



## **CABINET – 11TH MARCH 2020**

**SUBJECT: AUTHORISATION OF OFFICERS IN PUBLIC PROTECTION – MINIMUM UNIT PRICING (MUP) OF ALCOHOL**

**REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES**

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### **1. PURPOSE OF REPORT**

- 1.1 To inform Cabinet of new legislation on the Minimum Pricing of Alcohol in Wales and to seek authorisation under The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 for officers of the Public Protection Division.
- 1.2 That the Councils Monitoring Officer makes the necessary changes to the Constitution to reflect the implementation of The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 and this be reflected in the update of the Constitution at the Annual Meeting of Council in May 2020.

### **2. SUMMARY**

- 2.1 Officers within the Public Protection Division require additional authorisation under The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 in order to enforce the legislation and carry out their duties.

### **3. RECOMMENDATIONS**

- 3.1 That the Head of Public Protection be authorised under The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 so that officers within the division can utilise delegated powers to carry out their duties.
- 3.2 That the Council's Constitution be amended by adding The Public Health (Minimum Price for Alcohol) (Wales) Act 2018.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 In order to comply with statutory requirements and to ensure proper and effective enforcement of the legislation.

### **5. THE REPORT**

- 5.1 Officers within Public Protection require authorisation under The Public Health (Minimum Price for Alcohol) (Wales) Act 2018. The Public Health (Minimum Price for Alcohol) (Minimum Unit Price) (Wales) Regulations 2019 come into force on 2<sup>nd</sup> March 2020 and sets the minimum unit price (MUP) at 50p.

- 5.2 The new law supports the Welsh Government's comprehensive work to tackle harmful and hazardous drinking by tackling the availability and affordability of cheap, strong alcohol, which is part of wider efforts to improve and protect the health of the population of Wales.
- 5.3 The Act establishes a local authority led enforcement regime. The intention is that local authorities in Wales will enforce the new regime utilising existing arrangements (led by Trading Standards) to inspect and regulate premises selling alcohol.
- 5.4 A national communications campaign has been launched ahead of the introduction of a minimum price for alcohol to make the public, retailers and those affected by the change aware.
- 5.5 Licensed premises that sell alcohol will be required to ensure they comply with minimum unit pricing. It will be an offence to sell or supply, or authorise the sale or supply of alcohol below the applicable minimum price. A minimum price will set a floor price, meaning that alcohol cannot be sold or supplied below that price. It will not increase the price of every drink, only those that are currently sold or supplied at below the MUP of 50p.
- 5.6 The Act includes a formula for how the applicable minimum price must be calculated. This formula is made up of the MUP of 50p, the percentage strength of the alcohol and its volume. This formula has been deliberately chosen so strong, cheap alcohol can be targeted because these drinks tend to be drunk by people who are more at risk of harm due to their drinking.
- 5.7 If an alcohol retailer is found to be selling, or authorising the sale of, alcohol below the 50p MUP, they can be issued with a Fixed Penalty Notice (FPN). The FPN amount will be £200 if payment is made within 29 days or £150 if payment is made within 15 days. A person found guilty of the offence of supplying alcohol in Wales below the applicable minimum price will be liable to a fine of up to Level 3 (currently £1,000).

## 5.8. **Conclusion**

Authorisation under the Act and associated regulations is required in order for officers to carry out their duties.

## 6. **ASSUMPTIONS**

No assumptions have been made in relation to this report as it merely requires officer authorisations to be amended in order to carry out their duties under the legislation which is effective from 2nd March 2020.

## 7. **LINKS TO RELEVANT COUNCIL POLICIES**

- 7.1 The Public Protection Enforcement Policy  
Licensing Act 2003 Statement of Licensing Policy

### 7.2 **Corporate Plan 2018-2023**

The Public Protection Division has a major role in protecting, promoting and improving the health, safety and economic well being of our communities. This role includes the enforcement of numerous statutes, many of which include criminal sanctions on those who infringe the law. Enforcing public protection legislation is a statutory duty and this activity contributes to the following objective within the corporate plan:

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015

## **8. WELL-BEING OF FUTURE GENERATIONS**

8.1 Public protection is a statutory duty of the authority and contributes towards the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

8.2 The Well-being of Future Generations (Wales) Act 2015 sets out the sustainable development principle against which all public bodies in Wales should assess their decision-making. The aim of the legislation is to ensure the well-being of future generations through maximising the contribution public bodies make towards the well-being goals. The principle is also known as the five ways of working and the following are relevant in relation to this report:

**PREVENTION** - Public Protection enforcement activity promotes compliance with legislation and promotes and protects public health and safety, thereby preventing harm from occurring. There is an emphasis on prevention as processes ensure that a number of checks and safeguards are in place before an activity is permitted or licenced.

**INTEGRATION** – Public Protection enforcement activity makes a contribution to a number of the Well-being Goals within the Well-being of Future Generation (Wales) Act 2015.

**COLLABORATION** – Public Protection services collaborate extensively with partner agencies including Gwent Police, Welsh Government, Aneurin Bevan Health Board, Natural Resources Wales, the Food Standards Agency, and the Health and Safety Executive.

## **9. EQUALITIES IMPLICATIONS**

9.1 Welsh Government carried out extensive research and consultation before introducing the legislation including a comprehensive Equalities Impact Assessment and programme for review of the set MUP and potential impacts on people with protected characteristics. The Authority is under a duty to enforce the legislation in line with relevant guidance and the Public Protection Enforcement Policy.

## **10. FINANCIAL IMPLICATIONS**

10.1 Welsh Government is providing funding to Local Authorities to inspect all “off licence” premises selling alcohol in the three month period after implementation on the 2<sup>nd</sup> March 2020. In future it is intended that the cost of enforcing the new legislation will be covered by the issue of Fixed Penalty notices and costs awarded after prosecution.

## **11. PERSONNEL IMPLICATIONS**

- 11.1 Initially there will be additional workload due to the number of inspections required in the first three months and the need for advice and guidance on compliance to the trade. In the long term it is hoped that compliance levels will be high and that monitoring will take place during normal programmed inspections or in relation to complaints received.

## **12. CONSULTATIONS**

- 12.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

## **13. STATUTORY POWER**

- 13.1 The Public Health (Minimum Price for Alcohol) (Wales) Act 2018, is a Cabinet function with the powers delegated to officers.

## **14. URGENCY**

- 14.1 This decision is not urgent and therefore may be subject to the “call-in” procedure.

Author: Jacqui Morgan, Trading Standards, Licensing & Registrars Manager

Consultees: Cllr Nigel George, Cabinet Member for Environment and Neighbourhood Services  
Cllr. D.T. Davies – Chair of Environment & Sustainability Scrutiny Committee  
Cllr. A. Hussey - Vice Chair of Environment & Sustainability Scrutiny  
Mark S. Williams – Interim Corporate Director, Communities  
Rob Hartshorn, Head of Public Protection, Community and Leisure Services  
Rob Tranter, Head of Legal Services/Monitoring Officer  
Steve Harris, Interim Head of Business Improvement Services & S.151 Officer  
Lynne Donovan, Head of People Services  
Lee Morgan, Licensing Manager  
Anwen Cullinane, Senior Policy Officer (Equalities & Welsh Language)