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casting light on the blind spots of licensing?**

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Accessibility of 'essential' alcohol in the time of COVID-19: casting light on the blind spots of licensing?

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Abstract:

Among the Australian and UK governments' responses to the COVID-19 pandemic has been the designation of outlets selling alcohol for off-premise consumption as 'essential' services, allowing them to remain open while pubs, hotels and restaurants have been forced to close. In a context of restrictions on movement outside the home in both countries, and where alcohol providers are trying to find new ways to reach their customers, this may lead to an intensification of the social and health harms associated with home drinking. By examining the current situation in both Australia and the UK, we argue that heightened risks from home drinking amid COVID-19 bring into sharp focus long-standing weaknesses within licensing systems in both countries: the regulation of off-premise outlets to minimise harms from drinking at home. We call for critical conversations on how licensing systems should be revised to take more responsibility for protecting people from the health and social harms associated with home drinking, both under COVID-19 and in the future.

Introduction:

The COVID-19 pandemic has seen drastic measures worldwide to reduce social contact and minimise infection rates. In Australia and the UK (among other countries), this has included the closure of bars, pubs, hotels and restaurants. However, outlets selling alcohol for off-premise consumption have been deemed 'essential' services in these two countries and have been allowed to remain open. As populations continue to face social isolation restrictions, or 'lockdown', attention must now be turned to likelihood of increased drinking in the home, and the resultant health and social harms. Yet, this situation also raises questions about the effectiveness of current licensing systems for protecting and reducing harms from drinking in the home, both in a climate of social distancing, and beyond. In this commentary we argue that COVID-19 brings into sharp focus a key 'blind spot' of licensing: home drinking. We examine the current Australian and UK contexts, amid the ongoing pandemic, and emphasize the need for critical discussions on the limitations of licensing systems for reducing alcohol-related harms in the home.

Drinking at home – what are the risks?

Both the UK and Australia have seen falls in on-premises consumption of alcohol but increases in home drinking in recent decades [1,2]. Evidence indicates associations between increased consumption of alcohol at home and multiple health and social harms, not only for the drinker but also for other family and household members. There are links between the availability of alcohol for off-premise consumption and harms such as traumatic injury [3] and domestic violence [4], and between the consumption of alcohol in the home and intimate partner violence [5]. Furthermore, witnessing drinking in the home may have negative impacts on children and adolescents [6], such as 'normalizing' negative alcohol experiences, and influencing future drinking behaviours [7].

The current imperative for social isolation in countries such as the UK and Australia may compound these risks around home drinking. The potential for 'lockdown' to exacerbate stress and tensions within households may impact on mental health and contribute to domestic violence [8]. Coupled with likely increased consumption of alcohol at home, as a result of the closure of pubs, bars and hotels, it is highly likely that health and social harms related to home drinking will be intensified, potentially displacing those observed from on-premise outlets. In turn, this may lead to additional burden on increasingly strained health systems, and other emergency services. The availability of alcohol for consumption in the home must be examined critically, including the role of licensing legislation in shaping the accessibility of alcohol for those confined to their homes. Below we

summarise some of the changes to alcohol accessibility in Australia and the UK in response to COVID-19, to highlight concerns about the effectiveness of licensing to mitigate these heightened risks, and for managing the harms from home drinking going forwards.

In Australia:

Australia saw the closure of pubs, bars and restaurants on 22nd March 2020 as part of a suite of restrictions to support social distancing. At the time of writing, bottle shops remain open as 'essential services'. Credit card data indicates a 37% increase in alcohol sales even before the close of on-premise outlets as Australians began stockpiling alcohol from bottle shops along with other commodities from supermarkets [9]. Such bulk-purchasing has resulted in some industry-instigated restrictions, such as retailer Endeavour Drinks introducing customer purchasing limits in order to shore up supply lines. Customers can buy a daily maximum of four cases of beers (one case is 24 cans), premix and cider; 12 bottles of wine; three cases of wines or four bottles of spirits. However, there is nothing to stop customers from purchasing this multiple times a day from different retailers.

At state and territory levels, there have been varied responses. In Western Australia the state Government introduced temporary restrictions on 25th March on the quantity of takeaway alcohol that can be purchased by individual customers (24 cans of beer maximum, or equivalent), to prevent an increase in alcohol-related harms anticipated to result from a spike in consumption associated with bulk panic-buying. The announcement of these restrictions by the Premier of Western Australia, Mark McGowan, acknowledged the potential issues caused by increased home drinking during social distancing: "This only will result in problems throughout our society that we cannot afford right now." [10]. In South Australia, however, the state Government has granted additional off-premise trading conditions to existing on-premise outlets in order to minimise the economic impact on those premises while they are closed due to social distancing measures. From 26th March licensees who hold a restaurant, small venue, club or on-premises licence have been able to apply for a short-term licence at no fee, enabling them to sell limited amounts of alcohol for takeaway or delivery [11].

