

Agenda

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Licensing and Gambling Acts Committee

Date: **Wednesday 22 February 2012**

Time: **To Follow the General Purposes Licensing Committee**

Place: **Oxford Town Hall**

For any further information please contact:

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Licensing and Gambling Acts Committee

Membership

Chair	Councillor Mary Clarkson	Marston;
Vice-Chair	Councillor Tony Brett	Carfax;
	Councillor Clark Brundin	North;
	Councillor Colin Cook	Jericho and Osney;
	Councillor John Goddard	Wolvercote;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Mark Lygo	Churchill;
	Councillor Matt Morton	St. Mary's;
	Councillor Mike Rowley	Barton and Sandhills;
	Councillor Gwynneth Royce	St. Margaret's;
	Councillor Gill Sanders	Littlemore;
	Councillor Dee Sinclair	Quarry and Risinghurst;
	Councillor Bob Timbs	Lye Valley;
	Councillor David Williams	Iffley Fields;
	Councillor Jim Campbell	St. Margaret's;

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE

No substitutes are allowed and the Quorum is 5 Members.

2 DECLARATIONS OF INTEREST

Councillors serving on the Committee are asked to declare any personal or prejudicial interests they may have in any of the following agenda items.

3 CITY CENTRE POLICE INSPECTOR - KATY BARROW-GRINT

The City Centre Police Inspector Katy Barrow-Grint will attend the meeting at the request of the Committee to talk about the Police strategy for the City centre.

4 UPDATE ON LICENSING AUTHORITY ACTIVITY BETWEEN SEPTEMBER 2011 AND DECEMBER 2011

1 - 36

The Head of Environmental Development has submitted a report which informs the Committee of the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 between September 2011 and December 2011.

The Committee is asked to:

- (a) Note the contents of the report;
- (b) Make comments and recommendations regarding the future work of the Licensing Function.

5 RESPONSE TO HOME OFFICE CONSULTATION: RELAXATION OF LICENSING HOURS FOR QUEENS JUBILEE

37 - 50

The Head of Environmental Development has submitted a report which updates Members regarding the response sent by the Licensing Authority to the Home Office consultation: Relaxation of Licensing Hours For, The Queen's Diamond Jubilee.

The Committee is asked to note the report.

6 PROPOSALS TO EXAMINE HOW TO DEAL WITH THE PROBLEMS OF LATE NIGHT DRINKING

51 - 112

The Head of Environmental Development has submitted a report which asks

the Committee to consider and respond to the Government's Consultation on its proposals to deal with "the problems of late night drinking".

The Committee is asked to consider the information contained in this report and delegate authority to the Head of Environmental Development to draft a response based on the Committees views and present to the Chair and Vice-Chair for final approval before submitting to the Home Office.

7 FEES AND CHARGES 2011/12

113 - 116

The Head of Environmental Development has submitted a report which seeks agreement of the licence fees for 2012/13 where the Council has discretion over the level of fee charged.

The Committee is asked to:

- (a) Note the licence fees set by statute;
- (b) Agree the licence fees for 2012/13 as set out in this report.

8 MINUTES

117 - 120

Minutes of the meeting held on 19th October 2011.

9 DATES OF FUTURE MEETINGS

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

To: Licensing and Gambling Acts Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Licensing Authority Activity
September 2011 – December 2011

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 between September 2011 and December 2011.

Report Approved by:

Finance: Emma Burson
Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation(s):

The Committee recommended to
(i) note the contents of the report, and
(ii) make comments and recommendations regarding the future work of the Licensing Function.

Introduction

1. This report informs Committee of progress made by the Licensing Authority ("the Authority") under the duties of the Licensing Act 2003 and Gambling Act 2005 between September 2011 and December 2011. Under Policy GN10 of the Statement of Licensing Policy, the Licensing Authority should report to the Committee on matters determined by the Head of Environmental Development with delegated authority.
2. The report covers data on service volumes; details of Licensing hearing decisions; decisions made under delegated powers; information on Temporary Event Notices ("TENs") and enforcement activity.
3. There are no financial requirements for consideration contained within this report.

Applications Received by the Licensing Authority

4. The table below provides data on licence applications received and processed during the period September 2011 and December 2011, and the totals for this period; and the totals for the year end.

Applications Received	SEPT	OCT	NOV	DEC	TOTAL
Gambling	1	1	1	-	3
New (Premises / Clubs)	3	6	14	3	26
Variations (Premises / Clubs)	5	4	2	-	11
Personal Licences	8	4	11	9	32
Administrative Changes	29	34	19	16	98
TEN's	71	55	45	32	203

5. To date (since November 2005 when the Licensing Act 2003 came in to effect) the Licensing Authority has processed; 1,326 Personal Licences; 883 New Premises Licences and Club Premises Certificates; 280 Variations on Premises Licences and Club Premises Certificates; 787 Premises Transfer / Amendment to Premises Licence Applications.

Applications Granted by the Licensing Authority

6. A hearing is not required where an application has been lawfully made and no Responsible Authority or Interested Party has made a representation. 23 licences in this category were issued by the Head of Environmental Development under delegated authority, details of which are listed in **Appendix 1**.

Temporary Event Notices

7. A Temporary Event Notice (TEN) is a notification given by an individual to Oxford City Council giving notice of an event that is to take place. Only the Police can object to a TEN. If, as in most cases, there is no objection and the application does not exceed the maximum number of events in a year, the TEN is simply acknowledged and returned to the applicant. Should the Police object then the TEN will go to a hearing.
8. Temporary Event Notices relate to temporary events with less than 500 attendees where 'licensable activities' are planned to take place. Attached at **Appendix 2** is a list of the 203 TENs applied for between September 2011 and December 2011.

Representations and Licensing Sub-Committee Hearings

9. When Relevant Representations are received from Interested Parties or Responsible Authorities then the application is determined at a Licensing Sub-Committee Hearing.
10. A total of 71 Relevant Representations were received for 8 Premises Licence applications and 2 Personal Licence applications processed during September 2011 and December 2011. This resulted in all of the applications being determined by hearings (details of which are attached as **Appendix 3**).
11. Representations were made as follows:

The Lodge: 2 x Interested Party, Thames Valley Police
Kebab Kid: 2 x Interested Party, Thames Valley Police
Camera: Thames Valley Police
Viking Sports Club: 8 x Interested Parties
Six Bells: 13 x Interested Parties
Oxford Brookes University, Jack Straw's Lane: 21 x Interested Parties
Bodrum @ No 10 – 9 x Interested Parties, Thames valley Police
Oxford Brookes University, Gipsy Lane: 10 x Interested Parties
Balamur Kamalenthiran (New Personal Licence) – Thames Valley Police
Omar Faruqe Hussain (New Personal Licence) – Thames Valley Police

Reviews of Licensed Premises

12. Under the 2003 Act it is possible for the Authority to review a Premises Licence at any time if a representation is received from a Responsible Authority or an Interested Party. The Authority has no powers to initiate its own review. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.
13. Between September 2011 and December 2011 no applications for a Premises Licence Review were received.

Appeals under the Licensing Act 2003

14. The Licensing Authority received notification from the Magistrates' Court of 2 appeals lodged by an applicant.
15. The first appeal was lodged by the residents of Jack Straw Lane seeking a reversal of the Licensing Sub-Committee's original decision made on 10th November 2011 to grant a new premises licence to Oxford Brookes University Faculty of Health and Life Sciences as applied for and amended at the hearing.
16. The second appeal was lodged by the residents of Gypsy Lane seeking a reversal of the Sub-Committee's decision to grant a new premises licence to Oxford Brookes University Gypsy Lane Campus as applied for and amended at the hearing. (Further details of both these applications can be found contained within **Appendix 3**).

17. At the time of writing this report, no dates have yet been set to hear the appeals.

Enforcement Activity

18. Between September 2011 and December 2011, the Licensing Team has instigated:

- 35 Compliance Check inspections of licensed premises.

Of these 35 compliance checks, 27 premises were found to be fully compliant with the conditions of their premises licences, however the following issues were found regarding those that were non-compliant:

- 6 premises failed to have the Premises Licence or Summary on the premises.
- 2 premises (that were situated adjacent to each other and owned by the same licensee) had removed a dividing wall effectively increasing the capacity and becoming a single venue.

All of these premises rectified the matters brought to their attention.

19. Between September 2011 and December 2011, the Licensing Team has instigated:

- 8 night time enforcement operations targeting either high-risk premises or specific late night venues.

A total of 66 premises (from an overall number of 775 licensed premises throughout the City) were visited. 55 premises were found to be fully compliant with the Licensing Act 2003, however the following issues were found regarding those that were non-compliant:

- 3 premises were found failing to adequately check the age of persons attempting to purchase alcohol.
- 3 premises were found failing to retain the noise caused by amplified regulated entertainment.
- 2 premises were found failing in the way in which patrons dispersed away from the premises.
- 1 premises was found to be putting on an irresponsible drinks promotion.
- 1 premises was found to be open and carrying out licensable activities beyond permitted hours.
- 1 premises was found to be failing to uphold the licensing objective of promoting public safety.

- 1 premises was found to be trading without having been granted a premises licence.
20. Further to the pro-active compliance checks, and the late night enforcement inspections, the following actions were taken:
- 13 Advisory Warnings were issued
 - 1 Verbal Warnings were issued
 - 3 Written Warnings were issued
 - 1 Final Warning was issued
 - 1 PACE interview conducted

All of the premises issued with Warnings were subsequently revisited and found to be compliant.

21. Further to the above pro-active enforcement, complaints were received by the Licensing Authority from members of the public, or referred to the Authority by the Responsible Authorities relating to noise disturbances or failures to uphold the licensing objective of the prevention of crime and disorder. The reactive work resulted in the following actions being taken:
- 8 Advisory Warnings were issued
 - 4 Verbal Warnings were issued
22. PACE (Police and Criminal Evidence Act) interviews are conducted following continued failures by the Premises Licence holder to adequately uphold certain conditions of the Premises Licence following meetings with the Licensing Authority and / or Responsible Authorities.
23. The Licensing Authority initiated 1 PACE interview between September 2011 and December 2011.
24. The failure related to the sale of alcohol beyond permitted hours. This was the first instance of such a breach of licence conditions since a Written Warning was issued in 2010 relating to a failure to employ Security Staff in accordance with the Premises Licence. At the time of writing this report, the Licensing Officers are consulting with Law & Governance as to whether to seek a prosecution .

Nightsafe

25. The NightSafe initiative contributes to the licensing objectives. This includes intelligence sharing with the Police, Fire Authority and Trading Standards.

Future Work & Notable Achievements

26. Following the restructuring of the Thames Valley Police Licensing Units, the Licensing Team has explored alternative ways in which to maintain and improve Partnership working. Oxford has been divided in to 3 areas, each covered by a Thames Valley Police Inspector.
27. The Licensing Team Leader has allocated a Licensing Officer to each of these 3 areas, in order to assist both agencies in promoting these closer

ties. In turn issues relating to licence holders and licensed premises have been resolved quickly, and in a consistent manner. Feedback from the licensed trade regarding the current methods of partnership working has been extremely positive.

28. The monthly NightSafe Operational meetings have been restructured to meet the needs of the varying agencies in attendance. There is now an acknowledgement that the needs of the Licensing Authority are based upon solely licensing matters, and that there is a need to differentiate between Police operational needs and those which fall under the Licensing Act 2003.
29. Licensing Officers have been and will be active in assisting Thames Valley Police Sergeants drive forward the various PubWatch schemes in the 3 areas of the City. Such schemes will lead to an increased level of understanding between the Authorities and the licence holders.
30. The Licensing Team Leader, following discussion with the Thames Valley Police Chief Inspector, will look to partly fund Test Purchase Operations throughout Oxford. A Licensing Officer shall attend the Operations, to ensure that the Licensing Authority is represented. Such operations will be carried out on a monthly basis.
31. The Licensing Team has initiated Multi-Agency Night-time Inspections of high-risk licensed premises. Such premises are determined by the Licensing Team Leader, Environmental Protection Team Leader and the NightSafe Manager on behalf of Thames Valley Police. Officers from these agencies attend such inspections, and currently these operations take place on 2 occasions per month.
33. The Licensing Officers are continuing with their other night time enforcement operations, which are linked to risk based premises split over the 3 areas, and targeted inspections of premises that are discussed at the monthly NightSafe operational meetings.
34. The Officers have been provided with uniforms when carrying out non-covert operations, in order to highlight the proactive nature of the Authority.
35. The Licensing Officer from the Miscellaneous Licensing Team (that covers Street Trading and Street Cafes) also attends certain operations in order that compliance checks may be carried out on such related matters.
36. Further to the Licensing Officers own enforcement operations, the Licensing Team Leader and the 3 Thames Valley Police Inspectors have put measures in place in order that the Licensing Officers and the Police Sergeants are able to communicate with each other during operations (sharing of mobile telephone numbers and direct contact through the CCTV Suite).
37. This new way of working with the Police has assisted both parties in providing expertise and back-up in terms of personnel when carrying out

certain high-risk based inspections, and has increased both agencies understanding of each others roles and objectives in upholding the licensing objectives.

38. In March 2012, Oxford will host the “BIIAB Award for Licensing Practitioners”, provided by the Institute of Licensing. The course is open not only to the staff of the Licensing Team and members of the Licensing & Gambling Acts Committee, but also to staff and members of Licensing Authorities nationally.

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Background papers:

Version: 1.0

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Premises Licenses Granted Under Delegated Authority

1. **Oxford Spires Four Pillars, Abingdon Road, Oxford, OX1 4PS**

Variation of Premises Licence granted: Sale of alcohol 24 hours a day for guests staying at hotel. Extension of Cardinal Suite to include existing licensable activities. Removal of condition 3 and rewording of condition 6 relating to capacity figures. Revision of site plan.

2. **Crisis UK, Old Fire Station, 40 George Street, Oxford, OX1 2AQ**

New Premises Licence granted: Sale of alcohol, regulated entertainment and late night refreshment Sunday to Thursday 08.00 hrs to 00.00 hrs and Friday and Saturday 08.00 hrs to 01.00 hrs.

3. **Oxford United Football Club, Kassam Stadium, Grenoble Road, Oxford, OX3 0PH**

Variation of Gambling Premises Licence granted: To revert to one gaming licence at this site. The additional licences will be surrendered on the granting of this application.

4. **Lounge and Quad at Clive Booth Postgraduate Centre, Oxford Brookes University, John Garne Way, Oxford, OX3 0FN**

New Premises Licence granted: Sale of alcohol, entertainment and Late night refreshment from 09.00 hrs to 23.30 hrs with 6 annual extensions until 02.00 hrs.

5. **Classic Delicatessen, 254 Cowley Road, Oxford, OX4 1UH**

Variation of Premises Licence granted: To extend the sale of alcohol until 00.00 hrs Monday to Saturday

6. **Oxford Brookes University, Headington Hill Site, Headington Hill, Oxford, OX3 0BP**

New Premises Licence granted: To create one unified and uniform set of licensing provisions for the site merging existing licences with entertainment, sale of alcohol and refreshment between 09.00 hrs and 23.30 hrs

7. **Barefoot Books, 294 Banbury Road, Oxford, OX2 7ED**

New Premises Licence granted: Sale of alcohol and regulated entertainment Saturday to Sunday 09.00 hrs to 21.00 hrs.

8. **Las Iguanas, 40-41 Park End Street, Oxford, OX1 1JD**

Minor Variation of Premises Licence granted: To allow Late Night Refreshment to be provided indoors and outdoors. Also the following condition to be added "Staff, including doorstaff when employed, will monitor and supervise any customers using the outside part of the premises".

9. **O'Neill's, 37 George Street, Oxford, OX1 2AY**

Minor Variation of Premises Licence granted: To allow the commencement hour of the premises to be 08.00 hours though there is no change in the licensable activities hours.

10. **The Bullnose Morris, Watlington Road, Cowley, Oxford, OX4 6SS**

Minor Variation of Premises Licence granted: For minor internal and external layout changes.

11. **Oxford Golf Club Ltd, Hill Top Road, Oxford, OX4 1PF**

New Premises Licence granted: Sale of alcohol, entertainment and refreshment Monday to Sunday 07.00 hrs to 01.00 hrs

12. **The Prince of Wales, Church Way, Iffley, Oxford, OX4 4EF**

Variation of Premises Licence granted: To extend the length of bar servery, extend trading area into yard to provide additional seating for eating and drinking and to provide a disabled toilet

13. **Falafel House, Kiosk 2 & 3, 107 Gloucester Green, Oxford, OX1 2BU**

New Premises Licence granted: Late Night Refreshment from 23.00 hours to 05.00 hours Sunday to Saturday

14. **Duke of Monmouth, 260 Abingdon Road, Oxford, OX1 4TA**

Minor Variation of Premises Licence granted: To amend the current plans of the premises, and to add the licensable activity of anything similar to music and dancing to the current licence for the following times: Sunday-Thursday 09.00 hours to 00.00 midnight; Friday and Saturday 09.00 hours to 01.00 hours; Notable days: 09.00 hours to 01.30 hours

15. **The Story Museum, Rochester House, 42 Pembroke Street, Oxford, OX1 1BP**

New Premises Licence granted: Regulated Entertainment between 09.00 hrs and 23.00 hrs Sunday to Saturday and Sale of Alcohol from 12.00 hrs to 23.00 hrs Sunday to Saturday.

16. **Café Nour, 180 Cowley Road, Oxford, OX4 1UE**

New Premises Licence granted: Sale of Alcohol and Recorded Music on Sunday to Saturday from 11.00 hours to 23.30

17. **Branca, 111 Walton Street, Oxford, OX2 6AJ**

Minor Variation of a Premises Licence granted: For the provision of garden seating for diners when conditions are appropriate. All customers will be table served from existing facilities accessed by new external doors.

18. **Chicken Hut, 55 Between Towns Road, Oxford, OX4 3LR**

New Premises Licence granted: Late Night Refreshment Monday to Saturday from 23.00 hours to 02.00 hours and Sundays 23.00 hours to 01.00 hours. They have also requested a seasonal variation for 23.00 hours to 03.00 hours on Christmas Eve and New Years Eve.

19. **Browns, 5-11 Woodstock Road, Oxford, OX2 6HA**

Minor Variation of a Premises Licence granted: To vary the layout of the premises in accordance with the plans submitted with the application.

20. **The Lodge, Oxpens Road, Oxford, OX1 1RX**

Minor Variation of a Premises Licence granted: To remove condition 23 "A circuit cut-off device that automatically switches off the sound system when the doors are opened shall be fitted to the fire doors to the premises", following a redesign of the building.

21. **Fire & Stone, Threeways House, 28-38 George Street, Oxford, OX1 2BJ**

Minor Variation of a Premises Licence granted: To remove condition 14 - A minimum of two door supervisors, both individually registered with the Security Industry Authority, shall be on the premises at all times between 21:00 hours and closing time on Fridays and Saturdays and also when the premises are open for any licensable activity taking place under non-standard timings

22. **Midcounties Co-operative, 76 Rose Hill, Oxford, OX4 4HS**

New Premises Licence granted: For the Sale of Alcohol for consumption off the premises from 07.00 hours to 23.00 hours Sunday to Saturday.

