our Health Our Nation, The Chief Medical Officer Annual Report (2009)
- Alcohol Concern "The Price is Right" (May 2009)
- The House of Commons Health Committee Report on Alcohol (December 2009)
- NICE clinical guidelines (June 2010)

The research indicated that a 50p minimum unit price would be effective in reducing across England alcohol consumption on average:

- per drinker by 6.9%. This would lead to 97,900 fewer hospital admissions and 10,300 fewer violent crimes per year.
- per 11-18 year old drinker by 7.3%. This would lead to 500 fewer hospital admissions and 2,200 fewer violent crimes per year for that age category
- per high-risk drinkers by 10.3%.

It also valued the overall cost benefit of harm reduction at £12.9 billion nationally over a 10 year period.

*(Sheffield University research 2009)*

A minimum unit price of 50p in Cheshire and Merseyside would reduce alcohol-related hospital admissions by 4,355 per annum in year one. Furthermore, modeling of national cost data shows that the estimated saving, on admissions alone, to health services in Cheshire and Merseyside, following the implementation of a minimum unit price of 50p is in the region of £2.1 million per annum at full effect (in 10 years). This would constitute a significant saving to the public sector.

Notably, the Sheffield analysis suggested increases in price would not impact equally across all drinkers. This is because those who drink hazardously and harmfully tend to choose cheaper drinks. A minimum price per unit of 50p would lead to consumption of low-risk drinkers falling by only 3.5%. Introducing a minimum price per unit of alcohol would therefore affect hazardous and harmful drinkers far more than those who drink in moderation.

The Sheffield University team concluded that positive benefits would be seen as soon as a pricing policy was implemented and that decreases in violent crime and workplace absence would be among the first effects.

In 2010 the “Case for Secondary Care Change” endorsed the pursuit of a minimum unit price as an element of its recommendations for impacting on alcohol related hospital admissions, as part of a raft of measures which also included brief interventions and alcohol specialist nurses in secondary care.

## 2. National Context

### Government consultations

The Coalition Government conducted national consultations in 2010 regarding alcohol taxation and pricing and also on reviewing the Licensing Act. These resulted in a “Review of Alcohol Taxation” (Nov 10) and “Responses to Consultation: Rebalancing the Licensing Act” (Nov 10).

In the Licensing Act consultation response the Home Office states that it will use the Police Reform and Social Responsibility Bill to introduce a package of measures to overhaul the Licensing Act 2003. One measure will be to enable more involvement of health bodies as “responsible authorities” in licensing decisions. The ban on sales below cost is not part of the Bill. The Bill is currently proceeding through the House of Lords committee stage. The Government is also minded at a future occasion to develop a public health objective in licensing. Interestingly the Review of Alcohol Taxation states that: *“Respondents generally accepted that consumers respond to price signals and not to the amount of tax charged on a product”*

### Government studies

In February 2011 the Government published the results of three studies that were commenced under the previous Labour administration. These all contributed to the Government’s review of alcohol pricing, which it had committed to in its Coalition Programme for Government. One of these on public perceptions is discussed in Section 7 of this document. The other two papers were a “Preliminary assessment of the economic impacts of alcohol pricing policy options in the UK” and “Alcohol pricing and criminal harm”. The assessment of the economic impact was prepared by RAND and was predominately a review of alcohol research. It does not present a full cost benefit analysis or a full examination of the social costs of alcohol. It is useful however in finding that pricing can be an effective lever in reducing harm and that harmful and hazardous drinkers are responsive to price increases. It also found that minimum pricing would prevent retailers “absorbing” price increases, and that banning below cost selling (VAT plus excise duty) would have little impact.

The work on the research evidence supporting a direct association between the price of alcohol and crime, disorder and anti-social behaviour was produced by the University of Sheffield. It suggests that consumers appear to respond more strongly and rapidly to price increases rather than price decreases. Price increases were associated with reductions in overall crime, violent crime, sexual assault, and criminal damage and property offences.

### Below cost ban

The Government has announced that it intends to introduce a new measure which would prevent retailers from selling a 1 litre bottle of vodka (37.5 per cent ABV) for less than £10.71 and a 440ml can of lager (4.2 per cent ABV) for less than 38p. Draft finance bill clauses are due to be published by the Exchequer Secretary in December 2011. Until 2014/15 duty rates are set at 2% above inflation increase per annum.

## Responsibility deal

The Government launched its Public Health Responsibility Deal on March 15<sup>th</sup> 2011. Its intention is to use the business community's influence to improve public health and tackle health inequalities. The core commitment relating to alcohol is: *"We will foster a culture of responsible drinking, which will help people to drink within guidelines"*. There are seven underpinning voluntary pledges to achieve this commitment, which partners can sign up to individually, or for all seven. There are a considerable number of partners signed up to the Alcohol pledges of the Responsibility Deal, including most major supermarkets, drinks suppliers and retailers. However groups such as Alcohol Concern, the British Association for the Study of the Liver, the British Liver Trust, the British Medical Association, the Institute of Alcohol Studies and the Royal College of Physicians have expressed a loss of confidence in this approach, which they say lacks clarity and does not have measures that are specific or measurable.

## Scottish situation

The new SNP Government in Scotland has made it a priority to resurrect its previous proposals for a minimum unit price for alcohol. With a parliamentary majority and now the support of the Scottish Liberal Democrats the prospects for such legislation are good. It is not known whether or not the Scottish Government will propose to run the whole legislative process again or fast track the process through parliament. Either way they intend to see a minimum unit price for alcohol of 45p come into effect on 1<sup>st</sup> April 2012. Mr Willie Rennie (leader of the Scottish Liberal Democrats, formerly opposed to minimum price) is quoted: *"I believe that radical action is needed and will therefore support moves to introduce minimum unit pricing in Scotland....SNP government plans to reintroduce a Minimum Pricing Bill and I will work positively with ministers on this."* (BBC news Scotland 5<sup>th</sup> June 2011)

## Political support

The Localism Bill has been drafted and places an emphasis on local communities taking power. It does not have any specific information in it on byelaws however, which still require the consent of the Secretary of State to be brought into force. There is no firm legislative timetable for the Localism Bill to become law at present. However in August 2010 the Prime Minister, David Cameron, stated with regard to minimum pricing: *"I think the idea of the councils coming together on this is a good one and we will certainly look at it very sympathetically...Where there can be local decisions we are very happy for that to happen"* (Manchester Evening News – 11<sup>th</sup> August 2010). James Brokenshire (Parliamentary Under Secretary for Crime Reduction, Home Office) also stated *"If local circumstances point in that direction, that's something local authorities might wish to explore"*. (Morning Advertiser – 15<sup>th</sup> September 2010). More recently James Brokenshire responded to a question from Graham Brady MP (Altrincham and Sale West, Conservative) regarding what powers are available to local authorities to introduce a local minimum unit price for alcoholic drinks. His response was: *"Local authorities could consider using powers in the [Licensing Act 2003](#) or [Local Government Act 1972](#) to introduce in their areas a local minimum unit price for alcoholic drinks. However, we continue to have reservations about the legality of such an approach. In each case, a local authority will need to ensure that their decision complies with all relevant [EU](#) and domestic law."* (Hansard 7<sup>th</sup> June 2011)

