



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board 18th October 2019

**Report of the Head Of Planning & Public Protection Nicola Pearce and
Report of the Assistant Chief Executive and Chief Digital Officer
Mrs. Karen Jones**

Matter for Decision

Wards Affected: All

Minimum Unit Pricing Of Alcohol

Purpose of the Report:

1. To provide Members with an overview of the provisions of The Public Health (Minimum Price for Alcohol) (Wales) Act 2018, to request the authority to enforce the Act within the County Borough and to provide an overview of the work being undertaken by the Western Bay Area Planning Board in preparation for the implementation of the Act.

Executive Summary:

2. This report provides an overview of the provisions of the Public Health (Minimum Price for Alcohol) (Wales) Act 2018 by outlining how they will be delivered by Trading Standards, Licensing and Welsh Government. It also provides an overview of the work being undertaken by the Western Bay Area Planning Board in preparation for the implementation of the Act. The introduction date for the

minimum unit price is yet to be confirmed, but it is likely to be early in 2020.

Background:

3. The Welsh Government's Programme of Government for 2016-21, "[Taking Wales Forward](#)", re-emphasised its commitment to reducing the prevalence of problematic alcohol misuse and the number of alcohol-related deaths.
4. The programme includes a specific commitment to continue to reduce excessive alcohol consumption. The introduction of a minimum price for alcohol sits alongside other key commitments to deliver a healthier and more prosperous Wales.
5. Minimum unit pricing (MUP) of alcohol is targeted at protecting the health of harmful and hazardous drinkers who tend to consume greater amounts of low-cost and high-alcohol content products.
6. The Act provides for a minimum price for the sale and supply of alcohol in Wales and makes it an offence for alcohol to be sold or supplied below that price.
7. The formula for determining the MUP is $M \times S \times V$ (Minimum unit price x Strength x Volume).

M is the minimum unit price (to be specified in regulations but likely to be 50p);

S is the strength of the alcohol, expressed as a cardinal number (so for instance if the strength is 5%, the relevant cardinal number will be 5);

V is the volume of alcohol in litres.

8. There is strong evidence that varying the affordability of alcohol is a legitimate means to address alcohol-related harm. Recent research [published in the British medical Journal](#) on the introduction of minimum unit pricing in Scotland where it was introduced in May 2018 has found that there has been a significant fall in the grams purchased per adult per week.
9. The MUP will apply to all retail (including online or telephone delivery) sales of alcohol to a person in Wales from qualifying premises (as defined in the Licensing Act 2003). It will apply to multi-buy or special offer transactions and where alcohol is supplied together with goods or services.
10. While it is anticipated that minimum pricing will mean people will consume less alcohol, they will pay more for products previously sold at below the applicable minimum price. Revenue will go to drinks producers and retailers, not the Welsh Government. Both off-trade and on-trade retail sectors are estimated to see increased revenues, as a result of the introduction of a minimum price for alcohol. Others in the supply chain, including producers, may also see increased revenues.
11. Enforcement of the provisions are to be delivered by local authorities. Within Neath Port Talbot this will involve coordination between Trading Standards and the Licensing section. Welsh Government is disseminating business advice in the run up to the commencement of the scheme.
12. Enforcing authorities are to use an advisory approach initially, but otherwise enforcement will be by way of fixed penalty notices (£200 if payment is made within 29 days or £150 if payment is made within 15 days). If prosecution is deemed appropriate, a breach will attract a fine of £1000 (level 3 on the standard scale).