23. **Sainsbury's, 263 Banbury Road, Summertown, Oxford, OX2 7HN**

New Premises Licence granted: For off-sales of alcohol, Sunday to Saturday 07.00 hrs to 23.00 hrs

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Applicant	Premises	Date rec'd	Event dates
EIGHT APPLICATIONS PER PREMISES			
Mr. Timothy Rackley	The Priory Public House, Minchery Farm Lane, Oxford, OX4 4YY	08/11/11	02/01/12
Mr Timothy Rackley	The Priory Public House, Minchery Farm Lane, Oxford, OX4 4YY	08/12/11	03/03/12
Mr. Timothy Rackley	The Priory Public House, Minchery Farm Lane, Oxford, OX4 4YY	08/11/11	07/04/2012-08/04/2012
Mr. Timothy Rackley	The Priory Public House, Minchery Farm Lane, Oxford, OX4 4YY	08/11/11	09/04/12
Mr. Timothy Rackley	The Priory Public House, Minchery Farm Lane, Oxford, OX4 4YY	08/11/11	21/04/2012-22/04/2012
Mr. Timothy Rackley	The Priory Public House, Minchery Farm Lane, Oxford, OX4 4YY	08/11/11	14/04/12
Mr. Timothy Rackley	The Priory Public House, Minchery Farm Lane, Oxford, OX4 4YY	08/11/11	28/04/12
Mr. Timothy Rackley	The Priory Public House, Minchery Farm Lane, Oxford, OX4 4YY	08/11/11	26/05/2012-27/05/2012
SEVEN APPLICATIONS PER PREMISES			
Mr Stuart Ferriday	City Arms, 288 Cowley Road, Oxford, OX4 1UR	01/09/11	20/09/11
Mr Stuart Ferriday	City Arms, 288 Cowley Road, Oxford, OX4 1UR	01/09/11	24/09/11
Mr Stuart Ferriday	City Arms, 288 Cowley Road, Oxford, OX4 1UR	01/09/11	27/09/11
Mr Stuart Ferriday	City Arms, 288 Cowley Road, Oxford, OX4 1UR	01/09/11	01/10/11
Mr Stuart Ferriday	City Arms, 288 Cowley Road, Oxford, OX4 1UR	01/09/11	04/10/11
Mr Stuart Ferriday	City Arms, 288 Cowley Road, Oxford, OX4 1UR	28/11/11	13/12/11
Mr Stuart Ferriday	City Arms, 288 Cowley Road, Oxford, OX4 1UR	28/11/11	17/12/11
Mr Alistair Thompson	Thirst Bar, 7-8 Park End Street, Oxford, OX1 1HH	04/10/11	19/10/2011-20/10/2011
Mr Alistair Thompson	Thirst Bar, 7-8 Park End Street, Oxford, OX1 1HH	04/10/11	26/10/2011-27/10/2011
Mr Alistair Thompson	Thirst Bar, 7-8 Park End Street, Oxford, OX1 1HH	04/10/11	31/10/2011-01/11/2011
Mr Robert Opher	Thirst Bar, 7-8 Park End Street, Oxford, OX1 1HH	19/10/11	03/11/11
Mr Robert Opher	Thirst Bar, 7-8 Park End Street, Oxford, OX1 1HH	19/10/11	10/11/11
Mr Robert Opher	Thirst Bar, 7-8 Park End Street, Oxford, OX1 1HH	28/10/11	17/11/11
Mr Robert Opher	Thirst Bar, 7-8 Park End Street, Oxford, OX1 1HH	28/10/11	23/11/2011-24/11/2011
SIX APPLICATIONS PER PREMISES			
Mr. Robert Antonio Henry	Royal Standard, 78 London Road, Oxford, OX3 9AJ	01/09/11	18/09/11
Mr. Robert Antonio Henry	Royal Standard, 78 London Road, Oxford, OX3 9AJ	01/09/11	24/09/11
Mr. Robert Antonio Henry	Royal Standard, 78 London Road, Oxford, OX3 9AJ	01/09/11	01/10/11
Mr Robert-Antonio Henry	Royal Standard, 78 London Road, Oxford, OX3 9AJ	07/09/11	08/10/2011+09/10/2011
Mr Robert-Antonio Henry	Royal Standard, 78 London Road, Oxford, OX3 9AJ	07/09/11	15/10/2011+16/10/2011
Mr Robert-Antonio Henry	Royal Standard, 78 London Road, Oxford, OX3 9AJ	07/09/11	23/10/11
FIVE APPLICATIONS PER PREMISES			
Mr Martin Forde	Baby Simple, 213 Cowley Road, Oxford	05/09/11	15/10/11
Mr Martin Forde	Baby Simple, 213 Cowley Road, Oxford	10/10/11	22/10/11
Mr Martin Forde	Baby Simple, 213 Cowley Road, Oxford	10/10/11	29/10/2011-30/10/2011
Mr Martin Forde	Baby Simple, 213 Cowley Road, Oxford	31/10/11	12/11/11
Mr Martin Forde	Baby Simple, 213 Cowley Road, Oxford	31/10/11	26/11/2011-27/11/2011
Mr David Jones	Oxford Ice Rink, Oxpens Road, Oxford, OX1 1RX	19/09/11	02/10/11
Mr David Jones	Oxford Ice Rink, Oxpens Road, Oxford, OX1 1RX	20/09/11	09/10/11
Mr David Jones	Oxford Ice Rink, Oxpens Road, Oxford, OX1 1RX	20/09/11	16/10/11
Mr David Jones	Oxford Ice Rink, Oxpens Road, Oxford, OX1 1RX	20/09/11	23/10/11
Mr David Jones	Oxford Ice Rink, Oxpens Road, Oxford, OX1 1RX	21/10/11	05/11/2011-06/11/2011

Applicant	Premises	Date rec'd	Event dates
FOUR APPLICATIONS PER PREMISES			
Mr Stephen Dean	Cricketers Arms, 102 Temple Road, Cowley, Oxford, OX4 2EZ	19/09/11	01/10/11
Mr Stephen Dean	Cricketers Arms, 102 Temple Road, Cowley, Oxford, OX4 2EZ	03/10/11	08/10/2011-09/10/2011
Mr Stephen Dean	Cricketers Arms, 102 Temple Road, Cowley, Oxford, OX4 2EZ	03/10/11	15/10/2011-16/10/2011
Mr Stephen Dean	Cricketers Arms, 102 Temple Road, Cowley, Oxford, OX4 2EZ	03/10/11	23/10/11
Mr Stuart Scott	Head of the River PH, Folly Bridge, St Aldates, Oxford, OX1 4LB	16/11/11	02/12/2011 - 03/12/2011
Mr Stuart Scott	Head of the River PH, Folly Bridge, St Aldates, Oxford, OX1 4LB	16/11/11	09/12/2011 - 10/12/2011
Mr Stuart Scott	Head of the River PH, Folly Bridge, St Aldates, Oxford, OX1 4LB	16/11/11	16/12/2011 - 17/12/2011
Mr Stuart Scott	Head of the River PH, Folly Bridge, St Aldates, Oxford, OX1 4LB	16/11/11	31/12/2011-01/01/2012
Mr James Hopkins	Hobgoblin, 172 Cowley Road, Oxford, OX4 1UE	30/09/11	15/10/2011-16/10/2011
Mr Imran Hashmi	Hobgoblin, 172 Cowley Road, Oxford, OX4 1UE	19/11/11	03/12/2011-04/12/2011
Mr Imran Hashmi	Hobgoblin, 172 Cowley Road, Oxford, OX4 1UE	02/12/11	17/12/2011-18/12/2011
Mr Imran Hashmi	Hobgoblin, 172 Cowley Road, Oxford, OX4 1UE	02/12/11	22/12/2011-25/12/2011
Mr Christian Camm	Nicholas Tingewick Hall, John Radcliffe Hospital, Headington, Oxford, OX3 9DU	01/09/11	17/09/11
Mrs Nicola Sharp	Nicholas Tingewick Hall, John Radcliffe Hospital, Headington, Oxford, OX3 9DU	22/09/11	08/10/11
Prof. John Stradling	Nicholas Tingewick Hall, John Radcliffe Hospital, Headington, Oxford, OX3 9DU	21/10/11	12/11/11
Mr Christian Camm	Nicholas Tingewick Hall, John Radcliffe Hospital, Headington, Oxford, OX3 9DU	11/11/11	30/11/2011-03/12/2011
Mr Ian Nolan	The Old Boot Factory, Area 2, 102 - 104 St Mary's Road, Oxford, OX4 1QD	14/09/11	28/09/11
Mr Ian Nolan	The Old Boot Factory, Area 2, 102 - 104 St Mary's Road, Oxford, OX4 1QD	19/09/11	01/10/11
Mr Ian Nolan	The Old Boot Factory, Area 2, 102 - 104 St Mary's Road, Oxford, OX4 1QD	23/09/11	08/10/11
Mr Ian Nolan	The Old Boot Factory Area 2, 102 - 104 St Mary's Road, Oxford, OX4 1QD	31/10/11	12/11/11
Mr Harry Brittain	The Cellar, Frewin Court, Oxford, OX1 3HZ	26/09/11	16/10/11
Mr Harry Brittain	The Cellar, Frewin Court, Oxford, OX1 3HZ	26/09/11	29/10/11
Mr Harry Brittain	The Cellar, Frewin Court, Oxford, OX1 3HZ	28/11/11	17/12/11
Mr Harry Brittain	The Cellar, Frewin Court, Oxford, OX1 3HZ	28/11/11	01/01/12
Ms Rose McAfee	The Rotunda, 44 Iffley Turn, Grove House, Oxford	17/11/11	03/12/11
Mr Andrew Brammer	The Rotunda, 44 Iffley Turn, Grove House, Oxford	09/11/11	07/12/2011-09/12/2011
Mr. Andrew Brammer	The Rotunda, 44 Iffley Turn, Grove House, Oxford	24/11/11	10/12/11
Ms Polly Jess McLean	The Rotunda, 44 Iffley Turn, Grove House, Oxford	17/11/11	31/01/12
Mr Karl Sjoberg	Top End Kennett Road, Oxford, OX3 7BH	07/09/11	23/09/11
Mr Karl Sjoberg	Top End Kennett Road, Oxford, OX3 7BH	10/11/11	25/11/11
Mr Karl Sjoberg	Top End Kennett Road, Oxford, OX3 7BH	23/11/11	16/12/11
Mr Karl Sjoberg	Top End Kennett Road, Oxford, OX3 7BH	08/12/11	23/12/11
Mr Roderick Chalk	West Oxford Primary School, Ferry Hinksey Road, Oxford, OX2 0BY	27/09/11	14/10/11
Mrs Jennifer Crouch	West Oxford Primary School, Ferry Hinksey Road, Oxford, OX2 0BY	20/10/11	05/11/11
Mr Roderick Chalk	West Oxford Primary School, Ferry Hinksey Road, Oxford, OX2 0BY	18/11/11	03/12/11
Ms Ruth Stavris	West Oxford Primary School, Ferry Hinksey Road, Oxford, OX2 0BY	25/11/11	13/12/11

Applicant	Premises	Date rec'd	Event dates
THREE APPLICATIONS PER PREMISES			
Mr Martin Forde	Baby Love Bar, 3 King Edward Street, Oxford, OX1 4HS	19/10/11	05/11/2011-06/11/2011
Mr Martin Forde	Baby Love Bar, 3 King Edward Street, Oxford, OX1 4HS	18/11/11	04/12/11
Mr Martin Forde	Baby Love Bar, 3 King Edward Street, Oxford, OX1 4HS	18/11/11	18/12/11
Mr William Gordon	Café Rouge, 11 Little Clarendon Street, Oxford, OX1 2HP	13/10/11	11/11/11
Mr William Gordon	Café Rouge, 11 Little Clarendon Street, Oxford, OX1 2HP	18/11/11	03/12/11
Mr William Gordon	Café Rouge, 11 Little Clarendon Street, Oxford, OX1 2HP	18/11/11	31/12/2011-01/01/2012
Mrs Saudia Hind	Saudia's Taste of Jamaica, 32 Cowley Road, Littlemore, OX4 4LD	05/10/11	29/10/2011-30/10/2011
Mrs Saudia Hind	Saudia's Taste of Jamaica, 32 Cowley Road, Littlemore, OX4 4LD	31/10/11	12/11/2011-13/11/2011
Mr Paul Lilly	Saudias Taste Of Jamaica, 32 Cowley Road, Littlemore, Oxford, OX4 4LD	13/12/11	31/12/2011-01/01/2012
Mr Philip Doubtfire	South Oxford Community Centre, Lake Street, Oxford, OX1 4RP	08/09/11	30/09/11
Miss Joanna Colonnese	South Oxford Community Centre, Lake Street, Oxford, OX1 4RP	15/11/11	03/12/11
Mrs Gillian Garratt	South Oxford Community Centre, Lake Street, Oxford, OX1 4RP	15/11/11	17/12/11
Mr Ilias Karalivanos	Strada, 1-2 Little Clarendon Street, Oxford, OX1 2HP	08/09/11	21/10/11
Mr Ilias Karalivanos	Strada, 1-2 Little Clarendon Street, Oxford, OX1 2HP	09/11/11	25/11/11
Mr Ilias Karalivanos	Strada, 1-2 Little Clarendon Street, Oxford, OX1 2HP	09/11/11	31/12/11
Mr Imran Hashmi	The Bridge, 6/9 Hythe Bridge Street, Oxford, OX1 2EW	05/09/11	20/09/11
Mr Imran Hashmi	The Bridge, 6/9 Hythe Bridge Street, Oxford, OX1 2EW	05/09/11	25/09/11
Mr Guillaume Berdeaux	The Bridge, 6/9 Hythe Bridge Street, Oxford, OX1 2EW	18/10/11	01/11/11
Mr Gurshan Saini	The Old Black Horse Hotel, 102 St Clements, Oxford, OX4 1AR	23/09/11	08/10/2011-09/10/2011
Mr Gurshan Saini	The Old Black Horse Hotel, 102 St Clements, Oxford, OX4 1AR	23/09/11	15/10/2011-16/10/2011
Mr Gurshan Saini	The Old Black Horse Hotel, 102 St Clements, Oxford, OX4 1AR	23/09/11	21/10/2011-23/10/2011
Mr Ian Nolan	The Old Boot Factory, Area 1, 102 - 104 St Mary's Road, Oxford, OX4 1QD	02/09/11	17/09/11
Mr Ian Nolan	The Old Boot Factory, Area 1, 102 - 104 St Mary's Road, Oxford, OX4 1QD	07/09/11	23/09/11
Mr Ian Nolan	The Old Boot Factory, Area 1, 102 - 104 St Mary's Road, Oxford, OX4 1QD	28/11/11	13/12/2011-15/12/2011
Mr Ian Nolan	The Old Boot Factory, Area 3, 102 - 104 St Mary's Road, Oxford, OX4 1QD	30/09/11	15/10/11
Mr Ian Nolan	The Old Boot Factory, Area 3, 102 - 104 St Mary's Road, Oxford, OX4 1QD	24/10/11	05/11/2011-06/11/2011
Mr Ian Nolan	The Old Boot Factory, Area 3, 102 - 104 St Mary's Road, Oxford, OX4 1QD	07/11/11	19/11/11

Applicant	Premises	Date rec'd	Event dates
TWO APPLICATIONS PER PREMISES			
Miss Anna Pickvance	Ashmolean Museum of Art & Archaeology, Beaumont Road, Oxford, OX1 2PH	15/11/11	28/01/2012 - 29/01/2012
Miss Anna Pickvance	Ashmolean Museum of Art & Archaeology, Beaumont Road, Oxford, OX1 2PH	15/11/11	01/09/2012 - 02/09/2012
Mr Luis Carrera	Clementines, 15 St Clement's Street, Oxford, OX4 1AB	13/10/11	29/10/2011-31/10/2011
Mr Luis Carrera	Clementines, 15 St Clement's Street, Oxford, OX4 1AB	29/11/11	16/12/2011-18/12/2011
Mr John Andrew Glasgow	East Oxford Community Centre, 44 Prince's Street, Oxford, OX4 1DD	05/10/11	29/10/11
Mr John Andrew Glasgow	East Oxford Community Centre, 44 Prince's Street, Oxford, OX4 1DD	05/12/11	31/12/11
Mr Barnaby Geddes-O'Dolan	Flora Anderson Hall, Somerville College, Woodstock Road, Oxford, OX2 6MD	15/09/11	08/10/11
Mr Barnaby Geddes-O'Dolan	Flora Anderson Hall, Somerville College, Woodstock Road, Oxford, OX2 6MD	14/11/11	26/11/11
Mrs Elaine Dale	Oxford Conference Centre, Cantay House, Park End Street, Oxford	21/11/11	28/12/2011-29/12/2011
Mrs Elaine Dale	Oxford Conference Centre, Cantay House, Park End Street, Oxford	14/12/11	31/12/2011-01/01/2012
Ms Daryl Back	Oxford High School For Girls, Belbroughton Road, Oxford, OX2 6XA	14/10/11	04/11/11
Mrs Joy Lee	Oxford High School For Girls, Belbroughton Road, Oxford, OX2 6XA	19/10/11	23/11/2011-25/11/2011
Mrs Teresa Hudson	Rye St Anthony School, Pullens Lane, Headington, Oxford, OX3 0BY	18/10/11	04/11/11
Mrs Janet Curl	Rye St Anthony School, Pullens Lane, Headington, Oxford, OX3 0BY	26/10/11	16/12/11
Mrs Letitia Batten	South Oxford Bowls Club, Sunningwell Road, Oxford, OX1 4SY	15/11/11	10/12/011
Mrs Letitia Batten	South Oxford Bowls Club, Sunningwell Road, Oxford, OX1 4SY	26/09/11	15/10/11
Mrs Philippa Vose	St Aloysius Catholic Primary School, 143 Woodstock Road, Oxford, OX2 7PH	27/10/11	12/11/11
Mrs Philippa Vose	St Aloysius Catholic Primary School, 143 Woodstock Road, Oxford, OX2 7PH	22/11/11	09/12/11
Mr Stephen Jenkins	The Chequers, 17A Beaumont Road, Quarry, Oxford, OX3 8JN	13/10/11	29/10/11
Mr Stephen Jenkins	The Chequers, 17A Beaumont Road, Quarry, Oxford, OX3 8JN	07/11/11	18/11/11
Mr Derek Sheerin	The Corridor, 119 Cowley Road, Oxford, OX4 1HU	03/10/11	15/10/2011-16/10/2011
Mr Derek Sheerin	The Corridor, 119 Cowley Road, Oxford, OX4 1HU	14/10/11	28/10/2011-29/10/2011
Mrs Jennifer Muirhead	The White Horse, London Road, Headington, Oxford, OX3 7SP	05/10/11	15/10/11
Mrs Jennifer Muirhead	The White Horse, London Road, Headington, Oxford, OX3 7SP	05/10/11	23/10/11
Mr Gary Smith	Truck Store, 101 Cowley Road, Oxford, OX4 1HU	19/09/11	01/10/2011-02/10/2011
Mr Gary Smith	Truck Store, 101 Cowley Road, Oxford, OX4 1HU	03/10/11	15/10/2011+16/10/2011
Mr David Jones	West Oxford Community Centre, Botley Road, Oxford, OX2 0BT	18/11/11	03/12/11
Miss Karen Starr	West Oxford Community Centre, Botley Road, Oxford, OX2 0BT	07/12/11	26/01/2012-28/01/2012
Mr Christopher Manners	Xmas Light Night, St Giles, Oxford	17/11/11	02/12/11
Miss Rachel Capell	Xmas Light Night, St Giles, Oxford	17/11/11	02/12/11

Applicant	Premises	Date rec'd	Event dates
ONE APPLICATION PER PREMISES			
Mr Paul Crowther	22nd Oxford Sea Scouts HQ, Meadow Lane, Donnington Bridge Road, Oxford	20/10/11	02/12/11
Mr Adam Peach	238 Marston Road, Oxford, OX3 0EJ	19/10/11	19/11/11
Marks & Spencer	242-252 Banbury Road, Summer Town, OX2	25/11/11	23-24/12/11
Mr Aldonio Gois	Akiport Café and Shop, 192 Abingdon Road, Oxford, OX1 4RA	07/12/11	23/12/2011-24/12/2011
Miss Olga Tanailova	All Bar One, 124 High Street, OX1 4DE	05/12/11	24/12/2011-25/12/2011
Mrs Catherine Hodgkinson	All Saints' Church House, New High Street, Oxford, OX3 7AL	22/09/11	15/10/11
Mr Paul Gardner	All Souls College, High Street, Oxford, OX1 4AL	29/11/11	14/12/2011-16/12/2011
Mr Xhetan Bushi	Bar Aroma, 234 Cowley Road, Oxford, OX4 1UH	14/10/11	30/10/2011-31/10/2011
Ms Mary-Jane Sareva	Blackbird Leys Community Centre, Blackbird Leys Road, Oxford, OX4 6WH	01/12/11	16/12/2011-17/12/2011
Mr Bill Pinkerton	Bonn Square, Oxford	08/11/11	02/12/11
Miss Julie Sturgess	Brasenose College Boathouse, Boathouse Island, River Isis, Oxford	16/06/11	23/05/2012-26/05/2012
Mr Michael Ponting	Bury Knowle Club, Windmill Road, Headington, Oxford, OX3 7BX	25/10/11	25/12/2011-28/12/2011
Mr Peter Zarecky	Carbon, Pennyfaring Place, St Ebbes, Oxford, OX1 1QF	09/12/11	31/12/2011-01/01/2012
Mr John Lovett	City of Oxford Silver Band Hall, Temple Road, Oxford, OX4 2EZ	31/10/11	12/11/11
Mrs Janet Walker	Corner House, Hollow Way, Oxford, OX3 7JF	18/11/11	04/12/11
Mr Karl Sjoberg	Cricket Pavilion, former Corpus Christi Sports Ground	03/10/11	16/10/11
Mr Anthony Munsey	Frewen Club, 98 St Aldate's, Oxford, OX1 1BT	21/11/11	17/12/11
Ms Elisabete Gomes	Gee's Restaurant, 61 Banbury Road, Oxford	25/11/11	17/12/11
Ms Lindsay Allen	Henmans LLP, 5000 Oxford Business Park South, Cowley Oxford, OX4 2BH	16/09/11	06/10/11
Mr Edward Owen	Hugh Price House, Herbert Close	05/10/11	19/10/11
Dr Shahpur Patell	Jesus College Boathouse, Christchurch Meadow	11/11/11	26/06/12
Dr Shahpur Patell	Jesus College, Turl Street, Oxford, OX1 3DW	02/09/11	07/10/11
Miss Jacqueline Fossey	Junior Common Room, Balliol College, Broad Street	11/11/11	15/12/2011 - 18/12/2011
Miss Caitlin Gracie	Lincoln College Sports Ground, Bartlemas Close, Oxford	09/09/11	06/10/11
Mrs Rita Ann Brown	Littlemore And District Royal British Legion, Lakefield Road, Oxford, OX4 4LZ	03/10/11	22/10/11
Mr Edward Kiggins	Lola Lo, Oxenford House, 13-15 Magdalen Street, Oxford, OX1 3AE	11/10/11	31/10/11
Miss Sarah Baker	Mansfield College Sports Club, 11 Mansfield Road, Oxford, OX1 3SZ	04/11/11	26/11/11
Mrs Jessica Taylor	Meadowbrook Centre, Raymund Road, Marston, Oxford, OX3 0PJ	06/09/11	22/09/11
Mr Stuart Jarvey	Mid Counties Co-Op, 76 Rosehill, Oxford	10/11/11	01/12/2011-04/12/2011
Miss Hayley Raines	Modern Art Oxford, Pembroke Street, Oxford, OX1 1BP	29/09/11	22/10/11
Mrs Andrea Jones	Mortimer Hall, Oxford Road, Old Marston, Oxford, OX3 0PH	15/11/11	26/11/11
Mr Christopher Manners	Mulled Wine Stand, South Park, Cheney Lane, Oxford, OX3 7JX	21/10/11	05/11/11
Mrs Janice Roche	North Oxford Sports Club, 546 Banbury Road, Oxford, OX2 8EQ	04/11/11	19/11/11
Mr Imran Hashmi	Number 9, 9A High Street, Oxford, OX1 4DB	14/11/11	28/11/11
Mrs Kathryn Marshall	Oxford High School, Belbroughton Road, Oxford, OX2 6XA	14/11/11	26/11/11
Mr Rayner Hobbs	Oxpens Meadow, Oxpens Road, Oxford, OX1 1RQ	01/12/11	01/07/12