## Clinical and Medical Support

Sir Liam Donaldson, in his 2009 Chief Medical Officer report expressed his support for a minimum unit price to tackle Britain's alcohol harm. The National Institute for Clinical Excellence endorsed a minimum price approach in its guidelines published June 2010 (PH24). It states: *"The guidance is for government, industry and commerce, the NHS and all those whose actions affect the population's attitude to – and use of – alcohol. This includes commissioners, managers and practitioners working in local authorities, education and the wider public, private, voluntary and community sectors. In addition, it may be of interest to members of the public. It goes on to say: "Making alcohol less affordable is the most effective way of reducing alcohol-related harm. Consider introducing a minimum price per unit. Set the level by taking into account the health and social costs of alcohol-related harm and its impact on alcohol consumption."* And further *"Regularly review the minimum*

*price per unit to ensure alcohol does not become more affordable over time.”* The guidance goes on to make recommendations around availability, marketing, licensing, brief interventions and screening. It also states that a population level approach to preventing alcohol harm could be as effective as drink driving legislation has been, which had a much more limited evidence base.

The World Health Organisation has produced a guide to effective alcohol legislation, albeit on a national footing. However their guidance may be useful for consideration when developing a byelaw as it states that the setting out of public health objectives would provide a clear context of the legislative intention which is useful when applying or interpreting the provision of any legislation. It also can have value when legislation is challenged under trade agreements and the guidance goes on to give examples of national legislation. It proposes some wording around public health objectives as follows:

*“To reduce the negative health and social consequences of harmful use of alcohol.”*

Or

*“The object of this Act is to regulate the sale and supply of alcohol to the public with the aim of contributing to the reduction of alcohol-related harm and the protection of public health and community wellbeing.”*

Or

*“The object of this Act is to regulate the sale and supply of alcohol to the public in the interests of public health and wellbeing, with the particular purposes of protecting children and young people, reducing alcohol consumption, and preventing violent crime, disorder and other forms of alcohol-related harm.”*

The guide also states that *“minimum pricing may appear counter to market competition and trade but the policy treats all products equally, dictates the bottom of the price scale only and doesn’t affect other aspects of fair competition”*. The guide also clarifies that *“recent European rulings have upheld restrictive alcohol policies provided they treat all domestic and imported products equally.”*

Across Cheshire and Merseyside backing from a number of clinicians has been expressed, in the form of a letter of support for minimum unit pricing. (appendix 4)

### **The North West position**

The Association of Greater Manchester Authorities established (in July 2010) a Task and Finish group to explore in depth the implications of pursuing a local byelaw to implement a minimum unit price for alcohol. In Lancashire the local authority Chief Executives have agreed to support a minimum unit price and have requested more work be done to explore this. An Overview and Scrutiny panel for Blackpool recently endorsed the approach of a minimum unit price. In Cumbria the Director of Public Health has supported minimum unit price although the County Council Executive have not formally agreed this. All Directors of Public Health in Cheshire and Merseyside have supported a minimum unit price for alcohol.

The Liverpool City Region Cabinet and the Cheshire and Warrington Leadership Board have both supported a minimum unit price and have given their approval for the Liverpool City Region Safer, Healthier Communities Board and the Cheshire and Warrington Health and Wellbeing Commission (respectively) to progress the consultations and engagement with individual councils and members of the public regarding minimum pricing. Wirral Borough Council recently conducted a public consultation on minimum pricing. Based on its findings the Licensing, Health and Safety and General Purposes Committee decided not to support a byelaw to implement a minimum unit price. However Halton Borough Council Executive (8/4/10), Warrington Borough Council Executive (18/3/11) Cheshire East Council Cabinet (11/4/11) and Cheshire West and Chester Council Executive

(13/7/11) have all supported a minimum unit price for alcohol and the pursuit of a byelaw to enforce this.

The Northern Irish Government has recently launched its consultation on minimum unit pricing. This is a pre-legislative consultation and the Northern Irish Government has committed to bringing forward legislation if support is forthcoming.

### 3. The Task and Finish group

Both the Cheshire and Warrington Health and Wellbeing Commission (20<sup>th</sup> Oct 2010) and the Liverpool City Region Safer Healthier Communities Board (4<sup>th</sup> Oct 2010) agreed the need to establish a Task and Finish group to fully explore the implications of a byelaw. This group convened on 14<sup>th</sup> March 2011, chaired by Margaret Carney, Chief Executive Officer of Sefton Council. The group also established links with the Association of Greater Manchester Authorities (AGMA) existing Task and Finish group, in order to avoid duplication of effort. The timescale of the group has been to provide a report in July 2011 on the issues regarding minimum unit price, including the use of a byelaw, and to make recommendations for a way forward. This report is for presentation to the Cheshire and Warrington Health and Wellbeing Commission, and its Leadership Board, and to the Liverpool City Region Cabinet. It is also for presentation to the AGMA Task and Finish group for minimum unit price. The Task and Finish group has also had small working groups to inform the work from a legal perspective.

### 4. Legal issues

#### A byelaw

Our Life commissioned the lawyers Cobbetts LLP to assess the best way to establish a minimum price for alcohol in the North West. Their suggestion, supported by Our Life, was for a significant number of local authorities in the region to commission a model byelaw for the introduction of a local minimum price per unit of alcohol which would then be presented to the Secretary of State for approval (Appendix 2). The justification for this would come from Section 2 of the Local Government Act 2000 which gives local authorities the power to do anything which is likely to promote economic, social or environmental wellbeing of their area. The statutory basis for developing a byelaw is provided by the Local Government Act 1972, Section 235. This makes it possible for a byelaw to be made *“for the good rule and government of the whole or any part of the area and the prevention and suppression of nuisances therein”*.

A byelaw makes provision as to what conduct is illegal, and enables enforcement and provides criminal penalties for infringement. Put simply:

- the Local Government Act 2000 and Local Government Act 1972 provide power to introduce a byelaw
- a byelaw would provide the measure by which a local minimum price can be enforced

#### Legal challenge to a byelaw

The legal advice obtained on competition law by Our Life suggests that it would be within the law for authorities within a local area to take action on alcohol pricing. If local authorities were successfully challenged by the Competition Commission then the case for national legislation may potentially be strengthened.