13. Furthermore, breaches are relevant offences under the Licensing Act 2003 and can be taken into consideration during licensing applications or reviews.
14. Enforcement authorities have powers of test purchase, entry, inspection of goods and documents and seizure. Enforcement officers are required to obtain a Justice's warrant to enter a premises used wholly as or mainly as a dwelling.
15. Every 12 months Local authorities are required to consider the extent to which it is appropriate for it to carry out a programme of enforcement in its area. If a programme is considered appropriate, it will be carried out with regard to the objectives of improving public health and protecting children from harm.
16. The Act is subject to a "sunset" clause, and will be reviewed 6 years after implementation.
17. As dealt with above, Trading Standards colleagues have the responsibility for enforcing the legislation. However, the Western Bay Area Planning Board (APB) and its partners has responsibility for the commissioning and delivery of substance misuse services across Swansea and Neath Port Talbot. Therefore the APB is concerned to ensure that the services it commissions, are prepared for the implementation of the legislation, and can provide the necessary support to those who are likely to be most affected by the legislation. The APB will also want to learn from the experience in Scotland, and on-going evaluation work.
18. As mentioned the Welsh Government are leading on the communication work i.e. national communication materials and key messages to target audiences; this includes guidance on MUP for retailers and enforcement bodies, as well as Publicising Dan 24/7 and ensuring providers of services are aware of the legislation and potential impacts. The APB will support the WG communication plan

and the key message that this legislation is aimed at harmful and hazardous drinkers. The APB will also discuss locally (at regional level), whether more tailored communication is needed within the region to complement the above campaign.

19. The APB has tasked its Harm Reduction Sub Group with taking forward work to ensure that the region is prepared for the implementation of the Minimum Unit Pricing Legislation. This work will be taken forward through a Task and Finish group, which will be led by the newly appointed Harm Reduction lead. The harm reduction Sub-group is a multiagency group with membership from a range of organisations and includes Trading Standards and Community Safety

20. This legislation is an important and welcome public health intervention targeting those with harmful and hazardous drinking. Whilst the experience to-date in Scotland suggests otherwise, APBs and partners need to be cognisant of the risk of harmful and hazardous drinkers switching substances, not prioritising expenditure (e.g. not eating to buy alcohol), becoming involved in criminal activity to fund drinking and the potential unsafe withdrawal from alcohol.

21. The APB and its commissioned services, are therefore continuing to work to prepare, including
 - i. Being aware of the legislative changes and implementation date
 - ii. Target communication through service providers to the people who are most likely to be affected by this new legislation
 - iii. Starting work with harmful and hazardous drinkers already known to services in advance of the legislation to prepare them for the change.
 - iv. Ensure services are better publicised to ensure that those harmful and hazardous drinkers not known to services know about the legislation, its impact and where they can get help

- v. Understanding the potential impacts on services (i.e. increased demand on limited services)
- vi. Being sighted on evidence locally re: harmful and hazardous drinkers (i.e. those accessing support services, GPs, A&E);
- vii. Linking in with enforcement colleagues (Trading Standards) to share intelligence, communication, etc.
- viii. Identify any training needs in terms of the legislation

22. The APB will continue to take an active interest in this legislation

Financial Impacts:

23. Welsh Government (WG) has agreed to provide £300,000 over 3 years to Welsh Local Authorities to deliver the programme. In order to effectively fund delivery of the recommendations, WG have agreed to stagger the allocation of the funding as follows: £200,000 in year 1, £70,000 in year 2 and £30,000 in year 3. This will be used to fund officers disseminating advice. WG have identified 145 premises within Neath Port Talbot to be visited. Neath Port Talbot will be receiving a total of £8,891 (as of 23rd of April 2018).
24. Welsh Government anticipates that the possibility of criminal prosecution will serve as a strong deterrent and consequently there will not be significant numbers of new cases brought before a court.
25. Breaches will initially be dealt with by advice. More formal action would follow if necessary in line with this Authority's enforcement policy.

26. There could be an increased demand on limited services

Integrated Impact Assessment:

27. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

28. The first stage assessment has indicated that a more in-depth assessment is not required. The Assessment is attached at Appendix 1.

Valleys Communities Impacts:

29. No implications.

Workforce Impacts:

30. No implications.

Legal Impacts:

31. The relevant authorised officers will be given powers to operate under the Act. These powers are similar to existing powers with the addition of issuing fixed penalty notices. Fixed penalty notices are already issued by Waste Enforcement and Environmental Health and consequently the authority is familiar with the system.