Applicant	Premises	Date rec'd	Event dates
ONE APPLICATION PER PREMISES			
Ms Donna Waterer	Pegasus Theatre, Magdalen Road, Oxford, OX4 1RE	30/09/11	15/10/2011-16/10/2011
Mr Nicholas Bassett	Port Mahon, 82 St Clements Street, Oxford, OX4 1AW	02/09/11	18/09/11
Mr Lee McAllister	Prince Of Wales, 71 Horspath Road, Cowley, Oxford, OX4 1QW	19/09/11	01/10/2011-02/10/2011
Dr Shahpur Patell	Principal's Lodgings and Gardens, Jesus College, Turl Street	11/11/11	28/07/12
Mark Bedford	Rewley House, 1 Wellington Square, Oxford 1	25/11/11	15/12/11
Miss Olivia Buckley	River Island, Unit B, 13-21 Coommarket Street, Oxford, OX1 3JD	01/09/11	03/10/11
Mr Paul Nisbeth	Roppongi, 29-31 George Street, Oxford, OX1 2AU	16/09/11	08/10/11
Mr Simon Coldwell	Sainsbury's, Heyford Hill, Oxford, OX4 4XR	05/12/11	21/12/2011-24/12/2011
Mr Mohammed Kharal	Sanaa Store, 194 Abingdon Road, Oxford, OX1 4RA	12/12/11	30/12/2011-01/01/2012
Miss Poppy Hanbury	Santa Fun Run, Catte Street, Oxford	22/09/11	11/12/11
Mrs Allison Ozkaya	Scouts Hut, 238 Marston Road, Oxford, OX3 0EJ	30/11/11	17/12/11
Mrs Alison Henley	Shaw Gibbs, 264 Banbury Road, Oxford, OX2 7DY	26/10/11	18/11/11
Mr Barnaby Geddes-O'Dolan	Somerville College, Woodstock Road, Oxford, OX2 6HD	18/10/11	29/10/11
Mrs Greta Josephy	SS Mary & John Church, 271 Cowley Road, Oxford.	18/11/11	14/12/11
Mrs Juliet Strother	SS Mary and John Primary School, Meadow Lane, Oxford	07/11/11	26/11/11
Mrs. Kim Polygreen	SS Philip and James Primary School	09/11/11	25/11/11
Mr John Shuckburgh	St Aldates Church, St Aldates, Oxford	10/11/11	24/11/11
Mrs Melanie Trinder	St Gregory The Great Roman Catholic Secondary School, Cricket Road, Oxford	20/10/11	25/11/11
Mr Mark Green	Stall 3, Christmas Light Night, Broad Street, Oxford	30/09/11	02/12/11
Miss Poppy Hanbury	Summer Fields School, Mayfield Road, Oxford, OX2 7EN	22/09/11	06/12/11
Mrs Paula Falck	The Ashmolean Museum, Beaumont Street, Oxford, OX1 2PH	25/10/11	11/11/2011-12/11/2011
Miss Robyn Cuthell	The Cape of Good Hope, Iffley Road, Oxford, OX4 1EA	22/11/11	09/12/2011-10/12/2011
Ms Siobhan Finnegan	The Four Candles, 51 George Street, Oxford, OX1 2BE	10/11/11	21/12/2011-22/12/2011
Mr Anthony Munsey	The Frewen Club, 98 St Aldates, Oxford, OX1 1BT	14/09/11	29/10/11
Mr Stuart Hayles	The Jolly Farmers, Paradise Street, Oxford, OX1 1LD	14/12/11	01/01/12
Mr Peter Mortimore	The Junction, 42-43 Park End Street, Oxford, OX1 1JD	24/10/11	18/11/2011-19/11/2011
Mr David Jones	The Oxford Academy, Sandy Lane West, Oxford, OX4 6JZ	16/12/11	01/06/12
Mr Johnny Mignon	The Perch, Binsey Lane, Oxford, OX2 0NG	24/11/11	16/12/2011-17/12/2011
Mr Mungo Ritchie	The Plush Lounge, 27 Park End Street, Oxford, OX1 1HU	12/12/11	31/12/2011-01/01/2012
Mr Jacques Kieser	The Red Lion, 14 Gloucester Road	10/11/11	31/12/2011-01/01/2012
Mr Ian Liddle	The Royal Blenheim, 13 St Ebbes Street, Oxford, OX1 1PT	04/10/11	23/10/11
Miss Michelle Sporle	The Royal Oak, 42-44 Woodstock Road, Oxford, OX2 6HT	24/11/11	01/01/12
Mrs Pauline Masterson	Viking Sports Club, 65 Old High Street, Headington, Oxford	01/09/11	17/09/11
Mr Edward Butler	West Oxford Democrats Club, 1 North Street, Oxford, OX2 0AY	16/11/11	17/11/11
Ms Claire Shrewsbury	Windmill Primary School, Margaret Road, Oxford	22/11/11	09/12/11
Mr Andrew Cutts	Wolfson College Cellar, Wolfson College, Linton Road, Oxford, OX2 6UD	21/09/11	08/10/2011-09/10/2011

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Sub-Committee Hearings

22nd September 2011: Chair: Cllr Clarkson

The Lodge, Oxpens Road, Oxford

Application to Vary a Premises Licence: To allow alterations to internal layout. To extend terminal hour for all licensable activity to 05.00 hrs Monday to Saturday and to include an additional hour on the morning of the day the clocks go forward. To vary the door supervisor conditions.

Decision and reasons of the Licensing Sub-Committee

The Sub-Committee considered all submissions, both written and oral. It took into account both the Home Office Guidance and the Council's own Statement of Licensing Policy (SLP), in particular policies LH3 (Licensing hours not limited) and LH7 (Latest admission times).

The Sub-Committee noted that Thames Valley Police had withdrawn its representation and that the conditions requested by the Police had been agreed by the Applicant and would transfer to the premises operating schedule. The Sub-Committee also noted that the premises had not caused Police any concerns when it had operated until 05.00am at its previous premises in Pennyfarthing Place. The Sub-Committee was satisfied that the variations applied for would not create any additional problems of crime and disorder.

The Sub-Committee found that the nature of the premises as a SEV and the way in which it was operated meant that the increase in hours applied for was unlikely to lead to any additional problems of public nuisance or risks to public safety.

In order to address the risk of the premises becoming a focus for intoxicated persons seeking alcohol after other premises in the area had closed, the Sub-Committee found it necessary to impose the further condition offered by the Applicant restricting last entry times to 03.00am. Such a condition was also in accordance with Policy LH7 of the SLP.

The Sub-Committee was satisfied that the variations sought were otherwise in accordance with the licensing objectives and there were no grounds to reduce the hours to less than those applied for. There appeared to be no objection to the variations in respect of premises layout and door staff.

The application is therefore GRANTED as applied for, subject to the following additional condition:

- (1) No new customers shall be admitted to the premises after 03.00. The re-admission of customers having used the outside smoking area is permitted until the end of licensable activities

Reason: Prevention of public nuisance/prevention of crime and disorder and in furtherance of policy LH7 of the Statement of Licensing Policy.

22nd September 2011: Chair: Cllr Clarkson

Balamurali Kamalenthiran

Application for a Personal Licence – objected to by Thames Valley Police

Decisions and reasons of the Licensing Sub-Committee:

Having taken all factors and representations into account, the application for a Personal Licence for the above-mentioned Applicant was GRANTED.

In making this decision the Sub-Committee took into account the fact that the Applicant was two-thirds of the way through the recommended rehabilitation period. The offence appeared to have been an isolated incident and there was no evidence of any ongoing alcohol problem.

The Sub-Committee were satisfied that Mr Kamalenthiran had an excellent employment record was sufficiently supervised for there to be no problem with his role at Sainsbury's. The Sub-Committee found that the risk of any further offences or further convictions was extremely low and concluded that it was not necessary for the promotion of crime prevention to refuse the application. In reaching its decision the Sub-Committee took into account the Home Office Guidance concerning criminal convictions, in particular para 4.9, but found there were good to depart from the Guidance on this occasion.

22nd September 2011: Chair: Cllr Clarkson

Omar Faruq Hussain

Application for a Personal Licence – objected to by Thames Valley Police

Decisions and reasons of the Licensing Sub-Committee:

Having taken all factors and representations into account, the application for a Personal Licence for the above-mentioned applicant was REFUSED.

The Sub-Committee believed that, bearing in mind the applicant's previous conviction, it was desirable for there to be a longer period of rehabilitation before the award of a personal licence. The Sub-Committee considered that because of the seriousness of the Applicant's conviction and the relatively short period since the expiry of his prison sentence, it was necessary that the application be refused in the interests promoting the prevention of crime objective.

In reaching its decision the Sub-Committee took into account the Home Office Guidance on criminal convictions and found there were no exceptional circumstances in this case that would justify granting the application against Police advice.

The Sub-Committee encouraged Mr Hussain to re-apply when his conviction was spent.

20th October 2011: Chair: Cllr Brundin

Kebab Kid, St Clements Street, Oxford. OX4 1AG

Application for a New Premises Licence: Late night refreshment 23.00 hrs to 04.00 hrs Sunday to Thursday and 23.00 hrs to 05.00 hrs Friday and Saturday'

Decision and Reasons of the Sub-Committee

The Sub-Committee considered all submissions, both written and oral. Members of the Sub-Committee welcomed the Applicant's agreement to the installation of a suitable CCTV system and the introduction of an approved dispersal policy. The Sub-Committee further found that there was no evidence to suggest that the home delivery service would cause a particular nuisance and therefore it was reasonable for the hours of operation for this aspect of the business to be granted as applied for.

The Sub-Committee noted that the premises were within the area of the East Oxford Special Saturation Policy (GN19). Whilst the Committee accepted the policy was primarily designed to control problems associated with the sale of alcohol and had no direct relevance to an application for a late night refreshment licence, it nevertheless indicated that St Clements is an area of particular sensitivity to antisocial behaviour and problems of crime and disorder. The Sub-Committee found that the evidence of Thames Valley Police and the interested parties supported this view.

The Sub-Committee also had particular regard to the Home Office Guidance and policies PP10 (Late Night Refreshment) and LA4 (Noise Control to Suit Late Night Trading) of the Council's Statement of Licensing Policy.

The Sub-Committee found that a late night refreshment outlet in the proposed location operating to the amended hours applied for was likely to be a focus for gatherings of people having left late night alcohol venues. Consequently there was a significant risk of crime, disorder and noise nuisance. In order to reduce that risk to an acceptable level the Sub-Committee found it necessary to restrict the hours of operation and impose a further condition requiring door staff. The Sub-Committee noted the Applicant's resistance to a condition requiring door staff but found that given the risk of crime and disorder this was a reasonable and proportionate measure.

The application was therefore GRANTED as follows:-

- (1) Late night refreshment shall be provided between the hours of 23.00 and 02.00 hours daily, from Monday to Sunday. The home delivery service may operate from the Premises between the hours of 23.00hours and 04.00hours Sunday to Thursday, and from 23.00hours and 05.00hours Friday and Saturday, so long as the shop is closed to the public after 02.00hours every day of the week.

Reason: The prevention of public nuisance/prevention of crime and disorder and in furtherance of Policy PP10 (Late Night Refreshment) of the Council's Statement of Licensing Policy.

- (2) A minimum of 2 Door Supervisors, all individually registered with the Security Industry Authority, shall be on the premises on Friday and Saturday when the

premises are open for any licensable activity from 23.00hours until closure, and shall wear high visibility yellow fluorescent coats at all times while on duty

Reason; The prevention of crime and disorder and in furtherance of Policy PP10 (Late Night Refreshment) of the Council's Statement of Licensing Policy.

- (3) A CCTV system shall be installed or the existing system maintained. This system shall be fit for purpose. It shall comply with the current and relevant Thames Valley police guidelines for Standard Minimum CCTV Requirements (Issue 1st July 2004). The system will incorporate as a minimum standard a camera covering any of the entrance /exit doors, and be capable of providing an image that is regarded as "identification standard". To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove head wear unless worn as part of religious observance.

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

When the premises are open there shall be staff on duty that are fully trained to operate the system and are able to produce copies of footage requested by Thames Valley Police or the Licensing Authority upon request. The premises shall provide footage within 24 hours of being requested.

Reason: The prevention of crime and disorder and in furtherance of Policy PP10 (Late Night Refreshment) of the Council's Statement of Licensing Policy.

- (4) The premises shall implement and their staff consistently adhere to a written dispersal policy. This policy shall be under regular review and the premises shall make agreed amendments to the policy in light of evidenced concerns from Thames Valley Police or the Licensing Authority.

Reason: The prevention of crime and disorder/prevention of public nuisance.

20th October 2011: Chair: Cllr Brundin

Camera, St. Ebbes Street, Oxford

Application to Vary a Premises Licence: To extend licensable activities on 02.30 hrs Monday to Saturday and until 00.30 hrs on Sunday. To include 12 occasions per year to extend licensable activities by an extra hour subject to 10 days notice. On Sundays immediately before Bank Holidays the permitted hours shall extend to 02.30 hrs. On the day that BST begins the terminal hour is extended by 1 hour. On May Day (1st May) the activity is extended until 05.00 hrs. New Year's Eve the activity is extended to the beginning of normal licensed hours on New Year's Day.

Decisions and reasons of the Licensing Sub-Committee:

The Sub-Committee considered all submissions, both written and oral. The Sub-Committee took into account the Home Office Guidance concerning hours of operation and the Council's own Statement of Licensing Policy, in particular policies GN19 (Special Saturation Policy (SSP)), GN17 (Need for Evidential basis), and LH3 (Licensing Hours Not Limited).

The Sub-Committee considered that the closure of other premises in the vicinity since adoption of the SSP did not lessen the weight to be given to the policy. The SSP had been recently reviewed and was designed to control cumulative impact over the whole of the policy area and not by reference to specific premises. However, the closure of other licensed premises in the immediate vicinity of Camera was relevant to assessing whether the variation sought would in fact add to crime and disorder.

The Sub-Committee was mindful that the SSP did not excuse it from examining the merits of the application. It was not in dispute that the Premises are well managed and with the attachment of the conditions agreed by the Applicant the Sub-Committee was satisfied that the variation in hours sought would not significantly add to crime and disorder. It was not therefore a 'material variation' and there was no presumption against granting it.

The Sub-Committee found that any risk of increased crime and disorder presented by a 30 minute increase in hours was adequately balanced by the attachment of the agreed conditions. The conditions were necessary in a premises of this type and were a considerable but appropriate increase in the level of management control.

The Sub-Committee agreed that for the sake of clarity existing condition 3. on the licence should be amended/removed as applied for.

The application was therefore **GRANTED** as applied for with the following additional conditions:-

- (1) The premises shall formulate and implement the following written policies:
 - a. Queuing and management of patrons in external areas
 - b. Search policy
 - c. Drugs policy
 - d. Dispersal Policy

All staff shall be trained on the above policies. Copies shall be submitted to the Licensing Authority and Thames Valley Police. The policies shall be kept under regular review and the premises shall make any reasonable and proportionate amendments following evidenced concerns from Responsible Authorities.

Reason: prevention of crime and disorder and prevention of public nuisance

- (2) A minimum of 4 Door Supervisors, all individually registered with the Security Industry Authority, shall be on the premises at least 15 minutes before the premises open until the premises and the immediate vicinity of the premises is cleared of patrons on any day that the venue is trading past 00.00hours [midnight]. All Door Supervisors shall wear "High Visibility" fluorescent yellow Nightsafe branded clothing.

Reason; The prevention of crime and disorder.

- (3) A CCTV system shall be installed or the existing system maintained. This system shall be fit for purpose. It shall comply with the current and relevant Thames Valley police guidelines for Standard Minimum CCTV Requirements (Issue 1st July 2004). The system will incorporate as a minimum standard a camera covering any of the entrance /exit doors, and be capable of providing an image that is regarded as "identification standard". To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove head wear unless worn as part of religious observance.

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

When the premises are open there shall be staff on duty that are fully trained to operate the system and are able to produce copies of footage requested by Thames Valley Police or the Licensing Authority upon request. The premises shall provide footage within 24 hours of being requested.

Reason: The prevention of crime and disorder

- (4) All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years, and who is seeking to purchase alcohol from the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or Proof of Age card carrying a "PASS" logo.

Reason: The protection of children from harm

(5) A Premises Daily Register shall be kept at the premises. This register will be maintained and kept for a minimum of 12 months. This register shall record:-

- The name of the person responsible for the premises on each given day;
- All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call, and the time and date of the incident about which the call is made, and any actions taken to deal with the call;
- Any refusals on the grounds of age or intoxication (to include the date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused);
- Any calls or visits by Thames Valley Police in relation to any crime and disorder or like related matter;
- The Premises Daily Register will be readily available for inspection by any responsible authority throughout the trading hours of the premises.

Reason: Prevention of crime and disorder/prevention of public nuisance

(6) All staff shall be suitably trained for their job function for the premises. This shall include amongst other topics the law regarding the refusal of service to any person who is drunk or underage, and staff shall be made aware of how to seek identification from anyone who appears to be underage. All staff shall sign and date a document to confirm that. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon.

Reason: Prevention of crime and disorder, / protection of children from harm/ prevention of public nuisance.

(7) After 23.00hours on any day that the premises is trading after 00.00hours [midnight], egress between the basement and ground floors shall be controlled by a SIA licensed member of security.

Reason: public safety/prevention of crime and disorder

(8) No person shall be admitted to the premises less than 1 hour before cessation of the last licensable activity.

Reason: Prevention of crime and disorder/prevention of public nuisance.

(9) Persons shall be prevented from leaving the premises with alcohol supplied in open containers.

Reason: Prevention of crime and disorder/prevention of public nuisance.

(10) Prominent, clear notices shall be displayed at all exit points to advise customers that the premises fall within an Alcohol Free Zone.

Reason: Prevention of crime and disorder/prevention of public nuisance.

(11) To facilitate a gradual dispersal, the premises shall be cleared of customers and closed 45 minutes after the conclusion of the last licensed activity.

Reason: Prevention of crime and disorder/prevention of public nuisance.

(12) In all areas of the premises, all drinks, with the exception of champagne and champagne flutes, shall be served in non-glassware drinking vessels (for example polycarbonate, plastic, polystyrene), with the exception of:-

- The restaurant and VIP area where the service of all drinks shall be permitted in glass vessels;
- The main area of the premises on nights where licensable activities end no later than 23.00 hours, or on occasion when the premises are being used for pre-booked private functions, when the service of all drinks shall be permitted in glass vessels

Reason: Public safety/the prevention of crime and disorder.

All conditions on the existing licence continue to apply unless varied or removed by this decision.

20th October 2011: Chair: Cllr Brundin

Viking Sports Club, Old High Street, Headington, Oxford

Application to Vary a Premises Licence: To include live and recorded music Monday to Friday 19.00 hrs to 23.00 hrs, Saturday 19.00 hrs to 00.00 hrs and Sunday 19.00 hrs to 22.30 hrs.

Decisions and reasons of the Licensing Sub-Committee:

The Sub-Committee considered all submissions, both written and oral.

The Sub-Committee noted that conditions had already been agreed with Environmental Protection and that these would transfer to the Operating Schedule to the licence. The Sub-Committee also noted the suggestion about limiting the number of events each year, which the Applicant had indicated willingness to accept.

The Sub-Committee therefore GRANTED the application as applied for, with the following additional conditions:-

- (1) The maximum number of events involving regulated entertainment held at or by the Viking Sports Club shall not exceed 20 per annum.

Reason: the prevention of public nuisance.

- (2) A calendar of events shall be drawn up by the Applicant and shall be provided to neighbours in the immediate vicinity of the premises, and to a representative of the local Neighbourhood Watch. Any events that are not on the calendar at the time of its publication shall be advised to the same people once they are arranged.

Reason: The prevention of public nuisance.

20th October 2011: Chair: Cllr Brundin

Six Bells, Beaumont Road, Headington, Oxford

Application to Vary a Premises Licence: To vary hours for sale of alcohol, entertainment and refreshment Sunday to Thursday 10.00 hrs to 00.00 hrs and Friday and Saturday 10.00 hrs to 01.00 hrs and to add additional licensable activities and to amend 2 conditions

Decisions and reasons of the Licensing Sub-Committee:

The Sub-Committee considered all submissions, both written and oral. The Sub-Committee noted that neither Thames Valley Police nor Environmental Protection had made representations against the application. The Sub-Committee took into account the Home Office Guidance and the Council's own Statement of Licensing Policy in particular policies LH3 (Licensing Hours Not Limited) and LH7 (Latest Admission Times).

The Sub-Committee was not persuaded that the variation applied for, would have the detrimental effect upon the local area claimed by the interested parties. The premises had a good track record and there was no evidence to suggest the variations applied for would aggravate the licensing objectives.

In order to prevent the later hours of operating leading to any 'premises hopping' by customers and the consequent risks of nuisance and disorder, the Sub-Committee found it necessary to impose a condition restricting last admission times.

In order to prevent public nuisance from use of the outside area after 23.00 the Sub-Committee found it necessary to restrict the variation sought to Condition 11.

The concerns of the Interested parties over the admission of children are already addressed by section 145 of the Licensing Act 2003.

The application was therefore **GRANTED** as applied for, with the following additional conditions:-

- (1) There shall be no new admission to the premises after 00.00 hours [midnight]

Reason: The prevention of public nuisance/ prevention of crime and disorder.

- (2) Condition 11 (existing licence) shall be varied to read: "External areas shall not be used for licensable activities or the consumption of alcohol or food after 23.00hours"

Reason: The prevention of public nuisance.

All other existing conditions on the Licence remain unchanged

10th November 2011: Chair: Cllr Goddard

Oxford Brookes University, Faculty of Health and Life Sciences, Jack Straws Lane, Marston, Oxford

Application for a New Premises Licence: To allow the sale of alcohol on and off sales, live and recorded music, plays, films, performance of dance, facilities for entertainment of a similar nature and provision of entertainment of a similar nature Sunday to Saturday 11.00 hours to 23.00 hours. A request has also been made for an extension of six evening events per year to 01.00 hours

Decision and Reasons of the Sub-Committee

The Sub-Committee considered all submissions, both written and oral. It also considered the Home Office Guidance and the Council's own Statement of Licensing Policy in particular policies LH3 (Licensing hours not limited) and GN17 (Need for evidential base).

The Sub-Committee recognised the concerns of the Interested parties about the risk of noise and disturbance but found that these concerns were based on speculation at this stage. The premises had apparently operated events under TENs without problems of noise or nuisance and there was no evidence to suggest that this would change with the grant of a licence.

The Sub-Committee found that any risk of noise nuisance could in any event be adequately controlled by the noise limit condition agreed with Environmental Protection.

An increase in traffic and parking were not matters within the Sub-Committee's jurisdiction to control.

The Sub-Committee noted and was reassured by the amendment of the application to remove off sales and confirmation that the Applicant's operating schedule included provision of 4 stewards for events after 21.00.