Opponents of minimum unit pricing would not be able to pursue a formal legal challenge until a byelaw had been made, approved by the Secretary of State, and a local authority sought to implement it. Until that point the legality or otherwise of a local minimum price would be untested.

However, if the statutory process to byelaw implementation is correctly followed, any challenge by industry may be more likely to damage their reputation than lead to the byelaw being discredited and in any case could further support the need for national legislation on minimum pricing.

Opinion from the Scottish First Minister and Cabinet Secretary for Health and Wellbeing, shared with AGMA, is of the view that a minimum unit price is within European law, and complies with provisions of Community law relating to free movement of goods. Given the Scottish Parliament's intention to pursue minimum unit pricing nationally in Scotland, and as a matter of priority, it is possible that potential grounds of challenge may be tested in Scotland in the first instance, and the situation therefore needs to be monitored. However it is worth considering whether a collective group of Local Authorities who wish to implement a byelaw to enforce a minimum unit price should make allowance financially for any legal challenge.

A sub group of the Task & Finish group, comprised of lawyers, trading standards professionals and Our Life representation, has worked to develop a draft byelaw to provide as robust as possible a document, albeit recognising, in a separate briefing note to the Task & Finish group, that drafting the byelaw itself cannot address such issues as possible challenge under European law and cross border enforcement issues. Subsequently, lawyers from some of the Merseyside and Cheshire authorities examined the draft and associated legal issues. The recommendation of this group is that national legislation should be the ultimate aim of supporters of minimum unit pricing, as this would provide the best chance of effectively enforcing minimum unit pricing, and lobbying to that effect should be continued by its supporters, but in the interim, a suggested form of byelaw has been developed. In order to test the level of political support and thereby the prospective effectiveness of a byelaw, a template report to the individual Cabinets or Executives of those authorities which have not yet expressed a formal view on support, perhaps initially on an informal basis, should be developed. This would assist the co-ordination of formal action by those authorities who are prepared to support this line of action.

## 5. Enforcement issues

### Regulation

A concern has been the issue of resources to implement a byelaw for a minimum unit price. However AGMA and Scotland have both considered this to have a minimal cost and that it could be monitored under current systems such as test purchasing. Should the Secretary of State approve the proposed byelaw, implementation and enforcement would be a matter for local authorities and trading standards. It would be beneficial for local authorities to work with partners to establish a common approach to enforcement across the minimum price area.

## Labelling

Currently all alcohol products are required by law to have the volume and percentage of alcohol written on them, and some products include units. Given the existing legislation it is possible to work out the units contained within a product. For example a litre of lager at 4% would contain four units; therefore a can of lager containing 440mls would contain just less than 2 units. In view of the existing legislation it is not essential that products be relabeled in order to implement a unit price. However there is an argument that not having the units displayed can be confusing for the public who are unlikely to work out unit content for each product they purchase. This could be countered by the fact that with a minimum unit price there will be a direct reflection of the alcohol content, so for example a product that costs around £1 could be expected to contain two units of alcohol (with a minimum unit price of 50 pence).

In fact the current Government's Responsibility Deal has the first of its pledges on alcohol as *"We will ensure that over 80% of products on shelf (by December 2013) will have labels with clear unit content, NHS guidelines and a warning about drinking when pregnant."* Most major supermarkets have committed to this pledge.

## Cross border trade

It is not the intention of introducing a byelaw to encourage consumers to travel to purchase alcohol, although it is recognised that this may be an unintended consequence. However the Task and Finish group wish to work with as many neighbouring areas as possible to reduce the likelihood of this occurring, and will continue to encourage other Local Authorities to act in collaboration regarding the implementation of a byelaw. This engagement will be promoted through an event in the North West for Local Authorities in late 2011.

## Designated individuals

The person responsible on premises for enforcement of the minimum unit price byelaw is considered to be properly the Designated Premises Supervisor or the Premises Licence Holder, or the Premises User if a Temporary Event Notice is in force. However if alcohol is sold below the minimum unit price where none of these individuals exist then the person who supplies the alcohol will be considered to be the offender. On most premises therefore the Designated Supervisor will be responsible for their staff and prosecution would be against that designated person.

## Special deals

It is fairly common for establishments and retailers to offer packages that include alcohol with other products, such as food, or indeed two different alcohol products together. Whilst this is a difficult issue to tackle it can be addressed by the minimum unit price applying to the alcohol unit content of the whole offer. The draft byelaw seeks to address this and ensure that the minimum unit price cannot be avoided in this way.

## Financial benefits

In terms of financial benefits from a minimum unit price an independent review (commissioned by Greene King) has been conducted of the Institute for Fiscal studies paper (Sept 10) on the impact of introducing a minimum unit price. This paper concluded that a 45p minimum unit price across Britain would result in £700 million per annum profit transfer to alcohol producers and off-license retailers. However the review updates and refines some of the assumptions used in the initial review and has not found an increased profit.

The Task and Finish group also considered the impact that regulation on alcohol price might have for retailers, particularly small businesses. However given that small businesses may benefit from large retailers no longer being able to give greater discounts on alcohol products, it was felt any impact may be offset by improved profits or market share.

# 6. Public Opinion and Engagement

## Public opinion

The latest surveys show a fairly even split for and against minimum unit price of around 45% with roughly 10% undecided. Recent work by Our Life echoes this, but emphasises that support for minimum pricing is more likely to increase once the concept and its implications are explained, and also when other policy options are outlined (Appendix 3).

The Home Office under the Labour Government commenced a study into “Public Perceptions of Alcohol Pricing”. This report again echoed the support split above but found that 68% would support an increase in price if a link to crime and anti-social behaviour could be demonstrated, and that 65% agree that the Government needs to take action to stop people drinking too much. The report findings were quite complex and at times apparently contradictory. However it seemed to reinforce the idea that support can be increased if revenue is shown to be put to good use, for example in the NHS.

A recent public consultation was conducted by Wirral Borough Council, which again found a fairly even split on public opinion.

## 7. The Industry

In the North West there has been support expressed by some breweries, notably Greene King and William Lees for a minimum unit price. Currently they have plans to meet with the large supermarket chains to progress their position.