In the UK:

Similarly to Australia, off-licences (premises selling alcohol for off-site consumption) and supermarkets (which also sell alcohol) have been classed among the few 'essential' types of shop that are permitted to stay open since nationwide restrictions on people's activities were stepped up

on 23rd March 2020 [12]. Pubs, bars, restaurants and other on-sales premises have been ordered to close, however. At the time of writing, there have been no government-level changes to licensing legislation or conditions on premise licences. However, alcohol and hospitality industry representatives have reportedly started lobbying the government, calling for extensions to the number of temporary licences that premises can apply for, to facilitate the shift of businesses to take-out and delivery, including for alcohol [13].

Alcohol providers are also seeking new ways to make alcohol accessible. Industry bodies CAMRA (Campaign for Real Ale) and the Society for Independent Brewers have launched the “#pullingtogether” campaign to support pubs and breweries to identify new ways to reach customers in their local areas, such as setting up local delivery and ‘drive-throughs’ [14]. Some supermarkets imposed in-store restrictions on the maximum number of individual items (including alcohol) that could be purchased by a customer, to help prevent ‘stockpiling’. However, some of these restrictions have started to be lifted as management of customer demand improves [15]. As such, it appears that despite the closure of on-sales premises, populations in the UK are continuing to have good - even enhanced - access to alcohol for consumption in the home.

A wake-up call for licensing legislation and policy:

Responses to the COVID-19 pandemic will likely produce an intensification of the health and social harms connected to drinking at home, particularly where shops selling alcohol are deemed ‘essential’ services, and where alcohol providers seek new ways to reach their customers through off-premise sales. Yet, we suggest that this situation is not only due to the unique context of COVID-19 and its restrictions. Rather, we argue that this reflects a longer-term neglect within licensing systems to acknowledge and address the risks posed by off-premise sales and home consumption of alcohol.

In Australia, online sales of alcohol have experienced rapid growth over recent years [16]. States’ and territories’ licensing systems have not kept pace with changes in this market, so that the online alcohol industry operates under much lower levels of regulatory scrutiny than bricks and mortar stores. Most Australian states and territories are in the process of establishing regulation over this industry, but the COVID-19 crisis, and the associated changes in alcohol availability, come at a time of very little regulatory oversight over the availability of this product directly to homes.

In the UK, the picture varies. Scotland’s licensing legislation has enabled some restrictions on off-premise sales, such as prohibiting multi-buy discounts, and the recent introduction of the minimum

unit price (MUP). These restrictions have been associated with modest reductions in off-premise sales, though evidence of impact on health and social harms is unclear [17] or not yet available, in the case of MUP [18]. However, in England, licensing has have tended to focus more on the harms from on-premise establishments, or, in the case of 'cumulative impact' policies [19], on off-premise outlets only in terms of the harms they contribute to the night-time economy. Thus, harms arising from home drinking remain largely overlooked.

Where licensing legislation requires a case-by-case approach to assessing risks posed by premises or only acknowledges harms within physical proximity to an outlet, it may be challenging to draw links between individual off-premises outlets and alcohol-related harms arising in the home. However, the current situation highlights acutely that more needs to be done to reduce the risk of health and social harms linked to the consumption of alcohol in the home, particularly at a time when health services are near breaking point. This is not (just) a question of individual behaviour change, but requires a more systemic approach, whereby the legislative and policy structures that facilitate the provision of alcohol into our homes must also take responsibility for protecting against the resultant harms. The example from Western Australia indicates some capacity for flexibility and responsiveness within licensing systems to accommodate the changing situation, and to find new ways to regulate off-premise sales, such as through minimum unit pricing or quantity restrictions. However, this should not be limited to the current pandemic, nor to prioritising the protection of business and economic interests over health and wellbeing (as in South Australia). Licensing systems have a duty to balance multiple interests around the sale and consumption of alcohol, both in the face of increased risks from home drinking under COVID-19, and going forwards against a longer term trend of increasing off-premise sales and consumption.

By shining a light on this 'blind spot' of the licensing system in Australia and the UK, we hope to prompt a critical conversation about what changes need to be made to licensing now, and in the future, to manage the availability of alcohol through off-sales and reduce the multiple health and social harms from home drinking.

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