The Sub-Committee were satisfied that the application was otherwise in accordance with the licensing objectives and that there were no grounds to restrict it to less than that applied for.

In the event that any public nuisance problems were to occur in the future the Interested parties could rely on the provisions for review of premises licences.

The amended application was GRANTED as applied for.

10th November 2011: Chair: Cllr Goddard

Bodrum, Park End Street, Oxford

Application to Vary a Premises Licence: Late Night Refreshment from 23.00 hours to 04.00 hours.

Decision and Reasons of the Sub-Committee

The Sub-Committee considered all submissions, both written and oral and including those from interested parties who did not attend the hearing. The Sub-Committee also considered the Home Office Guidance and the Council's Statement of Licensing Policy (SLP) in particular policies PP10 (Late Night Refreshment), OS9 (Door Supervisors) and GN19 (Special Saturation Policy) (SSP).

The Sub-Committee were satisfied that the evidence of Thames Valley Police demonstrated that a late night refreshment premises at the location in question, which was within the SSP area, was likely to attract considerable numbers of people leaving nearby pubs and clubs having consumed alcohol. Consequently operating until the hours applied for was likely to aggravate crime and disorder problems.

In order to address that risk the Committee found it necessary to limit the hours applied for to 01.00 to avoid the peak discharge of persons from other premises.

In order to prevent crime and disorder and nuisance problems on the premises the Sub-Committee also found it necessary to impose additional conditions on the licence.

The application was **granted** as follows:-

Late night refreshment shall be permitted between 23.00hours and 01.00hours, Monday to Sunday.

And subject to the following conditions:

- (1) A minimum of 2 Door Supervisors, all individually registered with the Security Industry Authority, shall be on the premises on each day it is open, unless otherwise agreed by Thames Valley Police, and from 23.00hours until the premises are closed and the immediate vicinity cleared of patrons. They shall wear high visibility yellow fluorescent Nightsafe branded clothing while on duty.

Reason; The prevention of crime and disorder and in furtherance of Policy PP10 (Late Night Refreshment) of the Council's Statement of Licensing Policy.

- (2) A CCTV system shall be installed or the existing system maintained. This system shall be fit for purpose. It shall comply with the current and relevant Thames Valley police guidelines for Standard Minimum CCTV Requirements (Issue 1st July 2004). The system will incorporate as a minimum standard a camera covering any of the entrance /exit doors, and be capable of providing an image that is regarded as "identification standard". To obtain a clear head and shoulders image of every person entering the premises on the CCTV

system, persons entering the premises should be asked to remove head wear unless worn as part of religious observance.

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

When the premises are open there shall be staff on duty that are fully trained to operate the system and are able to produce copies of footage requested by Thames Valley Police or the Licensing Authority upon request. The premises shall provide footage within 24 hours of being requested.

Reason: The prevention of crime and disorder and in furtherance of Policy PP10 (Late Night Refreshment) of the Council's Statement of Licensing Policy.

- (3) The premises shall implement and their staff consistently adhere to a written dispersal policy which shall be agreed with Thames Valley Police before the premises opens for business to the extended hours. This policy shall be kept under regular review and the premises shall make agreed amendments to the policy in light of evidenced concerns from Thames Valley Police or the Licensing Authority.

Reason: The prevention of crime and disorder/prevention of public nuisance.

- (4) The premises shall implement a queuing system both for waiting patrons outside and up to the servery point to maintain order and establish an effective and clear service procedure to patrons.

Reason: The prevention of crime and disorder/prevention of public nuisance.

- (5) To facilitate effective dispersal, last entrance shall be 15 minutes before the cessation of licensable activities.

Reason: The prevention of crime and disorder/prevention of public nuisance.

- (6) The premises shall apply to the Radio Link committee to join the scheme. If deemed appropriate by the Radio Link committee, the premises will then become a full member and operate the system when trading.

Reason: The prevention of crime and disorder.

- (7) A Premises Daily Register shall be kept at the premises. This register will be maintained and kept for a minimum of 12 months. This register shall record:-

- The name of the person responsible for the premises on each given day;
- All calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call, and the time and date of the incident about which the call is made, and any actions taken to deal with the call;
- Any refusals on the grounds of age or intoxication (to include the date, time, member of staff involved, reason for refusal as well as a brief physical description of the person refused);
- Any calls or visits by Thames Valley Police in relation to any crime and disorder or like related matter;
- The name, SIA number, start and finish time of anyone employed in a security role on that day;
- Any use of force by SIA registered staff in the effective management of the premises or in ejecting persons from the premises (to include date, time, member of staff involved, reason for force as well as a brief physical description of the person refused);
- The Premises Daily Register will be readily available for inspection by any relevant authority throughout the trading hours of the premises.

Reason: Prevention of crime and disorder/prevention of public nuisance

(8) The premises shall operate as a take away only after 00.00 and the seating area shall be closed.

Reason: Prevention of crime and disorder/prevention of public nuisance

For the avoidance of doubt all existing conditions on the licence continue to apply unless varied by or inconsistent with this decision.

Oxford Brookes University, Gypsy Lane Site, Headington, Oxford

Application for a New Premises Licence: Sale of alcohol, regulated entertainment and late night refreshment from 09.00 hrs to 23.30 hrs and 12 events annually until 02.00 hrs and provision for an annual Ball.

Decision and Reasons of the Sub-Committee

The Sub-Committee considered all submissions, both written and oral. It also considered the relevant Home Office Guidance, in particular paragraphs 13.64 to 13.67 (Planning and Building Control) and the Council's own Statement of Licensing Policy in particular policies LH3 (Licensing hours not limited), GN17 (Need for evidential base), GN8 (Planning Permission).

Having considered the representations from certain of the Interested Parties concerning the validity of the Application the Sub-Committee found that it was entitled to accept the Legal Advisor's and Licensing Officer's advice on such matters. The validity or otherwise of applications was a matter delegated to the Council's Head of Environmental Development and his Licensing Officers, it was not a matter for the Sub-Committee to decide. The Application had been brought to the Sub-Committee as one validly made. The Licensing Officer had confirmed this in his representation and the Sub-Committee were entitled to rely on that. The Sub-Committee would restrict itself to considering representations about the likely effect of the grant of a premises licence on the promotion of the licensing objectives.

Nevertheless, for the sake of clarity and information for the parties, the Sub Committee noted that:

- Detailed plans had been submitted by the Applicant and, when read with the text of the application form, appeared to be sufficient to comply with the regulations and allow assessment of the application against the licensing objectives.
- How the Applicant chose to define their premises was a matter for them. The extent of the premises was indeed widely drafted in this case, but not so wide as to make the application unreasonable or invalid.
- The failure in the application form to refer to the housing on the west of the site had been corrected and in any event the houses were shown on the plans and known to the Sub-Committee.
- Whether or not the premises required a new planning permission was not a matter for the Sub-Committee to decide and even if it did the Home Office Guidance and Council's own Statement of Licensing Policy made clear that this would not prevent the granting of a premises licence.

The Sub-Committee went on to consider the merits of the Application.

The Sub-Committee recognised the concerns of the Interested Parties about the risk of noise and disturbance but found that these concerns were based on speculation at this stage. There was no history of complaints and the premises had apparently operated events under its existing licences and by way of temporary event notices without problems of noise or nuisance. There was no evidence to suggest that this would change with the grant of a licence. The Sub-Committee noted that the Responsible Authorities had not objected to the application.

The Sub-Committee found that the risk of noise nuisance from regulated entertainment at late night events would in any event be controlled by the noise limit condition agreed with Environmental Protection.

The Sub-Committee were mindful that noise nuisance from persons leaving the premises would not be controlled by the agreed condition and therefore it found it necessary, particularly in relation to the 12 late night events applied for, to impose a further condition requiring a dispersal policy be agreed and implemented in order to reduce the risk of public nuisance.

The Sub-Committee found that the concern about light pollution expressed by some of the Interested Parties was a planning/environmental protection matter rather than a premises licensing issue.

The Sub-Committee noted and was reassured by the amendment of the application to remove the site of the NTLB (new technology and library block) from the application and reduction of the time for the end of licensable activities to 23.00, save the non standard times applied for and late night refreshment which they wished to continue until 23.30.

The Sub-Committee was satisfied that the application was otherwise in accordance with the licensing objectives and that there were no grounds to restrict it to less than that applied for.

In the event that any public nuisance problems were to occur in the future the Interested Parties could rely on the provisions for review of premises licences.

The application, as amended, was **GRANTED** subject to the following additional condition:

- (1) The Licence Holder shall produce and implement a written dispersal policy to assist in moving patrons away from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and commercial. The Policy must be approved in writing by the Licensing Authority.

Reason: The prevention of public nuisance and in furtherance of policy LH6 (Dispersal Procedures) of the Council's Statement of Licensing Policy.

Note: The Sub-Committee were encouraged by the Applicant's apparent willingness to hear and resolve neighbour's concerns. In accordance with policy LA5 (addressing local concerns) the Sub-Committee suggested that the Applicant make contact details clear so that neighbours could easily find out which officer of the University they should direct matters of concern to.

To: Licensing and Gambling Acts Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Response to Home Office Consultation: Relaxation of Licensing Hours For The Queen's Diamond Jubilee

Summary and Recommendations

Purpose of report: To update Members regarding the response sent by the Licensing Authority to the Home Office consultation: Relaxation of Licensing Hours For The Queen's Diamond Jubilee.

Report Approved by:

Finance: Emma Burson
Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation(s):

The Committee is recommended to note the contents of the report.

INTRODUCTION

1. The central government responsibility for the licensing of alcohol, entertainment and late night refreshment premises has transferred from the Department of Culture media and Sport to the Home Office following the election of the coalition Government.
2. The Government proposes to make a licensing hours order under section 172 of the Licensing Act 2003 to mark the occasion of the Queen's Diamond Jubilee in June 2012.
3. Plans have been announced for a special four-day Jubilee weekend to allow communities the time to come together to celebrate and commemorate the events of the last 60 years. The late May Bank Holiday has been put back to Monday 4 June and there will be an additional Jubilee Bank Holiday on Tuesday, 5 June. The Consultation document is attached at **Appendix One**.

4. The proposed order will extend licensed hours on Friday, 1st June to 1am on Saturday, 2nd June 2012 and on Saturday, 2nd June to 1am on Sunday, 3rd June 2012 for the sale of alcohol for consumption on the premises and the provision of regulated entertainment and late night refreshment in licensed premises in England and Wales.

BACKGROUND

4. Under section 172 of the Licensing Act 2003, the Secretary of State may make an order relaxing opening hours for licensed premises to mark an occasion of 'exceptional international, national or local significance'.
5. A 'licensing hours order' can be used to override existing opening hours in licensed premises, i.e. any premises with a premises licence or club premises certificate for a period of up to four days.
6. An order may be applied to all licensed premises in England and Wales or restricted to one or more specified areas. It is also possible to impose different opening hours on different days during the relaxation period and to allow different licensing hours for different licensable activities.
7. The Government believes that it is likely that many pubs and other licensed premises will wish to open later over the Queen's Diamond Jubilee weekend to take advantage of the celebrations.
8. Licence holders currently have the option of using a Temporary Event Notice (TEN) to extend their opening hours for a limited period. A TEN costs £21.00 and must be submitted at least 10 working days before the event begins. However, they are subject to certain annual limits (for example 12 per premises) and may be refused if the police object on the grounds of crime and disorder.
9. Unlicensed premises would not benefit from the proposed licensing hours order and would still need to apply for a TEN to put on events involving licensable activities.
10. The consultation ran for 7 weeks from 12th October 2011 to the 1st December 2011 and covers England and Wales, where these proposals apply.
11. All Members of the Licensing & Gambling Acts Committee were contacted by the Licensing Team Leader seeking their views on the proposal. All Members who responded (including the Chair and Vice-Chair) did so in favour of the proposals, and the Licensing Team Leader responded according to the consultation.
12. Any financial implications regarding this matter are covered within existing budgets.

Recommendations

13. The Committee is recommended to note the response to the Home Office consultation.

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Background papers:

Version: 1.0

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CONSULTATION: RELAXATION OF LICENSING HOURS FOR THE QUEEN'S DIAMOND JUBILEE

APPENDIX ONE



Home Office

October 2011

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1. Introduction

PROPOSAL

The Government proposes to make a licensing hours order under section 172 of the Licensing Act 2003 to mark the occasion of the Queen's Diamond Jubilee in June 2012. Plans have been announced for a special four-day Jubilee weekend to allow communities the time to come together to celebrate and commemorate the events of the last 60 years. The late May Bank Holiday has been put back to Monday, 4 June and there will be an additional Jubilee Bank Holiday on Tuesday, 5 June.

The proposed order will extend licensed hours on Friday, 1st June to 1am on Saturday, 2nd June 2012 and on Saturday, 2nd June to 1am on Sunday, 3rd June 2012 for the sale of alcohol for consumption on the premises and the provision of regulated entertainment and late night refreshment in licensed premises in England and Wales.

BACKGROUND

Under section 172 of the Licensing Act 2003, the Secretary of State may make an order relaxing opening hours for licensed premises to mark an occasion of 'exceptional international, national or local significance'.

A 'licensing hours order' can be used to override existing opening hours in licensed premises (any premises with a premises licence or club premises certificate) for a period of up to four days. An order may be applied to all licensed premises in England and Wales or be restricted to one or more specified areas. It is also possible to impose different opening hours on different days during the relaxation period and to allow different licensing hours for different licensable activities.

It is likely that many pubs and other licensed premises will wish to open later over the Queen's Diamond Jubilee weekend to take advantage of the celebrations. The Home Office does not hold official figures on closing times (apart from 24 hour licences), but a survey commissioned as part of the 2008 Culture Media and Sport Select Committee into the Licensing Act 2003 by the Department for Culture, Media and

Sport showed that 56% of all premises in survey still closed at 11pm.

Licence holders currently have the option of using a Temporary Event Notice (TEN) to extend their opening hours for a limited period. A TEN currently costs £21 and a premises user must submit a TEN at least 10 working days before the event begins. However, licence holders are subject to annual limits on the numbers of TENs they can seek to use (for example, 12 per premises in any calendar year) and a TEN may be refused if the police object on the grounds of crime and disorder.

Unlicensed premises would not benefit from the proposed licensing hours order and would still need to use TENs to put on events at which alcohol will be sold.

2. About this consultation

SCOPE OF THE CONSULTATION

Topic of this consultation:	This consultation seeks your views on whether to extend licensing hours to 1am on the nights of Friday 1st and Saturday 2nd June 2012.
Scope of this consultation:	Licensing Authorities, the police, licensed trade, residents
Geographical scope:	England and Wales
Impact assessment (IA):	A consultation stage IA is included with the consultation document.

BASIC INFORMATION

To:	We are keen to hear from everyone who will be affected by the measure, including: members of the public who consume alcohol, those who live close to licensed premises, those that own or work in pubs, clubs, supermarkets and shops, best practice scheme representatives, criminal justice agencies, the police, licensing authorities and trade associations representing those who produce and sell alcohol.
Duration:	The consultation runs for 7 weeks from 12 October to 1 December 2011.
Enquiries:	alcohol.consultation@homeoffice.gsi.gov.uk
How to respond:	<p>Information on how to respond to this consultation can be found on the Home Office Website at http://www.homeoffice.gov.uk/about-us/consultations. Responses can be submitted online through the Home Office website or by post by sending responses to:</p> <p>Drugs and Alcohol Unit, Home Office, 4th Floor Fry Building, 2 Marsham Street, London, SW1P 4DF</p>
Additional ways to become involved:	Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio. The Department is obliged to both offer, and provide on request, these formats under the Equality Act 2010.
After the consultation:	Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public, unless stated otherwise.

BACKGROUND

Getting to this stage:	The Home Office has worked closely with key partners; including the Association of Chief Police Officers (ACPO) to develop these proposals.
Previous engagement:	The government has already consulted a number of key partners, including ACPO, the Metropolitan Police, Transport for London, Westminster Council, and London 2012 prior to publishing this consultation.

DETAILS OF PROPOSAL

The Government proposes that all licensed premises in England and Wales should be open for the sale of alcohol for consumption on the premises and the provision of regulated entertainment and late night refreshment to 1am on the nights of Friday 1st and Saturday 2nd June 2012.

EXTENT OF ORDER

The Queen's Diamond Jubilee is an event of national significance, and on this basis the Government considers that the proposed order should apply to all licensed premises in England and Wales so that everyone who wants to can participate.

Question 1: Do you agree that the order should apply to England and Wales?

- Yes
 No

EXTENSION OF LICENSING HOURS

The Government wishes to strike a balance between allowing people to celebrate the Queen's Diamond Jubilee and protecting the public from potential crime and disorder and public nuisance late at night. Statistics from the British Crime Survey (2009/10) indicate that around 64% of violent crime occurs in the evening or at night. The Government considers that licensing hours should be extended to no later than 1am. This will allow celebrations to continue to a reasonable hour and the majority of pubs and other licensed premises that would normally close earlier than 1am will benefit from the extension in opening hours. The Government considers that the extension

should apply on the nights of Friday, 1st June and Saturday, 2nd June 2012 as these are the days when people are most likely to want to go out to socialise. However, instead of the relaxation of licensing hours order being limited to Friday and Saturday nights it could cover any two nights of the Diamond Jubilee weekend.

Question 2: Do you agree that the order should extend licensing hours until 1am?

- Yes
 No

Question 3: The order could cover any two nights, Friday 1st or Saturday 2nd or Sunday 3rd or Monday 4th June 2012. Which two nights would you prefer the order to cover?

- Friday 1st June
 Saturday 2nd June
 Sunday 3rd June
 Monday 4th June

LICENSABLE ACTIVITIES

An order can be used to relax licensing hours for any or all of the activities licensable under the 2003 Act.

These are:

- the sale and supply of alcohol (on and off the premises)
- the provision of regulated entertainment (plays, live and recorded music, indoor sport, films and boxing and wrestling); and
- late night refreshment (the sale of hot food and drink between 11pm and 5am)

The Government considers that the proposed order should not apply to the sale of alcohol for consumption off the premises (i.e. in supermarkets and off-licences) as anyone wishing to celebrate at home will be able to buy alcohol at other times of the day and is unlikely to benefit from an extension in opening hours. Late night refreshment venues, by definition, are already licensed to open late at night and would not benefit from a relaxation of licensing hours. The Government therefore considers that the order should apply only to the sale of alcohol for consumption on the premises and the provision of regulated entertainment and late night refreshment. This will allow licensed premises to put on a range of different events and entertainment to celebrate the Queen's Diamond Jubilee.

Question 4: Do you agree that the order should apply to the sale of alcohol for consumption on the premises?

- Yes
 No

Question 5: Do you agree that the order should apply to the provision of regulated entertainment?

- Yes
 No

Question 6: Do you agree that the order should apply to the provision of late night refreshment so that restaurants and pubs can continue to serve food until 1am?

- Yes
 No

IMPACT OF THE ORDER

An Impact Assessment has been published separately.

We do not hold detailed official statistics on closing times, but a survey commissioned as part of the 2008 Culture, Media and Sport Select Committee into the

Licensing Act 2003 by the Department for Culture, Media and Sport showed that 56% of all premises in the survey still closed at 11pm.

We do not know how many of these premises would have used a TEN in the absence of an order, but clearly there will be savings for those that were intending to trade later and additional takings from the extended opening time. The order would also relieve local authorities and the police from the burden of considering (potentially) thousands of TENs in the run-up to the Diamond Jubilee.

Question 7: Do you agree with the impact assessment?

- Yes
 No

THE ROYAL WEDDING OF HIS ROYAL HIGHNESS PRINCE WILLIAM AND MISS CATHERINE MIDDLETON

A similar order was made for the Royal Wedding covering the nights of Friday 29th April and Saturday 30th April 2011.

Question 8: Compared with the usual level of crime and anti-social behaviour in your local area, do you think the extension of licensing hours for the Royal wedding on Friday 29th April and Saturday 30th April 2011 increased, decreased, or had no effect on the level of crime and anti-social behaviour in your local area on these nights?

- Increased
 Decreased
 No effect

If the level of crime and anti-social behaviour increased or decreased, please provide more detail on how.

INFORMATION ABOUT YOU

Question 9: Please indicate in what capacity you are responding to this consultation

- Police officer
- Licensing officer
- Licensed trade
- Member of the public
- Other

Police officers only

Which Police Force are you from?

In your experience, were additional police resources required for policing your local area as a result of the relaxation of licensing hours for the Royal Wedding on the nights of 29th April and 30th April 2011?

- Yes, additional policing resources were required
- No, existing resources were reprioritised
- No, usual policing resources were sufficient

Licensed trade

Please tick one of the following boxes which would best describe you / your organisation.

- Individual
- Micro company (1 – 9 employees)
- Small business (10 – 49 employees)
- Small – medium enterprise (50 – 249 employees)
- Large company (over 250 employees)

If you are the owner or operator of a licensed premises, did you extend your usual opening hours as a result of the relaxation of licensing hours for the Royal Wedding on the nights of 29th April and 30th April 2011?

- Yes, opened later than usual opening hours on one day
- Yes, opened later than usual opening hours on both days
- No, already licensed until 1am
- No, closed at usual time

Member of the public

Which Local Authority or London Borough are you from?

Licensing officer

Which Licensing Authority are you from?

Annex A

RESPONSES: CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

GOVERNMENT CODE OF PRACTICE ON CONSULTATION

The Consultation follows the Government's Code of Practice on Consultation the criteria for which are set out below:

Criterion 1 – When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 – Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 – Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 – Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 – The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 – Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 – Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at: <http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html>

CONSULTATION CO-ORDINATOR

If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office Consultation Co-ordinator, Adam Mcardle. Please **DO NOT** send your response to this consultation to Adam Mcardle. The Co-ordinator works to promote best practice standards set by the Government's Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation.

The Co-ordinator can be emailed at: Adam.
Mcardle2@homeoffice.gsi.gov.uk or alternatively you
can write to him at:

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Home Office
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To: Licensing and Gambling Acts Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Proposals to examine how to deal with the problems of late night drinking

Summary and Recommendations

Purpose of report: To consider and respond to the Government's Consultation on its proposals to deal with "the problems of late night drinking".