In July 2010 ASDA stated they would not sell alcohol below the cost of duty plus VAT, and the Chief Executive Andy Clarke said in a letter to the Home Secretary, Teresa May: *“We accept that the way in which alcohol is sold to the public needs to change and I welcome the high priority given by the new coalition Government to tackling alcohol misuse by working with business. I am writing to you to call for the establishment of a floor price for alcohol below which it would be illegal to sell.”* Asda's decision came two months after Tesco chief Sir Terry Leahy (now retired) backed a call for minimum pricing. Tesco currently state on the corporate responsibility section of their website that: *“We were the only UK retailer to support the Government’s call for a minimum price per unit of alcohol in 2010. We have consistently made it clear that we would play a constructive role in any discussions on introducing a more effective minimum price, provided these discussions are led by government to ensure any action is effective and complies with competition law.”*

There has been discussion about how a minimum unit price will impact on smaller businesses, particularly with regard to implementing any local byelaw. However many smaller businesses are currently unable to compete with large retailers on their discounting, and smaller businesses could ultimately benefit from a minimum unit price which possibly levels the alcohol market.

Many pub owners support minimum unit pricing recognising the divergence between the on and off trade in prices and perceived unfair competition where supermarkets can deep discount alcoholic products. In September 2010 Balance North East published a survey of 244 publicans in the North East demonstrating 81% in favour of a minimum price per unit for alcohol. CAMRA (the Campaign for Real Ale) has also been widely reported as [supporting a minimum price for alcohol](#) and in 2009 criticised the then Prime Minister’s rejection of minimum pricing as “hypocritical” stating: *“CAMRA supports the introduction of a minimum price per unit of alcohol set at a level sufficient to prevent the major supermarkets selling alcohol at a loss and thereby encourage people to drink in the regulated and social environment of the pub.”*

## 8. Summary

The Task and Finish group was mindful of the Scottish work towards a minimum unit price of 45p. However it considered that a 50p minimum price is justifiable in Cheshire and Merseyside, both in terms of the level of alcohol harm in the community but also in terms of the evidence base for the positive effects that 50p will have.

The Task and Finish group has drafted a byelaw, building on the work done by AGMA, which is attached (Appendix 1). The group believes that this is as robust a wording as possible based on the best advice and evidence available.

The Task and Finish group considered the issue of price review being included in the byelaw. The group recognises (in line with NICE guidance referenced in section 2) that the impact of a minimum unit price needs to keep pace with inflation to remain effective. This report therefore has included wording within the byelaw (Appendix 1) to review the price, although it is mindful that it did not want to propose unwieldy mechanisms for individual local authorities. The group therefore recommends that when collective legal counsel is sought (Recommendation 3) this is explicitly raised and considered.

## 9. Conclusion

The Task and Finish group recognises that the most effective measure on alcohol pricing would be a national minimum unit price introduced by the Government, and continued work is required to press the Government to do this given that it is not currently supportive of such measures on a national basis. In the absence of a national approach the Task and Finish group is of the view that the introduction of a byelaw, to introduce a minimum unit price for alcohol, is currently one of the best available means to reduce alcohol harm in communities across Cheshire and Merseyside.

The Task and Finish group has made all efforts to review the evidence, guidance and advice that is currently available on the use of a byelaw to implement a minimum unit price.

For best effect the byelaw needs to be introduced by all Local Authorities across as large a geographical area as possible and the Task and Finish group recommend implementation is planned with neighbouring regions such as AGMA.

The Task and Finish group have produced a draft byelaw, based on one already produced by AGMA, in consultation with legal advice from Local Authorities. However it will still require approval through individual Local Authorities legal counsel before implementation.

To this end the group is of the opinion that work needs to continue within individual Local Authorities to secure political support for a byelaw. This work needs to be led from the most senior level.

## 10. Recommendations

The City Region Cabinet and the Cheshire and Warrington Leadership Board are recommended to:

1. Note and agree the draft byelaw as attached to this report and recommend its adoption by individual local authorities, subject to Recommendation 3.
2. In the absence of Government support for national legislation, pursue political support for a byelaw and to introduce a minimum unit price within their geographical areas.
3. Once the level of political support is known, seek joint legal counsel's opinion to ensure there are no further legal issues which need to be addressed before taking steps to introduce the byelaw.
4. Work collaboratively with neighbouring areas to increase support for a minimum unit price and the introduction of a byelaw.
5. Pursue support from key stakeholders for the byelaw, particularly those who may be engaged in enforcing the legislation, such as the Police.

# 11. Appendices

## Appendix 1

### [.....] Council

#### **Byelaw prescribing the minimum price for the supply of Alcohol**

[.....] Council by virtue of the powers conferred upon it by Section 235 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 hereby makes the following byelaw

#### **1. General interpretation**

“Alcohol” shall bear the same meaning as contained in the Licensing Act 2003.

“Alcoholic product” means a product containing Alcohol and includes the container in which the Alcohol is supplied.

“The Area” means anywhere within [Council area].

“Club Premises Certificate” shall bear the same meaning as contained in the Licensing Act 2003.

“Designated Premises Supervisor” shall bear the same meaning as contained in the Licensing Act 2003.

“Unit of alcohol” means a litre of liquid with an alcohol by volume content of 1%, and multiples of units or parts thereof shall be calculated and construed accordingly.

“Minimum Price of Alcohol” shall be calculated according to the following formula:

$MPU \times S \times V \times 100$  where –

MPU is fifty pence sterling or equivalent value of any other currency at the time of sale

S is the strength of the alcohol, and

V is the volume of the alcohol in litres.

“Premises Licence” (PLH) shall bear the same meaning as contained in the Licensing Act 2003.

“Supply of Alcohol” shall bear the same meaning as contained in the Licensing Act 2003 and reference within this byelaw to alcohol being supplied shall be read in this context.

“Temporary Event Notice” shall bear the same meaning as contained in the Licensing Act 2003.

“Premises User” shall bear the same meaning as contained in the Licensing Act 2003.

#### **2. Application**

This byelaw will apply throughout the Area.

#### **3. Prohibition on Sale of Alcohol at less than the Minimum Price**

Alcohol must not be supplied within the Area at a price below the Minimum Price of Alcohol.

#### **4. Commission of Offences**

When the Supply of Alcohol below the Minimum Price of Alcohol takes place within the Area the following person or persons, subject to Byelaw 7, shall be deemed to commit an offence:

- (1) where the Supply of Alcohol takes place under the authority of a Premises Licence, the Designated Premises Supervisor and the holder of the Premises Licence
- (2) where the Supply of Alcohol takes place under the authority of a Club Premises Certificate, the holder of the Club Premises Certificate
- (3) where the Supply of Alcohol takes place under the authority of a Temporary Event Notice, the Premises User and
- (4) in any other case, the person who supplied the Alcohol

#### **5. Supply of Alcohol with other products or services**

Where any Alcohol is supplied together with other products or services for a single price, paragraph 3 above applies as if the Alcohol was supplied on its own for that price.