Risk Management Impacts:

32. It is a statutory requirement to implement this legislation and failure to do so will result in a high risk of legal challenge as well as reputational damage to the Authority at a strategic and operational level.

Crime and Disorder Impacts:

33. In undertaking the provisions of this Act, the actions of the Authority may have a positive impact upon Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and the misuse of alcohol within the County Borough. The impact of the legislation in Scotland and in Wales is being evaluated.

Counter Terrorism Impacts:

34. No implications

Violence Against Women, Domestic Abuse and Sexual Violence Impacts:

35. A reduction in the sale of cheap alcohol may result in a reduction of abuse and sexual violence against women and as such a positive impact.

Consultation:

36. There is no requirement for external consultation on this item.

Recommendations:

37. That the delegation arrangements in respect of the Environmental Health and Trading Standards Service which are set out in version 14.12.18 of the authority's Constitution [i.e. in Part 3 - Officer of the Council Delegation Arrangements : {c} Environmental Health and Trading Standards - Schedule 1] are amended to :
- (a) Add the Public Health (Minimum Price for Alcohol) (Wales) Act 2018 to the list of legislation [set out in the above referred to Schedule 1] delegated to the Director of Environment, the Head of Planning and Public Protection and the Environmental Health and Trading Standards Manager.
 - (b) delegate to those officers in [a] above the authority to authorise individual competent and qualified officers to act under that legislation
 - (c) delegate to those officers in [a] above the authority to institute legal proceedings under the provisions contained in the official Public Health (Minimum Price for Alcohol) (Wales) Act 2018 in conjunction with the Head of Legal Services [including the signing of any cautions in accordance with Home Office Guidelines] and, where an alleged offender is being held in custody in relation to an offence, to institute proceedings by way of charge.
 - (d) That the Head of Legal Services be authorised to seek amendment of the Constitution by the Council in due course: in order to reflect the above changes to the authority's delegation arrangements.

Reasons for Proposed Decision:

38. To ensure that the Constitution reflects the implementation of this additional piece of legislation.

Implementation of Decision:

39. The decision is proposed for implementation after the three day call in period.

Appendices:

40. Appendix 1– First Stage Integrated Impact Assessment

List of Background Papers:

41. Public Health (Minimum Price for Alcohol) (Wales) Act 2018
42. Overview of the progression of the Public Health (Minimum Price for Alcohol) (Wales) Act 2018
43. Minimum pricing for alcohol: guidance for retailers.

Officer Contact:

44. Nicola Pearce - Head of Planning and Public Protection.
Tel: (01639) 686680 or e-mail: n.pearce@npt.gov.uk
45. Karen Jones, Assistant Chief Executive and Chief Digital Officer.
Tel: 01639 763284. E-Mail: k.jones3@npt.gov.uk
46. Mark Thomas - Environmental Health and Trading Standards Manager
Tel: (01639) 685612 or e-mail: m.thomas2@npt.gov.uk
47. Lucas Williams - Trading Standards Team Leader
Tel: (01639) 685636 or e-mail l.williams@npt.gov.uk
48. Claire Jones, Strategic manager Partnerships & Community Cohesion.
Tel: 01639 763193. E-Mail: s.c.jones@npt.gov.uk

Integrated Impact Assessment (IIA)

This Integrated Impact Assessment considers the duties and requirements of the following legislation in order to inform and ensure effective decision making and compliance:

- Equality Act 2010
- Welsh Language Standards (No.1) Regulations 2015
- Well-being of Future Generations (Wales) Act 2015
- Environment (Wales) Act 2016

Version Control

Version	Author	Job title	Date
Version 1	Lucas Williams	Trading Standards Team Leader	4.10.19

1. Details of the initiative

	Title of the Initiative:
1a	Service Area: Trading Standards
1b	Directorate: Environment