Report Approved by:

Finance: Emma Burson

Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation(s):

- (a) To consider the information contained in this report and delegate authority to the Head of Environmental Development to draft a response based on Committees views and present to the Chair and Vice-Chair for final approval before submitting to the Home Office.

INTRODUCTION

1. On 17th January 2012, the Government through the Home Office issued a consultation entitled "dealing with the problems of late night drinking", and seeking to examine the introduction of two new powers, which were consulted on as part of the 'Rebalancing the Licensing Act' consultation in 2010, and introduced in the Police Reform and Social Responsibility Act 2011.
2. The two measures, contained in the Police Reform and Social Responsibility Act 2011 and due to be introduced in the autumn, will empower local communities by:
 - allowing local authorities to charge a Late Night Levy to licence holders to contribute to the cost of extra policing; and
 - extending Early Morning Restriction Orders – a power that will allow licensing authorities to restrict the sale of alcohol in all or part of their areas – to any time between midnight and 6am.

3. In the foreward to the Consultation, written by Lord Henley, Minister of State for Crime Prevention and Antisocial Behaviour Reduction, it is stated that “The Government is committed to ensuring that the police and local authorities are given the right tools to address the alcohol-related problems in their area, whilst promoting a vibrant night-time economy to benefit business and the community that they serve.”
4. The Minister continues “Where there is a vibrant late night economy, with premises remaining open into the early hours, then the local authority should have the flexibility to charge for a contribution towards any additional policing that this generates. Tax payers should not simply be left to pick up this cost. People who enjoy a night out often visit a variety of premises and it is appropriate that the costs are shared between these businesses”.
5. The consultation runs until 10th April 2012, and the Impact Assessment relating to the proposals is attached as **Appendix One**, and the Consultation Document is attached as **Appendix Two**.

Late Night Levy

6. The Late Night Levy will allow licensing authorities to raise a contribution from late-opening alcohol retailers towards policing the late night economy.
7. Whether or not to implement the levy will be left entirely at the discretion of the licensing authority that will make the decision based on the situation in their local area.
8. The licensing authority will also be allowed to choose the period during which the levy applies (any time between midnight and 6am on each night).
9. If introduced, the levy will be collected annually and the revenue will be split between the licensing authority and the police. At least 70 per cent of the levy will go directly to the police, with the remainder retained by the local authority.
10. The proposed Late Night Levy charges are set out below:

Licence fee band	A	B	C	D	Dx*	E	Ex*
Rateable value	£0 - £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000		£125,001 and above	
Existing annual licence fee	£70	£180	£295	£320	£640	£350	£1,050
Levy charge	£299	£768	£1,259	£1,365	£2,730	£1,493	£4,440
*(Dx and Ex) Multiplier applies to premises in category D and E that primarily or exclusively sell alcohol							

11. The consultation also seeks views regarding the process that licensing authorities would need to follow when adopting these new measures, as well as the type of services that could be funded from the remaining 30% of the levy and whether to allow exemptions for New Year's Eve.

Early Morning Restriction Orders

12. Early Morning Restriction Orders (EMRO's) is a power introduced by the previous Government (but not yet commenced) which, under existing provisions, would enable licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between 3am and 6am on all or some days, to address specific problems caused by the late night supply of alcohol in their areas.
13. The Police Reform and Social Responsibility Act 2011 amends the existing provisions to allow EMROs to be applied more flexibly between midnight and 6am.
14. The intention of this proposal is to provide licensing authorities with an additional tool to shape and determine local licensing, allowing the making of an EMRO in relation to problem areas.
15. The making of an EMRO may only be permitted if the licensing authority has evidence that the Order is appropriate for the promotion of the licensing objectives.

Exemptions and Reductions

16. The proposals recognise that some types of premises that open late to serve alcohol do not contribute to late night drinking problems and should not be unduly penalised.
17. Section 4 of the Consultation Document considers exemptions to the EMRO power that will apply to all EMROs, exempting some types of premises from the provisions. For example such premises may include but are not restricted to community premises, hotels, theatres and cinemas.
18. Section 6 of the Consultation Document considers exemptions to the Late Night Levy that would apply across the whole of the district (should it be implemented). For example such premises may include but are not restricted to restaurants, community premises, hotels, theatres, and cinemas.
19. Section 6 also considers the use of "Partnership Schemes" such as Best Bar None, PubWatch, Purple Flag, Business Improvement Districts (BIDs) and Community Alcohol Partnerships as possible alternatives or complements to EMROs or the Late Night Levy.

20. It is suggested within the Impact Assessment that a 30% reduction in the Late Night Levy be applied to premises that are involved in “Partnership schemes”.
21. It should be noted that some premises throughout Oxford, may seek to reduce their licensable hours, in order to avoid being charged a Late Night Levy. This will be done by way of a Minor Variation application.

Proposed Action

22. The Committee is requested to review the information contained in the appendices and determine whether it is appropriate to delegate to the Head of Environmental Development the duty of replying to the Consultation in conjunction with Chair and Vice-Chair.

Financial Implications

23. The implementation of a Late Night Levy may lead to an increase of revenue to the Licensing Authority, but any increase in funds is required to be invested in services that promote the night-time economy.

Recommendation

24. The Committee is recommended to delegate authority to the Head of Environmental Development to draft a response based on Committees views and present to the Chair and Vice-Chair for final approval before submitting to the Home Office.

Name and contact details of author: Julian Alison
Licensing Team Leader
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jalison@oxford.gov.uk

Background papers:

Version: 1.0

Title: Dealing with the problems of late night drinking - secondary legislation consultation Lead department or agency: Home Office Other departments or agencies: None.	Impact Assessment (IA)
	IA No: HO
	Date: 24/08/2011
	Stage: Consultation
	Source of intervention: Domestic
	Type of measure: Secondary legislation
	Contact for enquiries: Carla Giudice Carla.Giudice@homeoffice.gsi.gov.uk

Summary: Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

Alcohol related crime and disorder carries a large cost to the taxpayer and community. The Police Reform and Social Responsibility Bill recently introduced two measures which specifically relate to alcohol sales in the late night economy. The late night levy and Early Morning Restriction Orders (EMROs) are two very distinct measures. The late night levy (Part 2, Chapter 2) was created to help local areas collect a contribution towards the large police costs of maintaining a safe late night economy. EMROs (clause 119) are designed as a tool to address specific pockets of late night alcohol related crime and disorder. Government intervention is now necessary to make good regulations on various aspects of the policies and to commence the powers. This is a consultation-stage impact assessment.

What are the policy objectives and the intended effects?

Late night levy secondary legislation:

- make good provision for licensing authority discretion over which categories of business can be provided with an exemption or reduction to the levy.
- to use this provision to allow authorities to encourage participation in business-led best practice schemes.
- to set a proportionate levy charge and help us define the late night services that may be funded by licensing authorities.

EMRO secondary legislation - to ensure the effect of the EMRO does not apply to certain types of business, wherever it may be placed.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

This document accompanies a consultation on regulations for existing policies. The default is that we introduce these regulations; the options relate to what they contain. The government recognises it is always an option not to commence existing powers. This forms options 1 and A. Option 2 and Option B are to commence the late night levy and EMRO powers, similar to how they stand in primary legislation, with no provision for exemptions and reductions (levy) or exemptions (EMROs). Option 3 (preferred) is to allow licensing authorities to introduce a late night levy as set out in the consultation document (with suggested available exemption and reduction categories and allowing licensing authorities to fund activities that tackle the impact of the supply of alcohol late at night). Option C (preferred) is to allow licensing authorities to use EMROs, subject to some set exemptions. N.B. The levy and EMROs fulfilled two very different needs for government intervention. As such, we have not assessed the impact of one and not the other.

Will the policy be reviewed? It will be reviewed. **If applicable, set review date:** 6/2017

What is the basis for this review? Duty to review. **If applicable, set sunset clause date:** Month/Year

Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?	Yes
--	-----

SELECT SIGNATORY Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister: 55..... Date:

Summary: Analysis and Evidence

Policy Option 3C (preferred)

Description:

A late night levy (3) and EMROs (C) both as set out in consultation document (preferred)

Price Base Year 2009	PV Base Year 2011	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -53.0	High: -11.6	Best Estimate: -53.02

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0	1	0	0
High	0.4		18.2	157.0
Best Estimate	0.4		18.2	157.0

Description and scale of key monetised costs by 'main affected groups'

(3) Transition costs - some premises may amend licence to fit exemption category - £0.37m. Ongoing cost - holders of 'relevant late night authorisation' bear annual cost equal to their levy charge. Premises which avoid the levy will bear loss of business up to the level of the levy charge (assumption: profit minus levy charge is greater than or equal to 0) - annual average £18.2m, (PV £157.0m). The low estimate assumes levy is not adopted by any licensing authorities.

Other key non-monetised costs by 'main affected groups'

(C) Under EMROs, affected businesses will bear a cost of reduced income from alcohol sales. It is not possible to estimate the cost burden of these changes because, as explained in the Evidence Base, too many of the variables are unknown.

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	1	0	0
High	16.1		17.0	145.4
Best Estimate	11.2		12.2	104.0

Description and scale of key monetised benefits by 'main affected groups'

(3) Monetised benefit is the money raised from the levy minus administration costs. Low estimate is where no licensing authorities adopt the levy. High estimate assumes all liable premises pay the levy. Best estimate assumes some premises change their licensed hours to avoid the levy - £12.2m annual average (PV £104.0m). The police benefit will be 70-100% of this total monetised benefit. Local authority funded services will receive the remainder.

Other key non-monetised benefits by 'main affected groups'

(3) Exemptions or reductions may result in enhanced take-up of business-led best practice schemes. Local services (police and licensing authority-funded) will have more resources to allocate in line with local priorities - benefit to the taxpayer and local community. (C) Reduction in alcohol-related crime and disorder; and anti-social behaviour (including reduced costs to police, local councils, and businesses). (3) and (C) - Business should benefit from a safer late night environment.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5

This is a consultation stage impact assessment. We ask respondents to provide any further evidence. For (3) we use an 'average licensing authority scenario' to estimate impact. Assumptions summarised in Table 8.2. (C) The EMRO has many unknown variables, as detailed below, and we assume that they will only be adopted where local licensing authorities believe the loss of business is worth the reduction in alcohol related crime. Both policies are optional local powers. As such, their impact will be considered before licensing authorities decide on their adoption. **EMROs (C) are in scope for OIOO.** We have not monetised the impact of EMROs, but for the purposes of OIOO, the analysis estimates the direct impact on business to be **£-5.6m (Equivalent Annual)**. The levy is out of scope and the 'Direct impact' box below is only option 3.

Direct impact on business (Equivalent Annual) £m): Option 3			In scope of OIOO?	Measure qualifies as
Costs: 18.9	Benefits: 0	Net: -18.9	No	NA

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?			England and Wales		
From what date will the policy be implemented?			Depends on clearances		
Which organisation(s) will enforce the policy?			LAs and police		
What is the annual change in enforcement cost (£m)?			Negligible		
Does enforcement comply with Hampton principles?			Yes		
Does implementation go beyond minimum EU requirements?			N/A		
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: 0	Non-traded: 0	
Does the proposal have an impact on competition?			No		
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?			Costs: N/A		Benefits: N/A
Distribution of annual cost (%) by organisation size (excl. Transition) (Constant Price)	Micro N/A	< 20 N/A	Small 8	Medium 50	Large 42
Are any of these organisations exempt?	No	No	No	No	No

Specific Impact Tests: Checklist

Set out in the table below where information on any SITs undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on...?	Impact	Page ref within IA
Statutory equality duties¹ Statutory Equality Duties Impact Test guidance	No	
Economic impacts		
Competition Competition Assessment Impact Test guidance	Yes	34
Small firms Small Firms Impact Test guidance	Yes	32
Environmental impacts		
Greenhouse gas assessment Greenhouse Gas Assessment Impact Test guidance	No	
Wider environmental issues Wider Environmental Issues Impact Test guidance	No	
Social impacts		
Health and well-being Health and Well-being Impact Test guidance	No	
Human rights Human Rights Impact Test guidance	No	
Justice system Justice Impact Test guidance	No	
Rural proofing Rural Proofing Impact Test guidance	No	
Sustainable development Sustainable Development Impact Test guidance	No	

¹ Public bodies including Whitehall departments are required to consider the impact of their policies and measures on race, disability and gender. It is intended to extend this consideration requirement under the Equality Act 2010 to cover age, sexual orientation, religion or belief and gender reassignment from April 2011 (to Great Britain only). The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Summary: Analysis and Evidence

Policy Option 2B

Description:

Late night levy without exemptions or reductions (2) and EMROs without exemptions (B)

Price Base Year 2009	PV Base Year 2011	Time Period Years 2010	Net Benefit (Present Value (PV)) (£m)		
			Low: -64.6	High: -9.51	Best Estimate: -64.6

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0	0	0	0
High	0		25	215.2
Best Estimate	0		25	215.2

Description and scale of key monetised costs by 'main affected groups'

(2) Ongoing cost - holders of 'relevant late night authorisation' bear annual cost equal to their levy charge. Premises which avoid the levy will bear loss of business up to the level of the levy charge (assumption: profit minus levy charge is greater than or equal to 0) Annual Average £25m, (PV £215.2m). The low estimate assumes levy is not adopted.

Other key non-monetised costs by 'main affected groups'

(2) Hospitality industry bears cost in this option (compared to option 3).
(B) Under EMROs, affected businesses will bear a cost from reduced income from alcohol sales. It is not possible to estimate the cost burden of these changes because, as explained in the appraisal, too many of the variables are unknown.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	0	0	0
High	23.1		24.0	205.7
Best Estimate	16.7		17.6	150.6

Description and scale of key monetised benefits by 'main affected groups'

(2) Monetised benefit is the money raised from the levy minus administration costs. Low estimate is where no licensing authorities adopt the levy. High estimate assumes all liable premises pay the levy. Best estimate assumes some premises change their licensed hours to avoid the levy - £17.6m annual average (PV £150.6m). The police benefit will be 70-100% of this total monetised benefit. Local authority funded services will receive the remainder.

Other key non-monetised benefits by 'main affected groups'

(2) Local services (police and licensing authority-funded) will have more resources to allocate in line with local priorities - benefit to the taxpayer and local community. (B) - Reduction in alcohol-related crime and disorder; and anti-social behaviour (including reduced costs to police, local councils, and businesses). Both (2) and (B) - Business will benefit from a safer late night environment.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5

This is a consultation stage impact assessment. We ask respondents to provide any further evidence. For (2) we use an 'average licensing authority scenario' to estimate impact. Assumptions summarised in Table 8.2. (B) The EMRO has many unknown variables, as detailed below, and we assume that they will only be adopted where local licensing authorities believe the loss of business is worth the reduction in alcohol related crime. Both policies are optional local powers. As such, their impact will be considered before licensing authorities decide on their adoption. **EMROs (B) are in scope for OIOO.** We have not monetised the impact of EMROs, but for the purposes of OIOO, the analysis estimates the direct impact on business to be **£-5.6m (Equivalent Annual)**. The levy is out of scope and the 'Direct impact' box below is only option 2.

Direct impact on business (Equivalent Annual) £m):			In scope of OIOO?	Measure qualifies as
Costs: 25.9	Benefits: 0	Net: -25.9	No	NA

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?			England and Wales		
From what date will the policy be implemented?			Depends on clearances		
Which organisation(s) will enforce the policy?			LAs and police		
What is the annual change in enforcement cost (£m)?			Negligible		
Does enforcement comply with Hampton principles?			Yes		
Does implementation go beyond minimum EU requirements?			N/A		
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: 0	Non-traded: 0	
Does the proposal have an impact on competition?			No		
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?			Costs: N/A	Benefits: N/A	
Distribution of annual cost (%) by organisation size (excl. Transition) (Constant Price)	Micro N/A	< 20 N/A	Small 8	Medium 50	Large 42
Are any of these organisations exempt?	No	No	No	No	No

Specific Impact Tests: Checklist

Set out in the table below where information on any SITs undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on...?	Impact	Page ref within IA
Statutory equality duties ¹ Statutory Equality Duties Impact Test guidance	No	
Economic impacts		
Competition Competition Assessment Impact Test guidance	Yes	34
Small firms Small Firms Impact Test guidance	Yes	32
Environmental impacts		
Greenhouse gas assessment Greenhouse Gas Assessment Impact Test guidance	No	
Wider environmental issues Wider Environmental Issues Impact Test guidance	No	
Social impacts		
Health and well-being Health and Well-being Impact Test guidance	No	
Human rights Human Rights Impact Test guidance	No	
Justice system Justice Impact Test guidance	No	
Rural proofing Rural Proofing Impact Test guidance	No	
Sustainable development Sustainable Development Impact Test guidance	No	

¹ Public bodies including Whitehall departments are required to consider the impact of their policies and measures on race, disability and gender. It is intended to extend this consideration requirement under the Equality Act 2010 to cover age, sexual orientation, religion or belief and gender reassignment from April 2011 (to Great Britain only). The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Evidence Base (for summary sheets) – Notes

Use this space to set out the relevant references, evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Please fill in **References** section.

References

Include the links to relevant legislation and publications, such as public impact assessments of earlier stages (e.g. Consultation, Final, Enactment) and those of the matching IN or OUTs measures.

No.	Legislation or publication
1	Police Reform and Social Responsibility Bill Alcohol Provisions Impact Assessment http://www.homeoffice.gov.uk/publications/about-us/legislation/police-reform-bill/ia-alcohol-measures-bill?view=Binary
2	“DCMS Statistical Bulletin – Alcohol, Entertainment and Late Night Refreshment Licensing England and Wales, April 2008 – March 2009” http://webarchive.nationalarchives.gov.uk/+/http://www.culture.gov.uk/reference_library/publications/6387.aspx
3	
4	

+ Add another row

Evidence Base

Ensure that the information in this section provides clear evidence of the information provided in the summary pages of this form (recommended maximum of 30 pages). Complete the **Annual profile of monetised costs and benefits** (transition and recurring) below over the life of the preferred policy (use the spreadsheet attached if the period is longer than 10 years).

The spreadsheet also contains an emission changes table that you will need to fill in if your measure has an impact on greenhouse gas emissions.

Annual profile of monetised costs and benefits* - (£m) constant prices

	Y ₀	Y ₁	Y ₂	Y ₃	Y ₄	Y ₅	Y ₆	Y ₇	Y ₈	Y ₉
Transition costs	0.37	0	0	0	0	0	0	0	0	0
Annual recurring cost	18.2	18.2	18.2	18.2	18.2	18.2	18.2	18.2	18.2	18.2
Total annual costs	18.6	18.2	18.2	18.2	18.2	18.2	18.2	18.2	18.2	18.2
Transition benefits	0	0	0	0	0	0	0	0	0	0
Annual recurring benefits	13.4	13.4	13.4	13.4	13.4	13.4	13.4	13.4	13.4	13.4
Total annual benefits	13.4	13.4	13.4	13.4	13.4	13.4	13.4	13.4	13.4	13.4

* For non-monetised benefits please see summary pages and main evidence base section



Microsoft Office
Excel Worksheet

Evidence Base (for summary sheets)

A. Strategic Overview

A.1 Background

The late night levy (1,2,3)

Alcohol related crime and disorder carries a large cost to the police. A recent survey estimated that 15% of violent crime occurs after midnight (British Crime Survey, 2010¹). However, police costs in connection to the late night supply of alcohol are not limited to work late at night. Police representatives have told us that they must carry out follow-up investigations, arrange for custody etc. Furthermore, in almost half of all violent incidents, the victim believed the offender to be under the influence of alcohol². The costs of dealing with these incidents are dealt with by the police. 38 police authorities were recently asked about overtime arrangements. 22 respondents noted the night time economy as a major cause of their overtime payments³. Currently these costs are mostly borne by the taxpayer. As most of these costs are a result of the supply of alcohol late at night, those who profit from this activity should make a greater contribution.

In response to these costs, the coalition Government's 'Programme for Government' committed to allow local authorities to charge more for late night licences to help pay for policing. After considering options in the 'Rebalancing the Licensing Act' consultation, **the Police Reform and Social Responsibility Bill introduced the 'late night levy'**. This is a local tax raising power for local authorities in their capacity as a licensing authority. The licensing authority will, having regard the costs of policing late night alcohol related crime and disorder, consider the desirability of raising revenue in their area through a levy. Should they decide to adopt the levy, they will also decide the time period on every night when the levy shall apply. This can be at any time beginning on or after midnight and ending on or before 6am. Premises which are licensed to sell alcohol within this period shall pay an annual contribution when they pay their licence fee.

Once the levy receipts have been collected, licensing authorities will deduct the costs they incur in administering and introducing the scheme. Following this deduction, at least 70% of the net amount must be passed to the police. The remainder will be kept by the licensing authority to fund late night services. This impact assessment will assume that the revenue is split exactly 70:30. This will be assumption **A7** and used below.

Among other things, primary legislation has made provision for regulations to specify:

- what services a licensing authority may fund with any money they retain from the levy
- the level of the levy charge
- what exemption or reduction categories of premises may be available for licensing authorities to adopt.

This impact assessment accompanies a consultation which will help the government make these regulations. The rationale for the late night levy was considered in the impact assessment for the Police Reform and Social Responsibility Bill <http://www.homeoffice.gov.uk/publications/about-us/legislation/police-reform-bill/ia-alcohol-measures-bill?view=Binary>. This IA focuses more on the impact of the changes through regulations, but still provides some analysis of the general impact of the levy.

Early Morning Restriction Orders (A,B,C)

We are committed to ensuring that licensing authorities and enforcement agencies are given the right tools to address the problems in their area whilst promoting a healthy late night economy to benefit business and the community that they serve.

¹ *Crime in England and Wales 2009/10*, Home Office Statistical Bulletin 09/10

² *Crime in England and Wales 2009/10*, Home Office Statistical Bulletin 09/10

³ Understanding Overtime in the Police Service, February 2010 <http://library.npia.police.uk/docs/homeoffice/police-overtime.pdf>

The Early Morning Restriction Order was an uncommenced power within the Licensing Act 2003 that would allow licensing authorities to restrict sales of alcohol in the whole or a part of their areas between 3am and 6am if they consider this appropriate for the promotion of the licensing objectives. This applies to premises licences, club premises certificates and temporary event notices. In 2010 the Government consulted on extending and commencing the power to allow licensing authorities to apply it flexibly from midnight to 6am. This proposal received widespread support with many residents and resident groups informing us that the night-time economy makes certain parts of the town no-go-areas at night and anti-social behaviour associated with late night drinking extends into residential communities not just around licensed premises. These changes were made in the Police Reform and Social Responsibility Bill.