#### **6. Supply of Alcohol in packages containing more than one Alcoholic product**

A package containing two or more alcoholic products (whether of the same or different kinds) may only be supplied at a price equal to or greater than the sum of the Minimum Price of Alcohol for each

alcoholic product which would be applicable if each alcoholic product were supplied separately, regardless of whether or not the package also contains any item which is not an alcoholic product.

## **7. Defence**

In any proceedings for an offence under this byelaw it shall be a defence for the person charged to prove –

- (a) That the commission of the offence was due to a mistake or to reliance on information supplied to him or her or to the act or omission of another person, or some other cause beyond his control; and
- (b) That he or she took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or herself or any person under his or her control.

## **8. Penalty**

Any person who offends this byelaw shall be liable upon summary conviction to a fine not exceeding Level 2 on the standard scale.

## **9. Review**

The minimum price for the public sale of alcohol as defined within this Byelaw will be reviewed on an annual basis and any decision on the future minimum price will take into account inflation and all other reasonable financial factors that are appropriate at the time.

**[Confirmation by Secretary of State]**

## Appendix 2

### Taking action on alcohol harm - A local minimum unit price for alcohol

Currently there is no national legislation which imposes a minimum unit price for alcohol or makes it possible for a local statutory body to impose a minimum price. Consequently, advocates of minimum price must look to local government for the impetus and means to deliver a minimum price policy. This briefing outlines advice from solicitors Cobbett's LLP on the legal issues pertaining to minimum pricing.

Based on this advice, Our Life believes that the following provides the strongest legal approach:

- i. Currently the most appropriate means of achieving a minimum unit price for alcohol in the North West is to develop a collective and public application for approval of a model byelaw by local authorities;
- ii. That applications are made to review licenses in public order 'hotspots', as per the Oldham MBC licensing conditions model and that the impacts of this are measured and monitored to develop a 'test case' evidence base, and;
- iii. That the above actions are combined with further evidence for public and stakeholder support for measures to reduce the consequences of excessive consumption. The legal advice contained in this briefing is advice given to Our Life which is subject to legal professional privilege and is confidential to Our Life. The information must not be disclosed to any third party or used as the basis for any action or communication without the written permission of Our Life. Our Life has commissioned solicitors Cobbett's LLP to review the powers of statutory bodies relevant to achieving a minimum unit price for alcohol in the North West.

This briefing incorporates advice from Cobbett's and outlines a strategic approach to achieving a minimum unit price for alcohol at the local authority level.

Separate advice on the competition law aspects of minimum unit pricing for alcohol has been covered by Our Life and Cobbett's in a separate paper. However, it should be noted that the strategy outlined below is capable of implementation within the constraints of competition law.

The "Well Being Power" Under Section 2 of the Local Government Act 2000, local authorities have the power to do anything which is likely to promote the economic, social or environmental wellbeing of their area.

The result of this legislation is that any action taken by a local authority to improve the wellbeing of its area will be lawful provided the primary purpose is not to make money and provided the action is not specifically prohibited, restricted or limited by other legislation. Whilst the 'Well Being Power' provides a useful framework in which to base minimum unit pricing, it carries with it no right of enforcement such that no sanctions to ensure compliance can be applied. Section 2 of the Local Government Act 2000 can be used to set out the objective and justification of minimum price (i.e. to improve collective wellbeing) but it can only be enforced by using sanctions available under other legislation.

The licensing approach of Oldham MBC has been successful in altering the licensing conditions of a number of on-license premises in the town centre, using the crime and disorder and public safety objectives within the Licensing Act 2003 as levers. Oldham's strategy has been to impose conditions on the manner in which cheap alcohol can be sold so as to make it awkward and expensive to do so.

The outcome has been such that those premises targeted by Oldham MBC have largely chosen to comply with amended licensing conditions. The main difficulty with Oldham MBC's current approach is that it is both time intensive to obtain compliance from premises individually and that ultimately it is

dependent upon amassing sufficient evidence to link particular premises to the incidence of crime and disorder.

This is a significant barrier to rolling the 'Oldham MBC model' out to all licensed premises within the district and applying it to the off trade. The approach has proven successful in Oldham town centre because it is applicable to tackling 'hotspot' areas with a high cumulative impact. It is not suitable for use everywhere due to the following limitations:

- i. The policy will have to be based on considerations of public order not public health;
- ii. The evidential burden of proving a link between each premises license holder's sale of cheap alcohol and crime, disorder or nuisance is significant and may be difficult and prohibitively expensive to meet, and;
- iii. The burden of proof is especially difficult to prove in the off-trade where by nature of the license, consumption is off the premises and typically beyond the immediate area.

In response to the shortfalls in the above model Cobbetts propose a strategy of developing a minimum price byelaw.

### **The byelaw approach**

A byelaw is a law specific to an area made by a statutory body that resides in that area. Whilst there is no general power to make byelaws, a number of statutes give local authorities power to make byelaws for particular purposes. Any new byelaw must address a genuine and specific local problem and not attempt to deal in general terms with an issue that could be deemed a national consideration. Cobbetts' interpretation of the current social and political context surrounding alcohol regulation is that a proposal for minimum unit pricing in accordance with the 'Well Being Power' (outlined in section 2 of the Local Government Act 2000) and that uses a byelaw to deliver enforceable sanctions, would constitute an appropriate response and means of improving public health and public order at a local level where there is a shortfall in national legislation.

The closest Cobbetts have been able to find to a statutory basis for a byelaw imposing a minimum unit price for alcohol is Section 235 of the Local Government Act 1972. Section 235 makes it possible for a byelaw to be made "for the good rule and government of the whole or any part of the area and for the prevention and suppression of nuisances therein". It can in Cobbett's' view be argued that the public health and public order consequences of excessive alcohol consumption and binge drinking in the North West are such that action under this statutory provision is justified.

Generally, byelaws require prior approval of the relevant Secretary of State before they can be implemented. However, Cobbetts has identified Section 235 of the Local Government Act 1972 as a byelaw making power that is on the list of those in relation to which local authorities may be given power to make byelaws without prior approval from the Secretary of State. Cobbetts and Our Life, however, recommend making an application for approval to the relevant Secretary of State and consider this to be the most constructive move.

Using Section 235 a byelaw to provide sanctions to enforce a minimum unit price could be approached in the following way:

- i. Review the use of the Section 235 'good rule and government' bye-laws;
- ii. Propose a minimum price clause as part of a general review of the applicability of byelaws pertaining to wellbeing;
- iii. Develop a 'model byelaw' that will address the principles behind the clause before beginning the law making process, and;
- iv. With the backing of a critical mass of local authorities (and supporters) develop and propose for approval at a strategic and political level the model byelaw to the relevant Secretary of State. The proposal should set out in detail the evidence collected in the North West to prove

the need for a minimum unit price clause. The Government's unwillingness to take action at a national level can be used as part of the argument for specific action in the North West.

