

Appendix 2

Questions

A list of the consultation questions are outlined below, some of which relate to the impact assessment that has been produced by the Home Office also.

1: Do you think that the proposed processes for Early Morning Restriction Orders include sufficient consultation with those likely to be affected by an EMRO?

Yes, we would certainly consult with residents and businesses and licensed premises operators as well as our neighbouring boroughs that would be affected by this Order if it were to be imposed.

We await the regulations to inform us as to how hearings will be convened to consider any representations. Would it be for the whole Regulatory committee to hear these matters or for the smaller Licensing Sub Committee?

We would want to see representations heard by the whole Regulatory Committee, who could then make recommendation to Full Council via a report with evidence from RAs, Interested Parties and all those affected. The Full Council could then decide on whether or not to impose an EMRO or not.

2: The government proposes that EMRO's will not apply (i.e. will not restrict alcohol sales) between midnight on 31st December and 6am on 1st January of each year. Do you think that EMRO's should apply on New Year's Eve?

The Licensing Authority would need to apply its own discretion as whether or not to allow New Years Eve to be exempted. We are not sure that it is appropriate for there to be a general exemption to New Years Eve.

New Years Eve has previously been under special provisions and this has not caused any major problems over the years in our area, but that cannot be said for everyone.

3: Do you agree or disagree that the categories of premises below should be exempt from EMRO's?

Premises with overnight accommodation

Premises at which the sale of alcohol is subject to a condition to the effect that, between midnight and 6am, such sales can only be made to residents for consumption on the premises. This will not exempt hotels and guest houses that serve alcohol to members of the public who are not staying overnight at the premises.

Theatres and cinemas

Premises at which the sale of alcohol is subject to a condition to the effect that, between midnight and 6am, such sales can only be made to ticket holders or participants in the production for consumption on the premises, when there is otherwise no access to the general public.

Community premises

Those premises that have successfully applied to remove the mandatory DPS

requirement.

Casinos and bingo halls with a membership scheme

Premises licensed to provide these facilities for gambling under the Gambling Act 2005 with a membership scheme in operation

We would welcome these categories in the list. (Do Members have any others that the feel should be highlighted)

4: Do you have any other suggestions on the types of premises that should be considered for an exemption from EMRO's?

No.

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

No, there are existing options available that to residents and residents association to make their concerns known to Ward members. We feel it is appropriate for the Licensing authority in conjunction with the Police, and Crime Commissioner to make decision on whether to propose to introduce the levy.

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

Premises with overnight accommodation

Premises at which the sale of alcohol is subject to a condition to the effect that, between midnight and 6am, such sales can only be made to residents for consumption on the premises. This will not exempt hotels and guest houses that serve alcohol to members of the public who are not staying overnight at the premises.

Restaurants

Premises that have condition(s) on their licence that have the effect of making clear their status as restaurants run on a permanent, more formal basis. These could, for example, include conditions which require that, between midnight and 6am:

- I. customers are shown to their table;
- II. food is provided in the form of substantial table meals that are served and consumed at the table;
- III. premises primarily serve meals to those eating at them, and
- IV. alcohol is not to be supplied to, or consumed on the premises by, any person other than those who are taking substantial table meals and where the consumption of alcohol by such persons is ancillary to taking such meals.

Theatres and cinemas

Premises at which the sale of alcohol is subject to a condition to the effect that, between midnight and 6am, such sales can only be made to ticket holders or participants in the production for consumption on the premises, when there

is otherwise no access to the general public.

Casinos/Bingo Halls

Premises licensed to provide facilities for gambling under the Gambling Act 2005 with a membership scheme in operation between midnight and 6am.

Community Amateur Sports Clubs (CASCs)

Those premises that have a relief from business rates by virtue of being a CASC (definition found in Schedule 18 of the Finance Act 2002.)

Community premises

Those premises that have successfully applied for the removal of the mandatory DPS requirement.

Country village pubs

Premises within designated rural settlements with a population of less than 3,000 (as appear in the qualifications for rural rate relief).

We believe that restaurants can become a focal point for the late night economy. Restaurants serving alcohol late at night will attract revellers that have been drinking elsewhere for a period of time, this brings its own problems of crime and disorder and nuisance. We do not believe as a category that restaurants should be exempted. (Do members have any others in mind)

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

This would be fine if the BID was established to deal with the late night economy issues in that area.

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

No not necessarily. We believe that this category should not be exempted as businesses operating under a club premises certificate may also give rise to crime and disorder issues.

9: What are your views on affording a reduction from the late night levy to businesses that receive small business rate relief?

It does not follow that they will not contribute to late night problems, so we do not agree with this.

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

Agree

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

Categories of premises that are recommended to be charged a reduced fee:

- i) Members of a locally accredited **Best Bar None** scheme
- ii) Members of a locally accredited **Pub watch, Club watch or Shop watch** scheme.

The discount can only apply to one of the above three schemes. Criteria to be an applicable pub watch scheme:

- a) The local authority is satisfied that the scheme has clear aims And objectives which are subject to a formal statement of intent or a constitution and that it has demonstrated that its members are actively working to reduce crime and disorder.
- b) Membership is open to all licensed premises within the geographic area.
- b) The scheme has a Chair person and/or Coordinator who is responsible for maintaining verifiable records of membership.
- iii) Those premises which pay an annual **individual** contribution to a **Community Alcohol Partnership** in their area. This definition does not include subsidiaries of companies that pay a contribution on a national level.
- iv) Premises that pay a levy in a **Business Improvement District** (established under the Local Government Act 2003) where the authority is satisfied

Do you agree or disagree that licensing authorities should be able to ask for a reduced levy payment from these businesses?

This Authority does not object to any of these categories of premises being charged a reduced fee. *We believe this would depend on the level of involvement and commitment the premises has to the scheme in question. This should also be at the discretion of the Licensing Authority. Some premises may be regular attendees at Pub watch meeting but can still be part of the problem of late night disorder in an area.*

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?

A Code of Practice possibly introduced through Pub watch? but this would seem like a duplication of licence conditions

13: Do you agree or disagree with this set-up of cumulative discounts?

We believe a capped rate of 10% discount for membership of these schemes and at the discretion of the Local Authority.

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

No Comment (Do Members have any views on this?)

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

*Improvements to signage in the area
Street cleansing
Taxi marshalling /taxi ranks*

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

*As stated above. The money that would be paid to the Metropolitan Police would not be ring fenced to go back into funding schemes to deal with the late night issues in that given area, it will be given to the Commissioner of the Metropolitan Police to utilise as he sees fit to use anywhere. We would ask the Home office to set in regulations that the money collected be used by the Borough Commander to tackle alcohol related crime and disorder in the area.
(Do members have any views on this?)*

17: If you have any comments on the Impact Assessment, please detail them here?

None

18: If you are responding on behalf of a licensing authority, how many premises do you expect will be affected by EMRO's in your area

We would have around 274 premises affected by an EMRO.