1c	Summary of the initiative: Implementation of the Public Health (Minimum Price for Alcohol) (Wales) Act 2018. The legislation introduces a minimum unit price for alcohol (likely to be 50p per unit) and specifies enforcement duties and powers for local authorities.
1d	Who will be directly affected by this initiative? Public and staff
1e	When and how were people consulted? This is to implement Welsh Government legislation. Welsh Government have already consulted with relevant parties and will be advising trade directly once the implementation date has been confirmed.
1f	What were the outcomes of the consultation? That the legislation be implemented

2. Evidence

What evidence was used in assessing the initiative?
<p>Welsh Government statement on consultation on the minimum price to be set</p> <p>Welsh government consultation documents on setting minimum unit price (MUP) for alcohol</p> <p>Responses to consultation on setting minimum unit pricing of alcohol</p> <p>Welsh government consultation on MUP bill</p> <p>Path of the bill through the Senedd</p>

3. Equalities

a) How does the initiative impact on people who share a **protected characteristic**?

Protected Characteristic	+	-	+/-	Why will it have this impact?
Age			X	It will have no direct impact on protected characteristics. It may possibly have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol.
Disability			X	It will have no direct impact on protected characteristics. It may possibly have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol.
Gender reassignment			X	It will have no direct impact on protected characteristics. It may possibly have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol.
Marriage & civil partnership			X	It will have no direct impact on protected characteristics. It may possibly have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol.
Pregnancy and maternity			X	It will have no direct impact on protected characteristics. It may possibly have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol..
Race			X	It will have no direct impact on protected characteristics. It may possibly have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol.
Religion or belief			X	It will have no direct impact on protected characteristics. It may possibly have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol.
Sex			X	It will have no direct impact on protected characteristics. It may possibly have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol.

Sexual orientation			X	It will have no direct impact on protected characteristics. It may possibly have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol.
--------------------	--	--	---	--

What action will be taken to improve positive or mitigate negative impacts?

Welsh Government are providing resources to local authorities in implementing the legislation. This department has begun planning its delivery of advice and enforcement of the legislation which will involve contacts and visits to relevant businesses. Information will be disseminated via social media and the press to highlight the benefits of the legislation and the obligations of the alcohol trade.

b) How will the initiative assist or inhibit the ability to meet the **Public Sector Equality Duty**?

Public Sector Equality Duty (PSED)	+	-	+/-	Why will it have this impact?
To eliminate discrimination, harassment and victimisation			X	It may have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol
To advance equality of opportunity between different groups			X	It may have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol

To foster good relations between different groups			X	It may have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol.
---	--	--	---	---

What action will be taken to improve positive or mitigate negative impacts?

Welsh Government are providing resources to local authorities in implementing the legislation. This department has begun planning its delivery of advice and enforcement of the legislation which will involve contacts and visits to relevant businesses. Information will be disseminated via social media and the press to highlight the benefits of the legislation and the obligations of the alcohol trade.

4. Community Cohesion/Social Exclusion/Poverty

	+	-	+/-	Why will it have this impact?
Community Cohesion	X			It may have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol
Social Exclusion	X			It may have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol
Poverty	X			It may have a positive impact on all groups due to the benefits to health and combatting anti-social behaviour with the anticipated drop in consumption of alcohol.

What action will be taken to improve positive or mitigate negative impacts?

Welsh Government are providing resources to local authorities in implementing the legislation. This department has begun planning its delivery of advice and enforcement of the legislation which will involve contacts and visits to relevant businesses. Information will be disseminated via social media and the press to highlight the benefits of the legislation and the obligations of the alcohol trade.

5. Welsh

	+	-	+/-	Why will it have this effect?
What effect does the initiative have on: – people’s opportunities to use the Welsh language			X	Welsh Government advice will be available bilingually
– treating the Welsh and English languages equally			X	Welsh Government advice will be available bilingually

What action will be taken to improve positive or mitigate negative impacts?

Welsh Government advice will be available bilingually

6. Biodiversity

How will the initiative assist or inhibit the ability to meet the **Biodiversity Duty**?