Cobbetts outline that regardless of whether Section 235 is used and the proposed byelaw is approved, it would represent an appropriate and direct means of voicing the minimum unit price objective.

### **Recommended actions – a combined approach**

The Cobbetts' advice provides a number of options for further action that can be taken up and explored individually or in combination. It would appear that the following provides the strongest approach:

- i. A collective and public application for approval of a model byelaw by North West local authorities would be made and would represent the vehicle for achieving the overall aim of a minimum unit price of 50p;
- ii. That applications are made to review licenses in public order 'hotspots' as per the Oldham MBC model to deter sales of cheap alcohol in the on-trade. The impact of this should be measured and monitored to develop a 'test case' evidence base to further support the impacts of removing cheap alcohol from the market, and;
- iii. That the above are combined with further evidence from local authorities and public health networks on the need for action.

The legal advice contained in this briefing is advice given to Our Life which is subject to legal professional privilege and is confidential to Our Life. The information must not be disclosed to any third party or used as the basis for any action or communication without the written permission of Our Life

### Public opinion on minimum unit pricing -Cheshire & Merseyside

The public's view on price is that it does affect how much people consume. Offers in both the on-trade and off-trade are perceived to encourage customers to buy and consume more. 80% of respondents to the North West's Big Drink Debate for example, indicated that low prices and discounts increase alcohol consumption. Furthermore, the studies examined in this paper show that between 30% and 50% of the public support a minimum price for alcohol. The most recent of these studies conducted by the Faculty of Public Health points to a growth in public support at 45%. A minimum unit price of 50p in Cheshire and Merseyside would reduce alcohol-related hospital admissions by 4,355 per annum. Furthermore, modeling of national cost data shows that the estimated saving to health services following the implementation of a minimum unit price of 50p is in the region of £1.375 billion per annum at full effect (in 10 years).

Despite recent headlines outlining a fall in alcohol consumption within the on-trade<sup>i</sup> the latest Local Alcohol Profile for England research from the North West Public Health Observatory shows that alcohol-related ill health has increased substantially. In the North West the rate of alcohol related hospital admissions has increased by 37% over the last five years. Many including Our Life believe that this is a result of increased affordability driven by pricing strategies within the off-trade. In response to this, minimum unit pricing has been shown to be the most effective policy intervention available. Minimum price will mitigate the effects of cheap alcohol within the off-trade<sup>iiii</sup> without compromising profitability within the on-trade. The studies documented below focus on the evidence (to date) of the public's opinion of minimum unit pricing.

#### Our Life North West

In June 2009 Our Life and online panel specialists Research Now surveyed 1,000 North West residents on alcohol issues. The response to the survey was designed to be representative of the region in terms of age, sex, and socio-economic profile and the distribution of frequency of alcohol consumption was in line with that estimated for the population of the North West by the North West Public Health Observatory (NWPHO).

The key findings of the survey were:

- 35.3% of respondents agreed with the statement – “a minimum price per unit of alcohol should be introduced to curb irresponsible and harmful drinking”, 47.2% of respondents disagreed.
- The distribution of opinion varied considerably by age with 30.0% of respondents aged 16 - 24 in agreement compared to 42.4% aged 65 and over.
- 16.8% of respondents were indifferent about the minimum price statement. This was comparable to other policy measures proposed in the survey. The public's indifference on minimum price is no higher than that expressed in consideration of other policy interventions and it is not as high as that currently being suggested.
- As could be expected those respondents with a higher frequency of alcohol consumption were less likely to agree with the statement on minimum price (29.7%). This compares to 63.8% of non-drinkers.

#### Ci –Research

Ci – Research has conducted two investigations into the public's opinion of minimum price. The first study of 200 North West residents in March 2010 found that 34% of respondents agreed with the introduction of a 50p minimum unit price, 44% disagreed and 22% were unsure.

The second study conducted in July 2010 was based on 500 interviews with young people aged 17 - 26 across the UK.

The study found that:

- 48% of the 17 – 26 year olds surveyed support the idea of minimum unit pricing and 52% indicate they do not.
- 51% agreed that minimum unit pricing would help improve the nation's health;

- 49% agreed that it would reduce the cost to the NHS;
- 45% agreed that it would help cut crime and disorder;
- 42% agreed that it would make them think more about the quantity of alcohol they buy.

However;

- 53% of respondents agreed that minimum unit pricing wouldn't be fair to people on low incomes, and;
- Only 33% indicated that it would make them drink less.

### **Faculty of Public Health study**

On the 6<sup>th</sup> June 2010 the Faculty of Public Health (FPH) asked YouGov to poll a sample of 1,448 adults across Britain to assess attitudes to a variety of health issues, and to ask them what actions they thought the new government should prioritise. Respondents were asked whether they would support or oppose the following proposal:

*“Set a minimum price for alcoholic drinks sold in supermarkets by setting a minimum price for each unit of alcohol”*

- Overall 45% of the respondents polled supported the setting of a minimum unit price for alcohol;
- 44% opposed the measure and 11% did not know how to answer.
- There was slightly less support in the North of England with 42% of respondents in support versus 48% in opposition.
- As with Our Life's poll support for minimum pricing increased with age.

### **Balance North East**

In July 2010 RSUK Limited on behalf of Balance North East conducted a survey of 107 publicans on issues relating to current alcohol consumption and their trade. Key findings of the study include:

- 94.4% of publicans indicated that supermarket price promotions have adversely affected their trade;
- 35.6% of publicans have responded to this by running their own drinks promotions;
- 95.3% of publicans have heard of minimum unit pricing and 90.7% support it;
- 62.6% of the publicans surveyed recognised that this would have no effect on their prices.

### **The North East Big Drink Debate**

The North East Big Drink Debate began on the 4<sup>th</sup> June 2009 and consisted of a snowball survey of the public in the North East. Respondents were asked to reflect on the impact of potential policy scenarios on the amount of alcohol they drink. 42% of alcohol drinkers felt that increased alcohol prices would reduce the amount they themselves consumed. 50% indicated that it would have no impact. Conversely, only 32% of respondents indicated that discounts and promotional offers increase their consumption, 59% of respondents indicated that they have no impact.

### **GFK NOP**

In February 2010 GFK NOP included a series of questions on minimum unit pricing within a 2,193 strong representative survey of UK adults. They found that:

- 63% of respondents indicated that a proposed minimum price of 50p per unit would have no effect on the amount of alcohol they buy;
- Alcohol promotions such as 'Buy One Get One Free' and 'Three for £10' – encourage more than a quarter (29%) of consumers to buy more than they intended.