Some respondents to the consultation agreed that the Government should exempt some types of business from the effects of an Early Morning Restriction Order on the basis that they are not a cause of alcohol related crime and disorder. Primary legislation has made provision for regulations to specify these types of business.

Again, the EMRO powers were considered in the Impact Assessment for the Police Reform and Social Responsibility Bill (<http://www.homeoffice.gov.uk/publications/about-us/legislation/police-reform-bill/ia-alcohol-measures-bill?view=Binary>). This impact assessment accompanies a consultation which will help the government make regulations relating to exemption, but still provides some analysis of the general impact of EMROs.

A.2 Groups Affected

By secondary legislation (2,3,B,C):

Those premises eligible for an exemption, where the levy is applied, will need to pursue the exemption with the relevant licensing authority. They may need to amend their licence to meet the criteria of the applicable category. This will incur a minimal cost and it is reflected in this Impact Assessment.

In areas which adopt the late night levy (2,3):

Participants in the late night economy, local residents and businesses, where the levy is applied, stand to benefit from the levy as a result of a better funded local police force and local authority services.

Any business with a permanent authorisation to sell alcohol within the 'late night supply period', designated by the licensing authority, will be affected by the late night levy. The supply of alcohol is authorised on a permanent basis by 'premises licences' and 'club premises certificates'.

Licensing authorities which choose to adopt the levy will be affected, but they will be able to deduct the costs they incur in establishing and administering the levy. They will benefit from increased revenue to fund late night services (up to 30% of net levy receipts – see 'Background')

In areas which adopt an EMRO (B,C) :

Participants in the late night economy, local residents and businesses, where an EMRO is applied, stand to benefit from a safer late night economy.

Any business selling alcohol in an EMRO area at the relevant times, where an EMRO is applied, will no longer be allowed to sell alcohol at that time.

Licensing authorities which choose to use an EMRO will incur a small administrative cost in applying the power. Licensing authorities receive income through licence fees for the costs they incur in discharging their duties under the Licensing Act 2003.

Both policies

The police, where an EMRO or the levy is applied, will bear a cost inasmuch as their participation in the licensing authority decision to adopt the levy or an EMRO. They will benefit from increased revenue (minimum of 70% of net levy receipts – see ‘Background’). They will bear a cost in enforcing an EMRO.

Late night alcohol buyers (customers) and other late night businesses may be affected by a constrained choice of alcohol retailers and a change in the nature of the late night economy. This is unlikely for two reasons: 1. The levy charge is proportional to size of business and, as such, we only expect a small proportion of businesses to reduce their licensed hours to avoid the levy. 2. We have suggested provision under option 3 to exempt those country premises, within designated rural settlements with fewer than 3,000 residents, which serve as the ‘last’ public house in a village. This will help ensure that the levy does not risk closing down the only choice of premises.

A.3 Consultation

Within Government

Cabinet committee clearances were gained for the original consultation and policies as introduced in the Police Reform and Social Responsibility Bill. These clearances include official and ministerial level discussions with other Government departments, including Business, Innovation and Skills, Her Majesty’s Treasury, The Department for Culture, Media and Sport, and the Department for Communities and Local Government.

Public Consultation

The late night levy and EMROs were first consulted on as part of the public consultation on ‘Rebalancing the Licensing Act’ ahead of the introduction of the Police Reform and Social Responsibility Bill. The Bill has received public scrutiny by Members of Parliament and the House of Lords. This Impact Assessment has been created in advance of a public consultation on forming aspects of secondary legislation.

To assist with the effective design of our consultation, officials held meetings with representatives from the licensed trade, licensing authorities, the police and best practice schemes.

B. Rationale

Overall rationale for the two policies was considered in advance of laying primary legislation. Please see the Police Reform and Social Responsibility Bill Impact Assessment⁴. The late night levy is needed to address some of the high costs of policing late at night. The aim of the levy, as a whole, is to raise money for the police. Early Morning Restriction Orders will help licensing authorities to target specific pockets of alcohol related crime and disorder in their areas.

This impact assessment considers regulations to existing powers. Below is the rationale for these provisions:

The late night levy exemptions and reductions (2,3)

It may be that some businesses should not pay a full contribution towards the high costs resulting from the late night supply of alcohol. This impact assessment accompanies a consultation that proposes allowing licensing authorities to grant exemptions or reductions to all businesses in their area that fall into certain categories of premises. Exemptions and reductions categories will be applied at the discretion of a local licensing authority. As mentioned above, the levy must be simple for licensing authorities to introduce and administer. As such, categories will be prescribed in regulations. Licensing authorities will not need to justify the payment or non-payment of the levy by each individual business. Finally, categories will also need to be simple to interpret and apply to businesses.

⁴ <http://www.homeoffice.gov.uk/publications/about-us/legislation/police-reform-bill/ia-alcohol-measures-bill?view=Binary>

Our proposed exemption and reduction categories have been designed to encapsulate three types of situation:

- Licensing authorities may feel that some types of businesses should not make a contribution to the police costs in connection with the late night supply of alcohol. Examples of these businesses include hotels, restaurants and those Bed and Breakfasts with a licence to sell alcohol. These businesses can hold late night licenses but only serve to guests or those that eat a table meal.
- The Government understands that many late opening businesses already work together, and make a financial contribution, to address some of the negative effects of the late night supply of alcohol. The government would like to use the levy as an opportunity to show its support for these schemes. Therefore, these premises should be given a reduction to the levy.
- The Government has been made aware that many premises only have one late night licence, permitting them to sell alcohol on New Year's Eve. Without an exemption for these premises, there is likely to be a large administrative burden for licensing authorities and small businesses. All these premises must reduce the hours on their licence and then apply for a Temporary Event Notice.

These exemptions and reductions will also serve to minimise the burden of the levy on business.

Use of the late night levy revenue

The police are not the only body that incur great costs in dealing with the effects of the late night supply of alcohol. Although the Government is committed to funding late night policing, primary legislation has allowed licensing authorities to retain up to 30% of the net levy revenue. The Government has stated its intention for this money to be directed at services such as taxi marshals and late night wardens. This consultation will consider what other services local authorities may wish to fund with their retained proportion.

The late night levy charge

The consultation sets out the underlying principles when setting the level of the late night levy charge. The Government believes that it must be set a proportionate and fair burden on business. Table 2 below states our indicative levy charges. The average charge has been calculated below as around £800. This is a reasonable amount to pay in light of the police costs incurred late at night.

Early Morning Restriction Orders (B,C)

Some respondents to our consultation highlighted the importance of primary legislation provision for certain types of business to be exempt from Early Morning Restriction Orders. The government has announced its intentions to include exemptions for premises that generally operate responsibly and do not contribute to alcohol related crime and disorder and public nuisance late at night. These businesses should not be affected by the order, wherever they are placed. This consultation shall seek views on what types of business do not cause alcohol related crime and disorder and which exemptions should be available.

C. Objectives

The key objectives of **late night levy regulations** are:

- To grant local discretion to licensing authorities in deciding which categories of business should make a contribution to the late night levy in their area.
- To encourage participation in best practice schemes. A positive outcome of this regime would be the flourishing of community action amongst the licensed trade.
- To allow licensing authorities to reduce the burden of the levy on businesses such as hotels, community premises and theatres, should they feel it appropriate in their area
- To allow licensing authorities to remove the burden of licence variations and Temporary Event Notices around New Years Eve.

- To set an appropriate charge and make well-designed provisions for adopting the levy and passing on the raised funds to local services.

The objectives of **EMRO regulations** are:

- To ensure an EMRO does not apply to certain types of business,
- To make well-designed provision for the process of adopting/amending/scrapping an EMRO.

After regulations have been made (following the consultation) the late night levy policy (**as a whole**) will have a number of successful outcomes. First and foremost, the police will be provided further resources. They can then direct these resources in line with local priorities. Second, licensing authorities may have more money to provide vital services such as taxi marshals, town wardens or street cleaning. Third, the Government hopes that the levy will strengthen partnerships between licensing authorities and the police. The two partners should work together to best allocate the funds in line with the nature of the local late night economy.

EMROs will provide licensing authorities with an additional tool to shape and determine local licensing. As a result of an EMRO, specific problem areas and problem times will see a reduction in alcohol related crime and disorder.

D. Options

This document accompanies a consultation on regulations for existing policies. The default is that we introduce these regulations; the options relate to what they contain. The government recognises it is always an option not to commence existing powers. This forms **options 1 and A**.

Option 2 and Option B are to commence the late night levy and EMRO powers, similar to how they stand in primary legislation, with no provision for exemptions and reductions (levy) or exemptions (EMROs).

Option 3 (preferred) is to allow licensing authorities to introduce a late night levy as set out in the consultation document (with suggested available exemption and reduction categories and allowing licensing authorities to fund activities that tackle the impact of the supply of alcohol late at night).

Option C (preferred) is to allow licensing authorities to use EMROs, subject to some set exemptions.

N.B. The late night levy and EMROs fulfil two very different needs for government intervention; we are not choosing between the two. As such, we have not assessed the impact of one and not the other.

E. Appraisal (Costs and Benefits)

General Assumptions and Data

The end of this section contains a summary of the key assumptions and figures.

The specific costs and benefits of the late night levy are dependant on how many licensing authorities adopt it. No licensing authority is the same and the amount of money raised from the levy will differ depending on the number of payers and the rateable value band of the premises. We have created an 'average licensing authority scenario' for the purposes of this impact assessment. To gain a picture of the national impact we then need to make a prediction of how many licensing authorities will adopt the levy. We do not expect this to be all licensing authorities. Smaller, more rural areas, for example, will not raise enough from a late night levy to make it worthwhile. The Impact Assessment for the Police Reform and Social Responsibility Bill estimated that 94 licensing authorities will raise enough from the levy to make collecting it worthwhile. We have used this as an upper estimate for national impact (**henceforth A8**).

To generate the 'average licensing authority' scenario, we took a snapshot of the 100 largest licensing authorities with available data.

Table 1 - Licences in force on 31 March 2010 by licensing authority area (DCMS Licensing Statistics)⁵

Premises Licence			Club Premises Certificates		Total alcohol authorisations
On-sales or supply of alcohol only	Off-sales of alcohol only	Both on and off sales or supply of alcohol	On-sales or supply of alcohol only	Both on and off sales or supply of alcohol	
19,955	25,758	40,418	3,440	3,626	93,197

In these 100 authorities there was an average of 932 premises with alcohol permissions (total authorisations divided by 100).

Premises with a 'relevant late night authorisation' in the average licensing authority

Licensing authorities can choose the 'late night supply period' that shall apply in their area. This can be any time within the parameters of midnight and 6am. This impact assessment assumes that every licensing authority, that adopts the levy, chooses to apply the levy with a from midnight to 6am. This will give us an upper estimate of the costs/benefits. To gain an idea of the proportion of premises that open into this levy period, the Home Office bought data from 'CGA Strategy Ltd' in August 2010 which suggested that 33.4% of on-trade premises hold a licence to sell alcohol after midnight (**henceforth A1**). Raw data cannot be shared. These data also cover a number of other types of business (e.g. hotels) and is also referenced in table 4. We will assume that off-trade premises will have the same late night permissions. We thus come to an average licensing authority scenario with 33.4% of 932 = 311 late opening premises (**henceforth A2**).

We plan to link the levy charge to licence fee bands. We used a calculation based on the principle of the number of police hours per week that are required as a result of premises opening beyond midnight. This was not intended to provide an accurate assessment of how much the late night economy costs police forces, but provided a means for calculating an appropriate levy charge based around the principle of police resources being used as a result of premises opening late. Most importantly, as explained in the 'Rationale' above, this charge must be a proportionate and fair burden on business. The prospective charges are as follows:

Table 2 – Proposed levy charges

Licence fee band	A	B	C	D	Dx*	E	Ex*
Rateable value ⁶	£0 - £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000		£125,001 and above	
Existing annual licence fee	£70	£180	£295	£320	£640	£350	£1,050
Levy charge	£299	£768	£1,259	£1,365	£2,730	£1,493	£4,440
*(Dx and Ex) Multiplier applies to premises in category D and E that primarily or exclusively sell alcohol							

To calculate the amount raised by the levy, we will need to know the band of the premises in the average licensing authority scenario. Data with rateable value band breakdowns are not available for 2010(*As such, table 1 and 3 do not match in 'total authorisations'). Using the largest 100 licensing authorities (with available data) in 2009, we estimated the average breakdown of premises by licence fee band. Note that this data contains those with other authorisations (i.e. entertainment). We assume that the breakdown is similar for those with only alcohol permissions.

Table 3 – Proportions of premises in each licence fee band

⁵ The sale of alcohol is licensed through 'premises licences' and 'club premises certificates'. An 'on' licence is for consumption on the premises and an 'off' licence is for consumption off the premises. Both kinds of authorisation to sell alcohol will be affected by the late night levy.

⁶ Rateable value is a national standard set by the Valuation Office Agency. More information is found at this link: <http://www.2010.voa.gov.uk/rli/static/HelpPages/English/faqs/faq116-what-66-66-rv-mean.html>

	Totals	Band A	Band B	Band C	Band D no multiplier	Band D with multiplier	Band E no multiplier	Band E with multiplier	Number with no fee applicable/ fee band unknown
Premises Licences	92,648	21,085	48,468	12,531	2,683	387	6,645	499	4,656 (a)
Club premises certificates	6,453	1,645	4,269	387	44	0	108	0	22 (b)
Total authorisations with known fee band	94,423 * (-a and b)	22,730	52,737	12,918	2,727	387	6,753	499	
% of premises in each band in 'average licensing authority scenario' (Henceforth A3)		24.07%	55.85%	13.68%	2.89%	0.41%	7.15%	0.53%	

Throughout this Impact Assessment we will apply the above percentages to the average licensing authority scenario. This will help us generate an accurate representation of the number of relevant premises in each band. When applying these percentages we have consistently rounded up. This is important to ensure that some band D_x and E_x premises are recorded (i.e. in table 10, 0.41% of 102 is 0.41; thus we round to 1). This has been applied consistently to both cost and benefit calculations. By rounding we also guard against inaccurate representations by dividing premises (e.g. 80% of a premises cannot pay a levy).

Premises choosing to avoid the levy

Some premises may feel that they do not make enough money from opening in the levy period to make paying it worthwhile. These premises will make a free minor variation to their licensed hours. These premises are covered when discussing 'costs' because we make the assumption that no premises will reduce their hours should profit minus the levy charge be greater than or equal to zero (**henceforth A5**). To calculate a lower estimate of benefits of the levy, we will need to estimate the amount of premises that make this change. Following feedback we have received from the public consultation⁷ and our discussions with stakeholders we feel it is reasonable to use the estimate of 25% of premises that currently open late in an area that operates the late night levy (**henceforth A6**).

Exemptions and reductions (as consulted on)

The consultation document (which this IA accompanies) has suggested a number of possible exemption and reduction categories for the levy. To estimate costs and benefits, we will need to estimate the number of premises which fall into these categories within the 'average licensing authority scenario'. For most of the estimates below, we are unable to distinguish between those with and without an alcohol licence. We have further broken the data down to estimate how many have a licence to sell alcohol beyond midnight.

Table 4 - Suggested exemption categories

Proposed category	Source of data used to estimate the number in category in the average licensing authority scenario	Estimated number in category in England and Wales	Estimated proportion with a late night authorisation to sell alcohol (and source of data)	Estimated number liable to levy across England and Wales (348 licensing authorities).	Number in average licensing authority scenario
Premises with	"UK Business: Activity, Size and Location 2010" from National	7,665	37.3% (In dataset as A1)	2,859	9

⁷ For more information on the consultation: <http://www.homeoffice.gov.uk/drugs/alcohol/rebalancing-consultation/>

overnight accommodation	Statistics. Table B3.4 estimates the number of VAT and/or PAYE based enterprises in all industries across the United Kingdom by 2010 Standard Industrial Classification (UKSIC (2007)) Class by Government Office Region. We did not use DCMS 24 hour licensing statistics. After discussions with the British Hospitality Association we concluded that this number did not represent all those hotels with a late night licence.				
Bingo Halls	The Bingo Association provided figures based on their membership. This does not include the 'gala bingo' chain.	187	33.4% (all premises average from A1)	62	1
Casinos	The National Casino Industry Forum (NCiF) provided figures based on their membership and those licensed under the Gambling Act 2005.	132	98% (114 of 116 NCiF members)	130	1
Theatres and cinemas	The Society of London Theatre and Theatrical Management Association provided a survey of their members on how many stayed open late. Arts Council England provided figures on the number of premises in England.	843	60% (Proportion of members with late night authorisations)	506	2
Restaurants	"UK Business: Activity, Size and Location 2010" from National Statistics. Table B3.4 estimates the number of VAT and/or PAYE based enterprises in all industries across the United Kingdom by 2010 Standard Industrial Classification (UKSIC(2007)) Class by Government Office Region.	54365	22.80% (In dataset as A1)	12,395	36
Community premises	DCMS Licensing Statistics show that 243 have applied for the DPS exemption under the 2009 regulations. With the EMROs and the levy potentially using this as an exemption category, we can use the estimate of 4,000 premises that were likely to be affected in the 2009 "Impact Assessment of the proposal to remove the requirements for a Designated Premises Supervisor and personal licence holder for community premises)".	4000	33.4% (all premises average from A1)	1,336	4
Community Amateur Sports Club	Estimated by "CASCinfo"	6,000	33.4% (all premises average from A1)	2,004	6
Last retail outlets in rural	Although we plan to make provision for these businesses, it remains as a safeguard. We have not factored in any examples of these premises in the 'average licensing authority scenario'. This is for three reasons:				0

settlements with a population of less than 3,000	1) We do not expect for areas with a high proportion of rural businesses to apply the levy. 2) We do not expect many of these premises to hold licences after midnight. 3) Premises in this category must be in Band A or B. They will, most likely, be in Band A. As such, the deduction of cost will be £299 per premises. This will make a very small impact on the monetised calculations below.	
New Years	Please see comments below	
Total		59

Table 5 - Suggested reduction categories

Name of scheme where members should have reduced rate	Source of data used to estimate the number in category in the average licensing authority scenario	Number in 'average licensing authority scenario'
Business Improvement District, or Purple flag area	These three schemes are most likely to include premises in a small city centre area. There is only likely to be one of these in one licensing authority area. Leeds licensing authority has advised us of West Yorkshire Police's 'Operation Capital Scheme' which involves around 20 city centre premises. We shall use this as the basis for our estimation	20
Special licensing authority approved scheme		
Best Bar None	We have taken a sample amount from the website of the Sheffield Best Bar None scheme. At the time of drafting, this scheme had 47 accredited members.	47
Pubwatch, Clubwatch, Shopwatch, CAPs and others	It is difficult to estimate the number of premises in these categories. Some schemes may also derive most of their funding from national bodies, and thus may not pass on the reduction. We shall use an estimate of 20 premises with a 30% discount. This has the same impact as 40 premises with a 15% discount.	20
Total		87

Reduction given to above categories

Throughout this impact assessment we have used a reduction of 30% for all 87 premises (**henceforth A4**). There are two reasons for this:

1. The consultation document proposes either a total discount of 30% or cumulative discounts of 10% up to a maximum of 30%. In the second case, we shall assume that premises see the benefits of joining three schemes and that they claim the full discount.
2. The consultation document proposes Business Improvement Districts (BIDs) as a possible exemption category. Local authorities generally support and promote BIDs in their area. BID payers already pay a substantial contribution to measures which improve the area. As such, we doubt that many licensing authorities with a successful BID will adopt the levy. This means an assumption of 20 exempted BID premises in the average licensing authority scenario will skew the estimates of costs and benefits.

New Year's exemption category

We plan to make an available exemption category which covers those businesses with one annual late night authorisation to sell alcohol, occurring on New Years Eve. We do not think it is a viable option to omit this exemption category. This is because of the number of premises with this item on their licence. Should the category not exist, the majority of on-trade licensed premises will have to submit a free minor variation to their licence and will have to apply for a Temporary Event Notice in the run up to New Year. This will be a large burden on both licensing authorities and businesses. As such, the impact of this exemption is assumed to be equal to the baseline and not assessed below (i.e. premises with this one authorisation, in every option, will not pay the levy).

Licensing Authority Administrative Expenses

This impact assessment estimates the cost for licensing authorities to run the levy. These estimates have been derived from discussions with licensing authority representatives.

We have made estimates of administrative costs in order to work out examples of how the levy money shall be spent (please see tables 11 and 14).

There may be other costs in administering the levy, such as sending out a levy invoice, but these processes will be done in tandem with the existing licence fee regime and will not constitute a new cost. The costs we estimate are only new costs.

The following calculations are based on two key costs:

1. One hour of an administrative officer's time (including overheads) - £28. This estimate was provided by a licensing authority partner.
2. The cost of processing a minor variation of licence to avoid the levy - £38.43. This estimate is based on the formula used for setting the minor variation fee of £89. We have deducted the costs of the processes that will be omitted when a) all minor variation applications have the same intent and; b) applications are processed en masse.

In the table below we have estimated the number of hours needed for each process. These estimates are based on discussions with licensing authorities. These are indicative estimates and feedback from consultation respondents will be welcomed.