Biodiversity Duty	+	-	+/-	Why will it have this impact?
To maintain and enhance biodiversity			X	It will have no effect on the biodiversity duty
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.			X	It will have no effect on the biodiversity duty

What action will be taken to improve positive or mitigate negative impacts?

It will have no effect on the biodiversity duty

7. Well-being of Future Generations

How have the five ways of working been applied in the development of the initiative?

Ways of Working	Details
i. Long term – looking at least 10 years (and up to 25 years) ahead	It is anticipated that the introduction of the legislation will mean a drop in alcohol consumption within Wales, as it has in Scotland . However, it may lead to an increase in distribution of illicit alcohol. Trading Standards in Wales have already considered this, and there are processes and procedures in place to deal with reports of the supply of this product.
ii. Prevention – preventing problems occurring or getting worse	Advice will be disseminated by Welsh Government to traders across Wales, whilst Trading Standards working in conjunction with the Licensing section will implement at a local level. Intelligence and reports of the breaches and the sale of illicit alcohol will be shared and dealt with in line with the enforcement policy.
iii. Collaboration – working with other services internal or external	Neath Port Talbot Trading Standards already work within the Welsh Heads of Trading Standards regional group and share information with other members of the region. Furthermore there are links with the Police, HMRC, the National Food Crime Unit amongst other partner agencies. Internally, information will be shared with Licensing, Food Hygiene and Community Safety.

iv. Involvement – involving people, ensuring they reflect the diversity of the population	The legislation has been developed and implemented by Welsh Government. Public consultation has already been carried out. Locally, elected Members, the trade and consumers will be advised via Welsh Government publicity and this report.
v. Integration – making connections to maximise contribution to:	Trading Standards already enforce the law in respect of food standards, underage sales pricing, trademarks and weights and measures, legislation which crosses over with the MUP.
Council's well-being objectives	It is anticipated that the implementation of MUP will lead to a decrease in alcohol consumption. It should also have a positive impact in reducing underage drinking, excessive drinking in adults and the associated health and anti-social behaviour benefits, both publically and in the home.
Other public bodies objectives	It is anticipated that the implementation of MUP will lead to a decrease in alcohol consumption. It should also have a positive impact in reducing underage drinking, excessive drinking in adults and the associated health and anti-social behaviour benefits, both publically and in the home.

8. Monitoring Arrangements

Provide information on the monitoring arrangements to:

Monitor the impact of the initiative on Equalities, Community Cohesion, the Welsh Measure, Biodiversity Duty and the Wellbeing Objectives.

The initiative is driven by Welsh Government, however the department will monitor compliance as it does with other such enforcement issues and will direct resources accordingly.

9. Assessment Conclusions

Please provide details of the conclusions reached in relation to each element of the assessment:

	Conclusion
Equalities	Continue
Community Cohesion/ Social Exclusion/Poverty	Continue
Welsh	Continue
Biodiversity	Continue
Well-being of Future Generations	Continue

Overall Conclusion

Please indicate the conclusion reached:

- **Continue** - as planned as no problems and all opportunities have been maximised
- **Make adjustments** - as potential problems/missed opportunities/negative impacts have been identified along

with mitigating actions

- **Justification** - for continuing with the initiative even though there is a potential for negative impacts or missed opportunities
- **STOP** - redraft the initiative as actual or potential unlawful discrimination has been identified

Please provide details of the overall conclusion reached in relation to the initiative

Continue – Welsh Government have carried out their consultation and the legislation has been passed. The implementation date of MUP is yet to be set, however the department will need to be ready for that date.

10. Actions

What actions are required in relation to obtaining further data/information, to reduce or remove negative impacts or improve positive impacts?

Action	Who will be responsible for seeing it is done?	When will it be done by?	How will we know we have achieved our objective?
None			
None			
None			

11. Sign off

	Name	Position	Signature	Date
Completed by	Lucas Williams	Trading Standards Team Leader	Lucas Williams	4/10/19
Signed off by	Nicola Pearce	Head of Service/Director	Nicola Pearce	4/10/19