

APPENDIX 1

DEALING WITH THE PROBLEMS OF LATE NIGHT DRINKING – A CONSULTATION ON SECONDARY LEGISLATION FOR THE LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

Early morning restriction orders

1. Do you think that the proposed processes for EMROs include sufficient consultation with those likely to be affected by an EMRO?

Yes.

2. The Government proposes that EMROs will not apply between midnight on 31 December and 6 am on 1 January of each year. Do you think that EMROs should apply on New Year's Eve?

Yes – the EMRO should apply on New Year's Eve. Licensing authorities will have the ability to set the EMROs according to the local needs, and may decide to apply EMROs on New Year's Eve. Conversely, they may wish to have the flexibility to decide that an EMRO does not apply on New Year's Eve or on other specified dates throughout the year such as Spring Bank Holiday, Easter Sunday or dates of local significance.

3. Do you agree or disagree that the categories of premises should be exempt from EMROs?

Agree that the suggested list of premises should be exempt from EMROs.

4. Do you have any other suggestions on the types of premises that should be considered for an exemption from EMROs?

Further categories that could be considered to be exempt including sports facilities such as leisure centres that have bars (albeit very few are likely to be open beyond midnight); snooker and pool clubs with a condition of membership between midnight and 6 am; and restaurants (which meet the definition set out for exemptions from the LNL).

Late night levy

5. Do you think there should be an option for local residents/community groups to recommend the implementation of the levy in their area?

No. EMROs are perhaps the better tool of the two in securing a reduction in trading hours to reduce alcohol-related crime and disorder in an area. LNLs are of more use in dealing with the after-effects of the problems rather than

necessarily preventing them occurring in the first place. We would prefer to see an option for local residents or community groups to call for an EMRO rather than a LNL, subject to suitable safeguards to prevent unnecessary burdens on licensing authorities such as only one such request being permitted for a specific area within a calendar year or a power to reject successive and repetitive calls without further consultation.

6. Do you agree or disagree that licensing authorities should be able to exempt these premises from the levy?

Agree, as in our experience the premises listed in the consultation document rarely if at all cause alcohol-related crime or disorder late at night.

7. Do you agree or disagree that licensing authorities should be able to exempt Business Improvement Districts from the late night levy?

Agree – licensing authorities should be able to exempt Business Improvement Districts where they have been established at least in part to address problems associated with having a night-time economy.

8. Do you think that premises operating under a club premises certificate should be exempt from the late night levy?

Private members' clubs can be as much as, if not more, problematic as venues with premises licences. This is often because of the relative inexperience of the committee running the club compared to the holder of a personal licence holder qualification where there is a premises licence. It can manifest itself in many ways, such as alcohol sales to under-age children (commonly associated with anniversary birthday parties); nuisance to neighbours from members, guests and non-members leaving such venues; sale/supply of alcohol to non-members; and non-compliance with conditions due to the uneven sharing of responsibility and understanding of the need for compliance amongst many committee members.

It was our experience that during the transition period from the previous regime to the Licensing Act 2003 that several members' club converted their club certificates to premises licences to benefit from being able to allow members of the public into their premises. We would be concerned that exempting CPCs from the levy would see many premises licence holders converting to members' clubs in order to avoid liability from the levy.

For those reasons we do not believe CPCs should be exempt from the levy.

9. What are your views on affording a reduction from the late night levy to businesses that receive Small Business Rate Relief?

A business may be small, as defined by their occupancy of only one property and with a low rateable value. This does not, from what we understand, relate to the businesses profitability or turnover although we accept there is a link between those and the size of the business itself. Just because a licensed business is small does not mean that its customers would not contribute to alcohol-related disorder. Indeed, it could be argued that a smaller business will have fewer staff to supervise responsible alcohol consumption and so the impact of the business on the local community could in some cases be just as significant as a large nightclub. For those reasons we do not believe that a reduction of more than 25 per cent is appropriate. This would be line with the deduction offered to restaurants and pubs which have a rateable value between £7,801 and £11,000.

10. Do you agree or disagree there should be an exemption for New Year's Eve?

As the LNL applies throughout the year without the flexibility of the EMRO, we think it appropriate to grant an exemption from the LNL for New Year's Eve.

11. Do you agree or disagree that licensing authorities should be able to ask for a reduced levy payment from businesses in a best practise scheme?

We agree that those premises should be able to benefit from a reduced levy payment, but also that locally accredited Offwatch schemes for off-licences should be included. We understand that many Pubwatch and similar schemes are designed for those premises within a specific locality rather than "the geographic area" stated in the consultation document which seems to imply the whole of the licensing authority's area and we would suggest that the definition be subtly amended to take that into account.

12. Do you have any suggestions for benchmarks that can be applied to grassroots schemes to ensure members are actively working to reduce crime and disorder?

We would suggest some of the benchmarks for such grassroots schemes could include:

- the scheme has a recognisable, local character
- it seeks to work with responsible authorities to reduce crime and disorder in the vicinity of its members' premises
- it has at least one specific target of success against which it can be measured.

13. Do you agree or disagree with the set-up of cumulative discounts?

We understand from the consultation document that the Government would prefer alcohol-licensed businesses to participate in voluntary best practice schemes rather than being compelled to pay a levy, and we strongly support that position. On that basis we agree that cumulative discounts would work as a strong incentive for businesses to participate in those schemes but would want to see real evidence of participation to prevent businesses paying lip-service just in order to avoid paying their dues in full. Therefore, members of a locally accredited Best Bar None scheme for instance should have to demonstrate involvement in the current scheme with evidence of continuous improvement, or that the Pubwatch scheme (as we suggest above) has at least one specific target of success against which it can be measured.

14. Should there be scope for further exemptions and reductions from the late night levy?

It appears to us that, as drafted, holders of time-limited premises licences authorising the sale of alcohol – perhaps as part of a local festival or a pop concert until the early hours – would be liable to pay the levy. Very often, these would be organised for charitable purposes or the organisers would have already negotiated payments for any additional police services for their events. Licensing authorities should therefore be able to exempt time-limited premises licences from the levy.

15. What activities do you think licensing authorities should be able to fund with their retained proportion.

Licensing authorities ought to be able to fund activities such as:

- alcohol-related crime and disorder reduction measures
- taxi marshalling
- additional late-night licensing enforcement exercises
- signage specifically related to management of the night-time economy, such as that for night-buses or night-time taxi ranks
- provide grants to appropriate bodies to institute measures to reduce alcohol-related crime, disorder or nuisance.

16. What restrictions do you think there should be on the types of services that licensing authorities will be able to fund?

Licensing authorities ought not to be able to spend money on core licensing activities such as day-time licensing inspections, or general administration of the licensing scheme which should be properly recouped through licence fees. Nor should licensing authorities be able to fund activities from the levy which are properly the function of other agencies, such as road safety casualty reduction.

17. If you have any comments on the Impact Assessment, please detail the here.

None.

18. If you are responding on behalf of a licensing authority, how many premises do you expect will be affected by EMROs in your area?

We estimate 28 premises within the Borough of Watford could be affected by an EMRO that starts at midnight.