### **Ipsos MORI / Economist poll**

On behalf of The Economist, Ipsos MORI interviewed a representative sample of 1,253 adults aged 18+ across Great Britain. Interviews were conducted by telephone between the 18 and 20 April 2010. The survey found that:

- 32% of respondents want the government to try to limit people's boozing by taxing alcohol more, and;

- Respondent opinion did not fall when people were reminded that they would end up paying more for their own beer; indeed support increased slightly, though the increase is still within the statistical margin of error.

### **YouGov / The Sun poll**

YouGov conducted a survey in January 2011 sampling 1,993 adults on the subject of minimum unit price to gauge public perception. Findings show:

- 47% of survey respondents would in principle support the introduction of a minimum price for alcohol.
- Exactly the same amount of males and females supported the principle (both 47%).
- The average number of supporters in the north was just 1% less at 46%.
- In Scotland, 41% supported a minimum unit price compared to 54% of Londoners.  
The same survey respondents were asked if paying between 38p and 78p for a can of beer depending on its strength would be too high, too low or about right.

Findings show:

- Overall, 38% of respondents to the YouGov survey said that this would be about right.
- 33% of respondents said this would be too low.
- Only 14% said that between 38p and 78p would be too high for a single can of beer.
- 16% of males thought this was too high compared to just 11% of females.

When asked if £11 would be too high or low in price for a litre of spirits:

- 42% of survey participants said that this price was about right.
- More females than males thought that this price was about right (45% and 38% respectively).
- Overall, 25% of respondents thought that £11 would be too high a price.
- 29% of North West residents feel that £11 for a litre of spirits would be too high a price to pay.
- 22% of overall respondents thought £11 for a litre of spirits was too low, and 11% of the sample stated “don’t know”.

### **Ipsos MORI / Scottish public opinion monitor**

On behalf of the Scottish public opinion monitor, Ipsos MORI conducted a survey in Scotland in 2010 with a sample of 1,001 adults aged 18+. The survey was carried out between August and November 2010. Survey findings show:

- 38% of Scottish respondents thought that the Government should not increase the price of any alcohol.
- A third of respondents (34%) thought that the Government should put up the price of discounted and low-priced alcohol only.
- Around a quarter of respondents (24%) thought the Government should put up the tax on all alcoholic drinks.

### **YouGov / SixthSense survey**

YouGov conducted a survey on behalf of SixthSense with a sample size of 2,152. The fieldwork was carried out between the 9<sup>th</sup> and 11<sup>th</sup> July 2010. The survey found that:

- Overall, 40% of respondents would support the Government introducing a minimum price for alcohol as a way to tackle binge drinking.
- Overall, 47% of respondents were against introducing a minimum price, with more males than females opposing this move (50% of males against, compared to 43% of females).
- Males in the 25-39 age group were most likely to support a minimum price (43%), whilst males in the 40-54 age group were least likely to support the move (56% opposing the initiative).
- Females in the 16-24 age group were the least likely to support a minimum price (53%), whilst 46% of females aged 55+ would support a minimum price for alcohol.
- Overall, 13% of respondents answered “don’t know” when asked if they would support the move.

- 76% of those surveyed said that a minimum price per unit of alcohol would make no difference to their drinking habits.
- 19% thought that they would drink less if a minimum price for alcohol was imposed.

### **Home Office study / Public perceptions on alcohol pricing**

The overall objective of the Home Office research was to understand the extent to which the general public would support a government intervention in alcohol pricing, with a specific focus on alcohol that is purchased to consume in the home. To meet the research objectives, an integrated program of qualitative and quantitative research was undertaken.

Quantitative findings from the study conducted in November 2010 on public perceptions on alcohol pricing show:

- 65% of people agree that the Government needs to take action to stop people drinking too much.
- 57% of people agree that the Government shouldn't interfere as drinking levels are a personal choice.
- 46% of respondents support an increase in price of alcohol.
- 47% do not support an increase in the price of alcohol.
- 55% of the total sample felt that raising alcohol prices would not make any difference to the UK's drinking levels.
- 35% of respondents felt that increasing prices would have an impact on drinking levels.

For the qualitative research a series of eight discussion groups were conducted across England and Wales. The majority of the sample thought that the amount people drink is out of control, however most also agreed that problem drinking is carried out by a minority as most people are sensible drinkers. Alcohol was seen to be contributing to levels of crime and anti-social behavior as well as to the nation's health problems. Around one in four respondents in each sample group agreed both that the Government needs to take action to stop people drinking too much and that how much you drink is a personal choice and the Government should not interfere. This seemingly conflicting view might be interpreted as a feeling that the problem-drinking minority needs to be tackled by the Government but responsible drinkers should be left alone.

It was found that drinkers were more likely to support intervention on price if a link could be proved between cheap alcohol and levels of crime and anti-social behavior. 68% of all drinkers said they would support an increase if a link could be proved. The success of a connection between the price of alcohol and crime and disorder being proved and believed will be important in winning public support for pricing interventions.

### **Forthcoming AERC/Nottingham University paper**

Nottingham University is leading a qualitative study designed to reflect representative views regarding the introduction of a minimum price per unit of alcohol policy. Participants have been asked to give their opinions about minimum alcohol pricing, its possible outcomes, and how its introduction might be made more acceptable. Our Life has supported this independent in-depth examination of public opinion and as a result is able to share these initial draft findings.

- The study found that participants expressed largely negative views of the possible introduction of a minimum price per unit policy. Analysis indicates that this negativity had three main elements: (1) participants were skeptical of minimum pricing as an effective means to reduce UK alcohol consumption; (2) participants disliked the policy for a number of reasons, in particular, the policy was believed to unfairly punish those who drink in moderation or 'sensible' drinkers; and (3) participants were concerned that a minimum price per unit might create or exacerbate other existing social problems (e.g., crime and drug abuse).
- A number of participants did support (or at least did not object to) the introduction of a minimum price and did so for one or more reasons including: (1) the need for action to curb excessive alcohol consumption; (2) the prospect of improved public health, particularly among young and underage drinkers; and (3) the introduction of a minimum price was not perceived by participants to have a significant effect on their own personal drinking habits.

## **Next steps**

Our Life recognises the importance of further analysis of public opinion on minimum price and it will continue, along with its partners, to work toward improving the evidence base. Despite the research outlined above there is little in-depth research investigating public attitudes and beliefs regarding minimum pricing and alcohol policy more generally. It is Our Life's opinion that further open and deliberative community engagement is required to further develop the alcohol policy debate.

Smoke free public spaces shows us that public opinion can be effectively harnessed to influence and change policy at the highest level. However, we must recognise that this opinion is often formed in a context where most available information originates with mainstream media and/or vested interests. In addition social norms and values exert a powerful influence over opinions that may be expressed without having been critically appraised. Community perceptions tend to concur that alcohol related harm is a problem but there is little or no opportunity for communities to come together to agree what an appropriate response should be.