Tables 6 and 7 – Processes when introducing the levy (one-off)

	Process	Hours	Cost to licensing authority (hours x £28)
A	Sifting and licences to determine liability for levy	50	£1,400
B	Preparation of consultation	35	£980
C	Writing to all licensees, councillors, responsible authorities and interested parties. The hours of time in this process account for the costs of postage.	40	£1,120
D	Analysis of consultation responses	35	£980
E	Preparation for committee	30	£840
F	Report to cabinet	20	£560
G	Writing to all liable premises	20	£560
H	Option 3 only - Processing exemptions and reductions	40	£1,120

	Option 2 (I)	Option 3 (J)
Number of minor variations made to avoid levy	78 (see para. above table 10)	63 (see table 9.1)
Cost of making these variations (number of variations x £38.43)	£2,998	£2,421

As such, total transitional costs:

Option 2 = A to G (not H) and I: £9,438

Option 3 = A to H and J: £9,981

Table 8 – Processes when running the levy (ongoing)

	Process	Hours of time	Cost to licensing authority
A	Sifting any licences to check for any changes in liability	20	£560
B	(Option 3 only) Ensuring reduction categories up to date	40	£1,120

C	Collection (with licence fee)	150	£4,200
D	Enforcement (with licence fee)	150	£4,200
E	Miscellaneous admin	100	£2,800
	Total ongoing cost option 2 (A-E minus B)	-	£11,760
	Total ongoing cost option 3 (A-E)	-	£12,880

Licence Trade Legal Fees

Trade groups have raised the legal fees for businesses which may be incurred by premises wishing to avoid/gain exemption or reduction to the levy. Throughout this impact assessment it is assumed that the legal fees will not be higher than the charge a premises wishes to avoid. As such, this burden on business is completely covered in this Impact Assessment.

Distribution of monetised costs by business size

Premises with alcohol permissions are divided into the rateable value bands in table 2. 'Small business rate relief' uses £6,000 or below as a 'small business' which receives full rate relief. Band B has a broad range of rateable values and captures 56% of levy payers. On this basis we shall use Band A as 'small', band B 'medium' and C-E as 'large'.

Using the analysis below, this table estimates the distribution under options 2 and 3.

Table 8.1 – Distribution of costs by size of business

	Small (Band A)	Medium (Band B)	Large (Bands C-E)
Option 2			
Maximum cost per band (from table 9)	£22,425	£133,632	£110,878
Percentage of total payers in each category	24%	56%	30%
Percentage of total costs borne by each category	8%	50%	42%
Option 3			
Maximum cost per band (from table 9)	£16,355	£96,998	£80,582
Percentage of total payers in each category	24%	56%	30%
Percentage of total costs borne by each category	8%	50%	42%

Both measures

This impact assessment assumes that licensing authority decisions are rational, procedurally fair, non discriminatory, ECHR compliant etc. There should be no legal fee burden for licensing authorities who adopt the levy or EMROs should they follow the procedures that will be set out in primary and secondary legislation.

Both these measures mean that alcohol will still be available and sales in the national economy, as a whole, will be largely unaffected.

This impact assessment also assumes, for the purposes of making estimates, that all licensing authorities that adopt the measure do so from Y0. They will be local powers and licensing authorities will be able to adopt them at any time.

Enforcement

Both options 2B and 3C do not have any significant increase in enforcement costs. The late night levy can be collected alongside the annual licence fee and contain negligible new costs.

EMROs may result in an increased enforcement cost as both licensing authorities and the police will need to ensure that premises are not contravening the order. However, the increased enforcement cost is likely to be outweighed by the reductions in enforcement costs resulting from the reduction in late night crime. This calculation will be made by the local licensing authority and police force in deciding whether to make an order.

Table 8.2 - The following were explained in this section (this table serves as a reference):

A1	The percentage of premises in average licensing authority open past midnight	Average of 33.4%
A2	The number of premises in the average licensing authority scenario	311
A3	The split of premises in the average licensing authority scenario by licence fee bands	In table 3
A4	The amount of reduction to the levy to be assumed in this Impact Assessment	30%
A5	No premises will change hours given that (profit – levy charge ≥ 0)	-
A6	Amount of premises that may change their licence to avoid the levy	25%
A7	(Detailed above) That the licensing authority will split the net levy revenue by the minimum requirement of primary legislation (70% to police and 30% to other services).	-
A8	The maximum number of licensing authorities that will raise enough from the levy to make collecting it worthwhile	94

Analysis of different options

Analysis shall be carried out in the order: Option 3, Option 2, Option B and C, Option 1 and A.

Option 3 – a late night levy as designed in the consultation document

A late night levy will be a power of taxation. As such it is 'out of scope' for the purposes of one in one out.

Costs (excluding OIOO)

Levy payers will not receive added costs from the late night levy beyond the charge itself. Payment will be in tandem with the current annual licence fee. As such, holders of a 'relevant late night authorisation' will bear an **ongoing** annual cost as specified in Table 2 above.

Premises which decide to avoid the levy will bear the cost of loss of business up to the level of the levy charge (**under assumption A5**).

Our estimates (above Table 4) suggest that 59 premises in the average licensing authority scenario will be exempted from paying the levy. As a result, the costs in this scenario will be shared, to different extents, by 311 (as **A2**) minus 59 = 252 premises. Table 5 suggests that 87 will be eligible for a reduction. We will assume that all reductions are 30% of the applicable levy charge (as **A4**).

As such, the maximum cost to business will be:

Table 9 - Cost to business from late night levy option 3

256 premises after 59 exemptions. 87 reductions.	Band A	Band B	Band C	Band D no multiplier	Band D with multiplier	Band E no multiplier	Band E with multiplier	Total
% per band (using A3)	24.07%	55.85%	13.68%	2.89%	0.41%	7.15%	0.53%	-
Levy charge	£299	£768	£1,259	£1,365	£2,730	£1,493	£4,440	-
Number eligible to 30% discount	21	49	12	3	0	6	0	91
Number eligible for full fee	40	92	23	5	1	12	1	174
Total cost to business	£16,355	£96,998	£39,533	£9,692	£2,730	£24,187	£4,440	£193,934

The sum of premises in rows 4 and 5 amounts to 265 not 256. This is because we have consistently rounded percentages and numbers to ensure that premises in band Ex and Dx are accounted for. We have rounded down for the discount column so that 2 Ex and Dx premises are not recorded.

As a result, the maximum cost to business in the average licensing authority scenario will be £193,934 multiplied by the number of licensing authorities that adopt the levy. Using 94 (A8), the cost is estimated as:

Annual Average: £18.2m

Present Value: £156.7m

Administrative Burdens (excluding OIOO)

Some premises may be eligible for an exemption, but need to have specific conditions on their licence to fall within the category (see consultation document). To put new conditions on the licence, a premises must submit an £89 'minor variation' application. Here we must return to the 'average licensing authority scenario'. In this scenario 59 premises will be eligible for an exemption to the levy.

Following discussions with our stakeholders, we must assume that the majority of premises in table 4 will not have the relevant conditions on their licence. However, stakeholders have also informed us that many premises still do (these conditions remain from old Licensing Act 1964 licences). On this basis, we will assume that 75% of the 59 eligible premises have to add conditions to their licence. Because of the small cost of making a minor variation, the difference in using different assumptions is very small. On the basis of this assumption, there will be an administrative burden of £3,916 (£89 x (0.75*59)) per licensing authority and £0.4m nationally. This is a one-off transitional cost.

Should there be an administrative burden on businesses that wish to avoid the levy, we can assume this will not be greater than the potential charge they wish to avoid (as **A5**). As such, the impact is encapsulated in the 'costs' calculations above.

Further administrative burdens are borne by the licensing authority. These were estimated in **tables 6, 7 and 8**, above as:

Y0 (table 6 and 7 transitional costs + table 8 administrative costs)	£22,016
Y1 – Y9 (just table 8 administrative costs)	£12,880

All of this cost is absorbed by the late night levy revenue. As such, it is not listed as a 'cost'.

Costs (OIOO) and Administrative Burdens (OIOO)

N/A

TOTAL COSTS

The total cost will be entirely borne by business. The figure we have calculated above includes those that lose business from avoiding the levy – it is thus our 'best estimate'. The best lower estimate for cost is provided by the scenario that no licensing authority adopts the late night levy ('0').

As such, the total cost is:

Annual Average: £0 - £18.2m

Present Value (includes Y0 transition): £0 - £157.0m

Benefits (excluding OIOO)

An **upper estimate** of benefit of the levy will be the money raised, should all premises in the average licensing authority scenario pay, minus the costs of administering the levy.

It may not be worthwhile for some premises to pay the levy. To gain a **best estimate** of the benefits we use **A6** (above) and estimate that 25% of late night licence holders (that are not exempt) will make a variation to their licence to avoid the levy. This reduces the number of levy payers from 189 to 102 (less 87).

Table 9.1 – Breakdown of premises in average licensing authority scenario under option 3

Number of premises opening late in average licensing authority scenario	311
Exempted premises	59
Those liable for the levy after exemptions (table 4)	252
Number of premises avoiding the levy (assuming 25% change licence)	63
Those eligible for a 30% (A4) reduction (table 5)	87
Premises liable for full charge	102

Table 10 – Money raised from those premises that do not change their hours

	Band A	Band B	Band C	Band D no multiplier	Band D with multiplier	Band E no multiplier	Band E with multiplier
% per band (as A3)	24.07%	55.85%	13.68%	2.88%	0.41%	7.15%	0.52%
Levy charge	£299	£768	£1,259	£1,365	£2,730	£1,493	£4,440
Number eligible to 30% discount	21	49	12	3	0	6	0
Number of full payers	25	57	14	3	1	8	1
Total money raised	£11,870	£70,118	£28,202	£6,962	£2,730	£18,215	£4,440

The sum of premises in rows 4 and 5 amounts to 200 not 189. This is because we have rounded percentages and numbers to ensure that premises in band Dx are accounted for.

Using this table, the average charge for a full levy payer will be £845.

On this basis, the best estimate of the money raised from the levy will be £142,536 p.a. per licensing authority. On a national level, this equates to:

Annual Average: £13.4m
Present Value: £115.3m

Row 4 in the table below gives us **high and best estimates** of the net benefits in Y0 (taking out administrative expenses). Row 5 gives this estimate for Y1-9.

The levy is an optional power. The **low estimate** assumes that no licensing authority adopts the power. The net benefit will thus be '0'.

Rows 7-10 estimates how this benefit may be used (using the assumption A7)

Table 11 – Spending of the levy revenue (Option 3)

		Best estimate		Upper estimate	
		Average licensing authority	England and Wales (as A8)	Average licensing authority	England and Wales (as A8)
1	Total raised by late night levy (table 10)	£142,536	£13.4m	£193,934	£18.2m
2	Y0 transitional expenses (tables 6 and 7)	£9,981	N/A	£9,981	N/A
3	Ongoing administrative expenses p.a. (table 8)	£12,880	N/A	£12,880	N/A
4	Y0 net levy revenue (1 minus 2 minus 3)	£119,675	£11.2m	£171,073	£16.0m
5	Y1-9 p.a. net levy revenue (1 minus 3)	£129,656	£12.2m	£181,054	£17.0m
6	Present values (as A8)	£104.0m		£145.4m	
Split of net levy revenue (using A7)					
7	Y0 to police	£83,773	£7,874,615	£119,751	£11,256,603
8	Y1-9 to police	£90,759	£8,531,365	£126,738	£11,913,353
9	Y0 to licensing authority services	£35,903	£3,374,835	£51,322	£4,824,259
10	Y1-9 to licensing authority services	£38,897	£3,656,299	£54,316	£5,105,723

The benefit of the levy is that the police are better funded and the taxpayer's burden of the costs is reduced. According to the table above, using A8 (94 authorities adopt the levy), the police nationally stand to raise around £8.5-11.9m p.a. This would achieve the overall objective of raising money for the police.

Indirectly there is benefit in the form of services that are provided with the money calculated above. This will depend on the licensing authority area that adopts the levy.

Benefits from additional revenue for police activity

The levy revenue will be passed to the local police authority to spend in line with local priorities. We cannot monetise the societal benefit resulting from the better funded police force. We are committed to giving operational independence to locally accountable police forces. On this basis, the following description of where money could be spent is provided just as an example. There are broadly two ways the police can spend their income; providing new services, or helping to pay for existing operations.

In the scenario in table 11, the police (in one area) will stand to raise between £84-120k per annum. To give a better idea of what this means, discussions with the police suggest that an average constable costs around £30 per hour (including overheads). This figure would imply that the levy could provide 2,800-4000 hours of a police constable time. This could be 2,800-4,000 hours of visible late night policing in one area per annum.

We consulted an urban-based police force on the potential for receiving income from the levy. Representatives suggested that it could fund some of the following new schemes:

- *Multi-agency education and information programmes to increase the understanding of risk to children and young persons, targeted at parents and teachers for the under 16s.*
- *Multi-agency education programmes targeting bar staff in the night-time economy to increase awareness of risks, vulnerability and consequences and their personal responsibility.*
- *Financial support for projects to expand the use of volunteers in the night -time economy with an emphasis on safeguarding vulnerable people and promoting the perception of safety*
- *High profile policing initiatives to tackle violent or disorderly behaviour*

The levy can also help fund existing operations. Conversations with police forces have indicated that they would feel justified in spending the levy money on tackling a wide range of offences, on account of them being alcohol-related. These offences can include: violence against the person (less serious); sexual offences; robbery; theft of/from motor vehicle; drugs; public disorder; complaint/nuisances.

There is no robust estimate for the cost of alcohol related crime. We do have estimates of the costs of violent crime and common assault. These were provided in the report "The economic and social costs of crime against individuals and households 2003/04"⁸. Cost of crime estimates should be used with care. The costs relate to total crime and they do not represent police investigations of crimes, for example, since not all crimes are reported to the police. The figures from this report were updated in 2009 to account for inflation and, in the case of the physical and emotional component of the unit costs, for growth in nominal income. We can use two of these datasets when looking at alcohol related crime – that for one violent crime ('other wounding') at £9,700 and that for one 'common assault' at £1,700. The report (reference 8 above) describes the differences between 'serious wounding' and 'other wounding'. Page 19 of the report states that 'serious wounding generally involves the use of intent'.

On the basis of these costs; £84-120k per annum would allow a local police force to cover the costs of reacting to 9-12 violent crimes ('other wounding') or 49-71 common assaults.

⁸ <http://webarchive.nationalarchives.gov.uk/20100413151441/crime-reduction.homeoffice.gov.uk/statistics/statistics39.htm>

A late night levy will also enhance licensing authority partnerships with the police. The two bodies will work better together to tackle the negative effects of the sale of alcohol late at night.

In the scenario in table 11, the licensing authority stands to raise £39-54k annually from the levy. Licensing authorities have indicated that they would spend this money on schemes like:

- *Late night street wardens.* These men and women will provide a visible presence on late night streets. They will help alert the police to incidents and assist door staff with problem customers.
- *Late night taxi marshals to help people get home safely and speedily.*
- *Late night street cleaning to better the business environment.* Business-led schemes often choose to provide this kind of service as a cleaner environment often encourages more visitors and a wider demographic.

Under option 3 specifically, licensing authorities are handed some discretion over who they feel should make a greater contribution towards enforcement costs incurred as a result of the late night economy. By granting exemptions and reductions, businesses are given a clear signal by their local licensing authorities on the advantages of joining a best practice scheme. Greater take-up of best practice schemes could mean a reduction in the harms in connection with the late night sale of alcohol.

The available exemption for Business Improvement Districts will allow licensing authorities to give the signal that non-regulatory business action is an alternative way to improve the late night economy and reduce policing costs.

Administrative Savings (excluding OIOO), Benefits (OIOO), Administrative Savings (OIOO)
N/A

TOTAL BENEFITS

The annual average benefit can be from £0 (no licensing authorities may adopt the levy) to £17.0m (Row 5, Table 11). The analysis above, which takes into account some premises avoiding the levy, provides our 'best estimate' of £12.2m (annual average). Summary:

Annual Average: £0 - £17.0m (Best estimate: £12.2m)
Present Value: £0 - £145.4m (Best estimate: £104.0m)

Option 2 – A late night levy without exemptions and reductions

A late night levy will be a power of taxation. As such it is 'out of scope' for the purposes of one in one out.

Costs (excluding OIOO)

Levy payers will not receive added costs from the late night levy beyond the charge itself. Payment will be in tandem with the current annual licence fee. As such, holders of a 'relevant late night authorisation' will bear an **ongoing** annual cost as specified in **Table 2** above.

Premises which decide to avoid the levy will bear the cost of loss of business up to the level of the levy charge (**under assumption A5**).

Table 12 - Cost to business in average licensing authority from late night levy option 2

	Band A	Band B	Band C	Band D no multiplier	Band D with multiplier	Band E no multiplier	Band E with multiplier	Total
Breakdown by band using A3 x A2	75	174	43	76 ⁹	1	22	2	326

Maximum cost per business	£299	£768	£1,259	£1,365	£2,730	£1,493	£4,440	-
Maximum cost to business per band	£22,425	£133,632	£54,137	£12,285	£2,730	£32,846	£8,880	£266,935

The sum of premises in row 2 amounts to 326 not 311. This is because we have consistently rounded percentages and numbers to ensure that premises in Band Dx and Ex are accounted for.

As a result, the maximum cost to business in the average licensing authority scenario will be £266,935 multiplied by the number of licensing authorities that adopt the levy. Using 94 (A8), the cost is estimated as:

Annual Average: £25m
Present Value: £215.2m

This approach would disproportionately affect the hospitality industry. Though they sell alcohol late at night, hotels and restaurants generally only sell to overnight or dining patrons. All these premises would have to pay the late night levy. Some may choose to stop selling alcohol late at night. This may affect the nature of hotel services.

Administrative Burdens (excluding OIOO)

Administrative burdens are borne by the licensing authority. For business there will be little administrative burden as the levy is paid in tandem with the licence fee and businesses will be given good warning of their liability. Administrative burdens on the licensing authority were estimated in **tables 6, 7 and 8**, above.

Y0 (table 6 and 7 transitional costs + table 8 administrative costs)	£20,918
Y1 – Y9 (just table 8 administrative costs)	£12,040

All of this cost is absorbed by the late night levy revenue. As such, it is not listed as a 'cost'.

Costs (OIOO) and Administrative Burdens (OIOO)

N/A

TOTAL COSTS

The total cost will be entirely borne by business. The figure we have calculated above includes those that lose business from avoiding the levy – it is thus our 'best estimate'. The best lower estimate for cost is provided by the scenario that no licensing authority adopts the late night levy ('0'). As such, the total cost is:

Annual Average: £0 - £25m
Present Value: £0 - £215.2m

Benefits (excluding OIOO)

An **upper estimate** of benefit of the levy will be the money raised, should all premises in the average licensing authority scenario pay, minus the costs of administering the levy.

It may not be worthwhile for some premises to pay the levy. To gain the **best estimate** of the benefits we use **A6** (above) and estimate 25% of late night licence holders will make a variation to their licence to avoid the levy. This reduces the number of levy payers from 311 less 78 = 233.

Table 13 – Money raised from those premises that do not change their hours (Option 2)

	Band A	Band B	Band C	Band D no multiplier	Band D with multiplier	Band E no multiplier	Band E with multiplier	Total
% of premises in each band (as T.3 above)	24.07%	55.85%	13.68%	2.89%	0.41%	7.15%	0.53%	-
Levy payers	56	130	32	7	1	17	1	244
Levy Charge	£299	£768	£1,259	£1,365	£2,730	£1,493	£4,440	-

(as T.2 above)								
Amount raised	£16,744	£99,840	£40,288	£9,555	£2,730	£25,381	£4,440	£198,978

The sum of premises in row 2 amounts to 244 not 233. This is because we have consistently rounded percentages and numbers to ensure that premises in Band Dx and Ex are accounted for.

On this basis, the best estimate of the money raised from the levy will be £198,978 p.a. per licensing authority. On a national level, this equates to:

Annual Average: £18.7m

Present Value: £161.0m

Row 4 in the table below gives us **high and best estimates** of the net benefits in Y0 (taking out administrative expenses). Row 5 gives this estimate for Y1-9.

The levy is an optional power. The **low estimate** assumes that no licensing authority adopts the power. The net benefit will thus be '0'.

Rows 7-10 estimates how this benefit may be used (using the assumption A7)

Table 14 – Sample spending of the levy revenue p.a., using lower estimate above (Option 2)

		Best estimate		Upper estimate	
		Average licensing authority	England and Wales (as A8)	Average licensing authority	England and Wales (as A8)
1	Total raised by late night levy (table 13)	£198,978	£18.7m	£266,935	£25.1m
2	Y0 transitional expenses (tables 6 and 7)	£9,438	N/A	£9,438	N/A
3	Ongoing administrative expenses p.a. (table 8)	£11,760	N/A	£11,760	N/A
4	Y0 net levy revenue (1 minus 2 minus 3)	£177,780	£16.7m	£245,737	£23.1m
5	Y1-9 p.a. net levy revenue (1 minus 3)	£187,218	£17.6m	£255,175	£24.0m
6	Present values (as A8)		£150.6m		£205.7m
Split of net levy revenue (using A7)					
7	Y0 to police	£124,446	£11,697,924	£172,016	£16,169,495
8	Y1-9 to police	£131,053	£12,318,944	£178,623	£16,790,515
9	Y0 to licensing authority services	£53,334	£5,013,396	£73,721	£6,929,783
10	Y1-9 to licensing authority services	£56,165	£5,279,548	£76,553	£7,195,935

The benefit of the levy comes in the services that are provided with the money calculated above. This will depend on the licensing authority area that adopts the levy. The levy revenue will be passed to the local police authority to spend in line with local priorities. This should provide a benefit to business though a safer late night operating environment.

A late night levy will also enhance licensing authority partnerships with the police. The two bodies will work better together to tackle the negative effects of the sale of alcohol late at night.

Further analysis of benefits can be found in the analysis of option 3 (above).

Administrative Savings (excluding OIOO), Benefits (OIOO), Administrative Savings (OIOO)
N/A

TOTAL BENEFITS

The annual average benefit can be from £0 (no licensing authorities may adopt the levy) to £24.0m (Table 11, Row 5). The analysis above, which takes into account some premises avoiding the levy, provides our 'best estimate' of £17.6m (annual average). Summary:

Annual Average: £0 – 24.0m (Best estimate: £17.6m)

Present Value: £0 - £205.7m (Best estimate: £161.0m)

Options B – Commence EMROs as they stand in primary legislation and Option C – commencing EMROs with nationally prescribed exemptions

Licensing authorities will have to prove that the EMRO is 'appropriate' to furthering the licensing objectives (namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm). As long as this is satisfied, here are some of the variables that will affect the overall impact of an EMRO:

- EMROs can be applied in the whole or part of a local authority area. Some licensing authorities may only apply it to a few problem premises, others may apply it to a problem street.
- We cannot be sure how many licensing authorities will adopt an EMRO, and where they do it and how many they may apply.
- EMROs can apply on any or all days a week.
- EMROs can apply flexibly between midnight and 6am.
- EMROs can last for as long as the authority can show that its existence furthers the licensing objectives.
- We have no way of estimating how many businesses may make representations against or in favour of the EMRO, this will depend on how well the EMRO is designed and what initial scoping is done.

