

The Public Health (Minimum Price for Alcohol) (Wales) Bill 2017

Evidence to the National Assembly for Wales, Health, Social Care and Sport Committee from The Directors of Public Protection Wales, The Wales Heads of Trading Standards and the Welsh Local Government Association.

13th November 2017

1. We welcome the opportunity to provide information to the Committee in relation to the proposed Bill.
2. It is envisaged that local Government will be provided powers and duties to act to ensure compliance with the minimum unit price of alcohol requirements.
3. We believe that local government is well placed to receive these duties and powers, and the framework, as currently presented will allow the new requirements to become embedded into the wider public protection and regulatory functions of our services.
4. In the preceding months, we have welcomed the opportunity to discuss with policy officials the overarching principles, which will engage local authority staff once the Bill is enacted.
5. We have limited our evidence to the compliance and enforcement provisions within the Bill, recognising that others are more qualified and better placed to discuss the wider policy drivers around the health and social need, and the factors which have arrived at the practical minimum price point of alcohol.
6. However, we record that we are supportive of the intention to reduce the harmful effects of excessive drinking, and the wider comprehensive strategies surrounding this.
7. Local authority public protection officers have long-standing advice, education and enforcement experience, and act as a critical interface between government and businesses, where the primary intention of the relationship is to encourage compliance with legislation.
8. In this regard, there are a number of critical factors which should be considered in framing new legislation, to ensure that the policy goals can be achieved via compliance or regulatory interaction.
9. Local Authority experience of enforcing new legislation suggests that early compliance is more likely when:
 - The new legislation is seen as necessary, reasonable, easy and cheap to comply with
 - The Trade has a clear understanding of what is required of them, and advice and education of the requirements is provided to them
 - The enforcing authority has capacity to check compliance early in the new regime

- This is made easier if the legislation is unequivocal and simple with absolute offences that do not need to be argued through the Courts (this limits case preparation time and frees officer time for more checks to be made)
 - Certain and quick enforcement outcomes (like Fixed Penalty Notices, with appropriate appeal mechanisms) where appropriate, also maximises efficiency
10. The Committee will be aware that local authority regulation budgets have suffered dramatically over the last period. It is regrettable, that as Local Authority regulatory services continue to be cut, it is no longer realistic to expect proactive, consistent enforcement activity across Wales.
 11. New legislation such as this, adds to the existing burden and will compete for officer time with existing enforcement activities. Since public protection services activity is prioritised on the basis of risk to the public, initiatives to change behaviour are unlikely to be prioritised unless extra provision is made.
 12. The Wales Heads of Trading Standards have been engaged in dialogue with Welsh Government regarding the new burden which will be placed on local government. There is a common desire to establish an efficient and successful regime which will ensure broad compliance.
 13. The proposed legislation appears clear and easy to understand, and is generally framed in a manner which is familiar to officers when dealing with other enforcement matters.
 14. The engagement of the trade at the earliest opportunity is essential and we are pleased to note that this is acknowledged. Public protection officers already provide advice on a vast range of complex legal and technical legislation, and the existing skills of those officers can be utilised during the implementation of the Bill. e
 15. We welcome the broad range of powers which are available, and believe these are sufficient to enable compliance to be achieved.
 16. The fixed penalty enforcement mechanism is an appropriate and efficient mechanism for minimum unit pricing. Although not extensively used, enforcement officers are familiar with exercising this method of enforcement activity.
 17. We welcome the acknowledgment of a training need for officers, and would be pleased to work with officials on how to most effectively deliver this.
 18. The provision to review the policy after five years is welcomed. Local authorities will however need to invest to amend their current databases. It will be essential that codes and

definitions are agreed to be able to record and analyse data consistently to ensure efficient reporting in due course.