Our aim should be to initiate and encourage discussion and debate about alcohol and the problems it causes as a way of deepening people's understanding and appreciation of the issues and reaching informed conclusions about how these might be tackled at different levels (personally, community-wide, nationally).

For further details contact:

**Calum Irving**

**Head of Campaigns and Advocacy**

**Our Life**

**+44 (0) 161 237 2138**

**calum.irving@ourlife.org.uk**

*This report is published for general information only. Although high standards have been used in the preparation of the information, analysis, views and projections presented in this report, no legal responsibility can be accepted by Our Life (North West) Ltd for any loss or damage resultant from the contents of this document. As a general report, this material does not necessarily represent the view of Our Life in relation to particular policy or projects.*

*Reproduction of this report in whole or in part is allowed with proper reference to Our Life.*

*Our Life is a social enterprise registered in England.*

*Registered office: 4<sup>th</sup> Floor, Dale House, 35 Dale Street, Manchester M1 2HF*



Letter to Members of Cabinet  
Local Authorities in Cheshire & Merseyside

### **Re: Reducing Alcohol Harm – Minimum Unit Pricing**

As Clinicians in Cheshire & Merseyside, we welcome the recent Government proposals to introduce the ban on sales of alcohol below the rate of duty plus VAT, as an important first move in the right direction. However, we would still recommend that steps be taken to pursue a minimum price of 50p per unit as an integral part of a range of measures to tackle our rising alcohol problem.

We know that politicians will be concerned about public opinion and the impact on people's pockets. However, they should also note that the public are very much aware of the effect of pocket money prices on consumption. Recent Home Office Research (published 18 January 2011)<sup>1</sup> showed that two-thirds of the public believe the amount of alcohol people drink in Britain is out of control. The research also showed that 93% of heavier drinkers under the age of 35 say they have witnessed alcohol-related crime and disorder in the past 12 months.

The alcohol business continues to tell the Government that information is all that is necessary. However as the Health Secretary, the Chief Medical Officer, the World Health Organisation and the public have all recognised there is also a link between price, consumption and harm that can no longer be ignored.

In terms of cost to a moderate drinker, the impact of 50p per unit would be minimal. Prices in licensed premises would not be affected as the minimum price of a pint of lager for example would be £1.50. For the take home market a 750ml bottle of wine (12%) would cost approximately £4.50 and six 500ml cans of lager (4%) would cost roughly £6.

Currently alcohol is available in some outlets in Cheshire and Merseyside as cheap as 10p a unit. Commonly supermarket brand cider is sold for under £1 per litre. With the introduction of 50p minimum unit price a litre bottle of cider (5.5%) could not be sold for less than £6.

Surveys in the North West have found that up to 45% of the public polled would support a minimum unit price for alcohol, including in one survey 48% of young people. The support base for minimum unit price has also increased from earlier surveys. Recently, a flash poll was conducted by the UK's leading discount website and the results showed that two thirds of Britons support the proposed plans for minimum pricing on alcohol; with the majority hoping that the plans will help tackle binge drinking<sup>2</sup>. 94.4% of publicans indicate that supermarket price promotions have adversely affected their trade and 90.7% of them would support a minimum unit price<sup>3</sup>.

We understand the local authorities within Cheshire and Warrington will be taking papers to their Cabinets to seek the endorsement of a minimum unit price of 50p and the agreement to work together to explore the proposal of a byelaw.

We hope our support will strengthen the argument to pursue minimum unit pricing.

---

<sup>1</sup> [www.homeoffice.gov.uk/publications/alcohol/alcohol-pricing](http://www.homeoffice.gov.uk/publications/alcohol/alcohol-pricing)

<sup>2</sup> [www.alcohol-help.co.uk/two-thirds-of-britons-welcome-minimum-pricing-on-alcohol](http://www.alcohol-help.co.uk/two-thirds-of-britons-welcome-minimum-pricing-on-alcohol)

<sup>3</sup> Our Life, Manchester

Yours sincerely

**Professor Sir Ian Gilmore** – President, Royal College of Physicians & Consultant, The Royal Liverpool & Broadgreen University Hospitals NHS Trust

**Dr Steve Hood** – Clinical Lead for Alcohol Services Aintree Hospitals NHS Foundation Trust Liverpool & member of Liverpool City Alcohol Strategy Group

**Dr Martin Spence** – Drug & Alcohol Consultant, Cheshire & Wirral Partnership NHS Foundation Trust

**Dr Paul Bowen** – GP, Chair, Eastern Cheshire Commissioning Consortium

**Dr Peter Enevoldson** - Medical Director & Consultant Neurologist Walton Centre NHS Foundation Trust

**Dr Gordon Ramsden** – Medical Director, Warrington & Halton Hospitals NHS Foundation Trust

**Dr Andrew Davies** – GP, Chair, Warrington Health Consortium

**Dr Andrew Wilson** – Lead GP South Consortia (Cheshire East)

**Dr Huw Charles-Jones** – GP, Chair, Western Cheshire Health Consortium

**Dr Andy Cotgrove** – Medical Director, Cheshire & Wirral Partnership NHS Foundation Trust

**Anushta Sivananthan** – Medical Director, Cheshire & Wirral Partnership NHS Foundation Trust

## 12. References

[ScHARR research](#)  
[Case for Secondary Care Change](#)  
[Govt review of alcohol Taxation](#)  
[Govt consultation – rebalancing the licensing act](#)  
[Govt assessment of economic impact of alcohol pricing](#)  
[Govt alcohol pricing and criminal harm](#)  
[Responsibility Deal on Alcohol](#)  
[Localism Bill](#)  
[Wirral consultation report](#)  
[IFS study](#)  
[Govt public perceptions of alcohol pricing](#)  
[NICE public health guidance 24 June 2010](#)  
[WHO guidance – effective alcohol legislation](#)

**Cheshire & Merseyside Public Health Network (ChaMPs)**  
**Suite 1, Riverside Park**  
**1 Southwood Road**  
**Bromborough**  
**Wirral**  
**CH62 3QX**

[www.champspublichealth.com](http://www.champspublichealth.com)



leading improvements  
in health and wellbeing across  
cheshire and merseyside



follow us on  
**twitter**

<sup>i</sup> British Beer and Pub Association, press release, 03/09/2010.

<sup>ii</sup> Meier et al (2007), *Independent Review of the Effects of Alcohol Pricing and Promotion: Part B*. ScHARR, University of Sheffield.

<sup>iii</sup> NHS Blackpool and Partners. *NHS Blackpool Alcohol Modelling – Developing our Commissioning Capability*. Symmetric, September 2009