On account of these variables, it was difficult to predict the national impact of Early Morning Restriction Orders. This was noted in the Impact Assessment for the Police Reform and Social Responsibility Bill.

This variance is a consequence of the Government's desire to empower localities to determine their own outcomes. The impact of EMROs will vary according to local circumstances and how a licensing authority wishes to react. Government intervention was necessary to give licensing authorities the power to deal with these situations.

Based on early pre-consultation, we expect the EMRO to be a focused power and a valuable tool for licensing authorities to use in hotspots of alcohol related crime and disorder. Where it is adopted, the assumption is that costs to business through loss of sales are transferred as a benefit to society through a safer late night economy (and in the form of reduced policing and enforcement costs).

In order to provide some analysis, we will undertake a 'breakeven analysis' to roughly estimate the loss of business resulting from an EMRO and an equivalent benefit to society from the reduction in crime. **The government is committed to letting local areas make informed choices for their own situations.** The following analysis is by no means a government suggestion of how a local authority should calculate the worth of an EMRO. Any guidance on the decision to adopt an EMRO and interpretation of primary and secondary legislation shall be found in the statutory Licensing Act 2003 Section 182 guidance.

Cost – loss of business from an EMRO

To help us estimate the impact of an EMRO, we create a sample EMRO in a specific area. The following is based on a number of assumptions, namely, the characteristics of the sample EMRO and the nature of the affected premises.

Discussions with licensing authority representatives have suggested that, where they are adopted, EMROs are likely to target small problem areas. Informed by discussions, we shall apply our sample EMRO to a total of 15 premises on two city centre streets. Our sample EMRO will have the following other characteristics (again, informed by discussions):

Length of EMRO – One year (as standard in impact assessments)
Days where EMRO applies – Saturday night
Application time – 2am to 4am

The Police Reform and Social Responsibility Bill Impact Assessment estimated the average half-day turnover for on-trade premises to be £412⁹. Should we assume, on the basis of discussions

⁹ P.20, <http://www.homeoffice.gov.uk/publications/about-us/legislation/police-reform-bill/ia-alcohol-measures-bill?view=Binary>

with operational colleagues, that the premises would take the majority of its money from 4pm to 4am, then 2 hours of business will amount to a £138 turnover ((£412 x 2 half days = full day turnover)/12 hours of operations x 2 hour EMRO). The sample EMRO lasts for one year and applies once a week, thus the total loss of income for one premises subject to this EMRO from 2am to 4am would be £138x52=£7,176. EMROs will also apply to off-trade businesses, but alcohol sales are likely to form a much smaller part of their business. The estimate above should encapsulate the loss of business felt by an off-trade retailer, should it be forced to close its alcohol sales for the EMRO period. Our sample EMRO covers 15 premises. The total loss of turnover to business (to all those contained) is thus £108K per annum.

Cost of crime prevented by an EMRO

The EMRO has been designed to tackle areas with specific problems with alcohol related crime. There is no robust estimate for the cost of alcohol related crime. We do have estimates of the costs of violent crime and common assault. These were provided in the report "The economic and social costs of crime against individuals and households 2003/04"¹⁰. Cost of crime estimates should be used with care. The costs relate to total crime and they do not represent police investigations of crimes, for example, since not all crimes are reported to the police. The figures from this report were updated in 2009 to account for inflation and, in the case of the physical and emotional component of the unit costs, for growth in nominal income. We can use two of these datasets when looking at alcohol related crime – that for one violent crime ('other wounding') at £9,700 and that for one 'common assault' at £1,700. The report (reference 9 above) describes the differences between 'serious wounding' and 'other wounding'. Page 19 of the report states that 'serious wounding generally involves the use of intent'.

In this analysis, we take as given that the reoccurrence of crime can be attributed to the sale of alcohol by a group of premises. We also assume that the licensing authority is legally justified in making the assumption that a regular restriction of hours would serve to prevent this crime and further the licensing objectives. Given these factors, the sample EMRO above (cost: £107,640) is monetarily justified if it prevents annually 11 incidents of less serious wounding or 63 common assaults in the area. Discussions with operational colleagues suggest this is a realistic estimate for a high crime area.

Administrative Burdens

On account of the factors above, we are unable to monetise the administrative burden of an EMRO at this stage. This, again, will depend on how many are adopted, their coverage and their timings. We hope to gain a better picture of this following the consultation. To reduce costs, their decision on whether to adopt any EMROs could feasibly be taken when they renew their licensing policy statement. EMROs are a Licensing Act 2003 function. As such, the costs of imposing an EMRO are recoverable through the licence fee. The Police Reform and Social Responsibility Bill contains measures to allow licensing authorities to set fees so as to ensure cost recovery. This analysis assumes that the licensing authority decision is rational, procedurally fair, non discriminatory, ECHR compliant etc. There should be no legal fee burden for licensing authorities who adopt an EMRO should they follow the procedures that will be set out in primary and secondary legislation.

Under **option C** there may be a small administrative burden upon premises which are eligible for an exemption but do not currently meet the criteria (in terms of conditions on their licence). This will mean they will bear the burden in making a minor variation (cost: £89) to add conditions. We cannot be sure of how many premises will do this. If we assume that there are 4 exempted premises in the sample EMRO area and, as in the levy calculations at the top of page 21, 75% need to make the £89 change to their licence, then the total administrative and one off burden would be £89 x (75% of 4)= £267 per sample EMRO.

One In One Out (OIOO)

Early Morning Restriction Orders will serve as an 'IN' for the purposes of One In One Out. We will need to provide some analysis to monetise the 'IN'. This is a 'consultation stage' impact assessment. We will ask consultation respondents to comment on the impact assessment and our

¹⁰ <http://webarchive.nationalarchives.gov.uk/20100413151441/crimereduction/homeoffice.gov.uk/statistics/statistics39.htm>

design of the Early Morning Restriction Order. We hope to be provided with more detailed evidence. At this stage, we do not have an accurate estimate of how many EMROs will be adopted. In order to put a cost on the 'IN', we shall assume that 50 of these sample EMROs are applied. This figure has been estimated with reference to the late night levy section above. We estimated that 94 licensing authorities will adopt the late night levy. The EMRO is a more focused tool, so 50 can be obtained by roughly halving the levy estimate. This will result in an annual cost to business of $50 \times \text{£}108\text{K} = \text{£}5.4\text{m}$ **annual average and a present value of £46.6m (with 3.5% discount rate the net annual equivalence is £-5.6m)**. This figure is only used to monetise our initial estimate of the OIOO burden. It will not be used in the analysis below or in the summary sheets.

The OIOO burden of **option C** is likely to be less than **option B**. The analysis above did not make any differentiation over the kinds of premises that the EMRO would apply to. To permit breakeven analysis, we assumed that 15 premises were subject to the EMRO. The analysis would be the same if 20 premises are in the area but 5 are exempt. Under the scenario above, the OIOO burden of **Option C** will decrease by $\text{£}5.4\text{m}/15 = \text{£}0.36\text{m}$ per exempted premises in the sample area.

Option C would exempt certain types of business from the effect of an EMRO. The impact of exemptions will be that those businesses that commonly do not cause alcohol related crime and disorder will not be subject to the restriction. The tight definition of the categories will serve to prevent providing exempted premises with a competitive advantage. Should a hotel, for example, act in the same way as a nightclub, it would be subject to the EMRO in the same way as a nightclub. **Option C** will provide clarity for some alcohol retailers that they will not be subject to an EMRO in their area. Members of the proposed categories (namely premises which serve to overnight residents; Theatres and cinemas; Community Premises and some casinos and bingo halls [subject to cabinet committee clearances]) will not bear any costs from any EMRO. The $\text{£}7,176$ that was estimated above as the cost to each individual business will not apply.

In sum, option C constitutes a minimisation of EMROs' burden on business

Option 1A – Do not commence both provisions

This impact assessment considers regulations to be made ahead of commencing existing policies. This 'do nothing' option (no levy and no EMROs) is provided as a baseline to estimate the costs and benefits of the different potential levy and EMRO designs. As a result, we are not seeking consultation responses on this option.

In this current state the police continue to incur huge costs in the late night economy (as explained in the 'Background' section). Residents groups and others continue to comment that some town centres are becoming 'no go areas' as a consequence of alcohol related crime and disorder.

Other options (including non-regulatory options) were considered prior to laying primary legislation on the late night levy and EMROs. This impact assessment follows a consultation, response to consultation, the laying of primary legislation and the passing of primary legislation through both Houses of Parliament. The impact assessment for alcohol measures in the Police Reform and Social Responsibility Bill can be found here (<http://www.homeoffice.gov.uk/publications/about-us/legislation/police-reform-bill/ia-alcohol-measures-bill?view=Binary>)

These are two local powers and we expect licensing authorities to consider the nature of their late night economies before adopting them. This will include analysis of the costs and benefits of all the options. Policing costs and the nature of town-centre late night economies differ throughout the country. We cannot make a broad statement on the costs and benefits of the late night economy nationally.

There is an opportunity cost contained in this option through not commencing legislation that has recently been scrutinised by both Houses of Parliament and enacted [DN – pending Royal Assent later this year].

F. Risks

Option 2B –late night levy and EMROs without exemptions or reductions

This option may also have an impact on the British hospitality and entertainment industries as restaurants, theatres, hotels and bed and breakfasts must pay a levy on their late licences or will have their late night alcohol sales affected.

Option 3 – late night levy with exemptions and reductions

There is a risk that licensing authorities do not adopt any exemptions or reductions in their area. As such, the risks of the above option are repeated. The Government believes that the elected and accountable licensing authority (a part of the local authority) is best placed to make the decision on which types of premises should not make a contribution towards enforcement costs. In guidance we will suggest that licensing authorities grant exemptions and reductions.

There is also a risk that the late night levy is not adopted by any licensing authority. However, the levy has been designed as an optional tool for licensing authorities and the Government thinks it should be entirely in their hands.

Both Options B and C – Early Morning Restriction Orders

There is a risk that EMROs are not adopted by any licensing authority. However, EMROs have been designed as an optional tool and, like the levy; the Government thinks it should be entirely at their discretion.

For both options the calculation of risk will be taken by the relevant licensing authorities as they choose whether to adopt the powers. This is in line with the Government’s localism agenda.

G. Enforcement

We do not expect that the levy will require any significant increase in enforcement activity. The late night levy can be collected with the annual licence fee. The licence fee system is compliant with the principles of the Hampton Code. Enforcement costs only relate to non-payment.

EMROs may result in an increased enforcement cost as both licensing authorities and the police will need to ensure that premises are not contravening the order. However, the increased enforcement cost is likely to be outweighed by the reductions in enforcement costs resulting from the reduction in late night crime. This calculation will be made by the local licensing authority and police force in deciding whether to make an order. Enforcement costs will be borne by the licensing authority and local police force.

H. Summary and Recommendations

The table below outlines the costs and benefits of the proposed changes.

NM = Non-monetised

M = Monetised

Option	Costs	Benefits
1 NM	Current high costs to enforcement agencies in the late night economy	Benefits to alcohol trade
A NM	Alcohol related crime in specific problem areas	Benefits to alcohol trade
2 M	PV = £0 to £215.2m (Best - £215.2m) in cost through levy charge or loss of business	PV = £0 to £205.7m (Best - £150.6m) in benefits for services in the late night economy. I.e. More resources for the police and licensing authority services which address the effects of the sale of alcohol late at night.

2 NM	Costs to hospitality and entertainment trades.	Benefits resulting from better funded local services – a safer late night economy, assistance from wardens/taxi marshals.
3 M	PV (inc. transition) = £0 to £157.0m (Best - £157.0m) in cost through levy charge or loss of business and small transitional cost to business in changing licence to meet exemption criteria.	PV = £0 to £145.4m (Best - £104.0m) in benefits for services in the late night economy. I.e. More resources for the police and licensing authority services which address the effects of the sale of alcohol late at night.
3 NM		Benefits resulting from better funded local services – a safer late night economy, assistance from wardens/taxi marshals. Benefits for society as a result of greater take-up of best practice schemes
B NM	Costs to business from loss of business resulting from an EMRO Costs to businesses in suggested exemption categories	A safer late night economy with reductions in alcohol related crime.
C NM	Costs to business from loss of business resulting from an EMRO	A safer late night economy with reductions in alcohol related crime. Reduced costs to suggested exemption categories

Analysis in sections E and F suggests that:

Option 3 provides the most proportionate method for late opening alcohol retailers to contribute towards late night enforcement costs. It will allow licensing authorities to exempt or grant reduction to certain categories of business. Although the benefits of this option are lower, it constitutes a reduction in costs for businesses which already make contributions through other means or those businesses which licensing authorities may feel should not make a contribution at all.

Option 3 creates an additional cost of £0.4m which is out of scope for a ‘transfer’. This cost is necessary to ensure that exemption categories can be enforced. For the benefit it shall give to the hospitality industry, we believe exemption categories are worth the additional cost.

Option 1 and Option A may be most appropriate for particular localities. Both powers will be completely discretionary for licensing authorities. Should they feel that Option 1 and Option A have the greatest rationale they may choose not to use either of the powers.

Option C will have a reduced impact on certain types of business (namely those named as suggested exemption categories in the consultation document).

I. Implementation

The Government plans to introduce these measures in secondary legislation made under the Police Reform and Social Responsibility Bill. [DN – A line will be inserted detailing when secondary legislation will be laid – currently dependant on clearances].

The Government will not implement this power on a local level. Licensing authorities will choose whether to adopt the levy. The levy will commence in local areas whenever the licensing authorities have complied with regulations by, among other things, consulting affected persons and giving sufficient notice to liable premises.

J. Monitoring and Evaluation

The impact of the levy will be assessed as part of an internal review based on feedback from licensing authorities and the police. Please see the Post Implementation Review plan (Annex 1) and section K below.

K. Feedback

The effect and appropriateness of the levy will depend on the area in which it is adopted. Licensing authorities will assess these aspects in their annual decision on whether to continue collecting the levy in the following year. The Home Office should be aware of the licensing authorities that adopt the levy and will gather feedback from these authorities.

L. Specific Impact Tests

Small firms and competition explanatory memoranda are attached in annex 2

Annexes

Annex 1 should be used to set out the Post Implementation Review Plan as detailed below. Further annexes may be added where the Specific Impact Tests yield information relevant to an overall understanding of policy options.

Annex 1: Post Implementation Review (PIR) Plan

A PIR should be undertaken, usually three to five years after implementation of the policy, but exceptionally a longer period may be more appropriate. If the policy is subject to a sunset clause, the review should be carried out sufficiently early that any renewal or amendment to legislation can be enacted before the expiry date. A PIR should examine the extent to which the implemented regulations have achieved their objectives, assess their costs and benefits and identify whether they are having any unintended consequences. Please set out the PIR Plan as detailed below. If there is no plan to do a PIR please provide reasons below.

<p>Basis of the review: [The basis of the review could be statutory (forming part of the legislation), i.e. a sunset clause or a duty to review, or there could be a political commitment to review (PIR)];</p> <p>In line with the Government policy on sunsetting and review of legislation, a “Duty to Review” clause is included in the Police Reform and Social Responsibility Bill and covers EMROs. This duty is applicable after a minimum of five years. In the Police Reform and Social Responsibility Bill Impact Assessment the Government committed to assess the impact of the alcohol measures in the Bill that do not qualify as regulatory measures for the purposes of “one in one out”. The late night levy is included in this category. The review will be carried out alongside the statutory review of the other alcohol measures in the Bill. The review will ascertain whether expected benefits have been realised. More detail can be found in the impact assessment for the alcohol measures in the Police Reform and Social Responsibility Bill. This is listed as a source on page 6.</p>
<p>Review objective: [Is it intended as a proportionate check that regulation is operating as expected to tackle the problem of concern?; or as a wider exploration of the policy approach taken?; or as a link from policy objective to outcome?]</p> <p>The late night levy and EMROs are local powers. As such, the review will consider whether they are a proportionate and effective tool for licensing authorities to raise greater resources for enforcement services late at night or target areas with alcohol related crime and disorder issues.</p>
<p>Review approach and rationale: [e.g. describe here the review approach (in-depth evaluation, scope review of monitoring data, scan of stakeholder views, etc.) and the rationale that made choosing such an approach]</p> <p>The review will primarily be based on feedback from licensing authorities. Local areas are best placed to determine the impact and appropriateness of the policies in their area. We hope to suggest that licensing authorities write to the Secretary of State on adoption of the levy or an EMRO in their area.</p>
<p>Baseline: [The current (baseline) position against which the change introduced by the legislation can be measured]</p> <p>The current baseline position will be considered in local areas when licensing authorities take a decision on whether to adopt the policies. On a national basis, the current baseline is outlined in the Impact Assessment in the consideration of police and licensing authority costs in the late night economy.</p>
<p>Success criteria: [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]</p> <p>Success of the policies depend on whether licensing authorities deem them an appropriate tool in their area. Success on a local level will be assessed by the licensing authority on an annual basis as part of their decision to continue or scrap the levy in their area or whether they should use an EMRO.</p>
<p>Monitoring information arrangements: [Provide further details of the planned/existing arrangements in place that will allow a systematic collection of monitoring information for future policy review]</p> <p>In guidance we will consider suggesting that licensing authorities write to the Secretary of State on the adoption of the levy in their area.</p>
<p>Reasons for not planning a review: [If there is no plan to do a PIR please provide reasons here]</p>

Annex 2. Specific Impact Tests

Small Firms Impact Test – Explanatory Memorandum

1. In conducting the initial consultation we were particularly mindful of the potential impact on small firms and sought to ensure that they were fully engaged.
2. Small businesses are often defined in terms of employee numbers. If we use this definition, then the vast majority of licensed trade businesses are classified as ‘small or micro businesses’. These businesses often rely on a pool of shift workers and only have a small base of full time management staff. The industry snapshot below attempts to estimate the proportion of small businesses selling alcohol in England and Wales.

Standard Industry Classification 2007	Description	Number with <10 employees in England and Wales (Micro)	Number with <20 employees in England and Wales (Small)	Number with <50 employees in England and Wales (Medium)
4711	Retail sale in non-specialised stores with food, beverages or tobacco predominating	23,056	24,354	24,803
4725	Retail sale of alcoholic and other beverages	4,285	4,454	4,486
5510	Hotels	4,284	5,616	6,814
5610	Restaurants	46,259	51,483	53,593
5630	Public Houses and bars	32,905	38,751	40,664
Total		110,789	124,658	130,360
Percentage of total		84%	94%	98%

This table is based on data from UK Business: Activity, Size and Location – 2010 which contains data from a snapshot of the Inter Departmental Business Register (IDBR) taken on 22 March 2010. Table B3.1 provides a breakdown of the number of enterprises in the UK by Standard Industry Classification 2007 and number of employees. These numbers are scaled down to England and Wales using table B3.4 (regional distribution). These data also include those restaurants, hotels and shops which do not sell alcohol. This is likely to skew the results. In March 2010 there were 182,800 premises licenses and club premises certificates with an authorisation to sell alcohol.

The late night levy

3. The late night levy proposals can affect all types of licensed premises with a licence to sell alcohol after midnight. As such, the levy will affect small businesses.
4. The late night levy is a tax. As such, it is out of scope for the purposes of One In One Out and the micro-business moratorium.
5. The late night levy will ask for a contribution from business towards the enforcement costs generated as a result of the sale of alcohol late at night. It shall be paid by those businesses which profit from supplying alcohol late at night. Small businesses, like large ones, participate in this late night economy and should contribute to the enforcement costs incurred as a result.
6. We have not considered an exemption for small businesses based on employee numbers. Should this exemption be used, the contribution towards policing costs would be fully borne by a small minority of larger businesses. Under this scenario the amount raised will not raise a meaningful amount for policing and, as such, will undermine the objectives of the coalition commitment. The commitment to the late night levy has not

been based on the impact of different sizes of business, rather on the impact of the sale of alcohol late at night.

7. The Home Office considered business rate relief when seeking to minimise the burden on small businesses. As explained above, a definition on employee numbers does not easily suit the licensed trade. An alternative and more workable definition is provided in business rate relief provisions. This defines a 'small business' as one with a rateable value below £6,000. On this basis, we have taken the steps considered in paras. 10 and 12 below. We have also proposed an exemption for those businesses which successfully claim a relief in their business rates by virtue of being the last retail outlet in a rural settlement with a population of less than 3,000. This will be based on 'rural rate relief provisions' (more detail contained in adjoining consultation document').

Early Morning Restriction Orders (EMROs)

8. The Early Morning Restriction Order will allow licensing authorities to react to problems resulting from the supply of alcohol at specific late night times on specific days. The imposition of an EMRO must be appropriate for the furthering of the licensing objectives. A licensing authority must provide evidence to support its decision. Businesses will then be able to make representations to prove that they do not, in fact, cause alcohol related crime and disorder. As such, it would be reasonable to assume that those premises that eventually fall within an EMRO are partially responsible for alcohol related crime, public nuisance or disorder in that area.
9. EMROs are not a blanket regulation and should not be subject to any exemption for small businesses. EMROs are a tool for licensing authorities. Where an EMRO is used, it will be fully justified in the context of a reduction of crime and disorder in an area. An exemption for small businesses, using the definition above, would render the policy unusable in relation to its intention to tackle pockets of alcohol related crime and disorder.
10. EMROs are in scope for One In One Out and the micro-business moratorium. We intend to seek a waiver for this policy from the micro-business moratorium.

Consultation with small firms on reducing the burden of the late night levy

11. As an alternative to exemptions, we have consulted small firms and sought to reduce the impact of the levy on small business in a number of ways.
12. Business representatives wanted to see the levy charges varied according to the size of businesses. The levy charges have been based on rateable value. This ensures that smaller, less valuable, premises will pay a much lower levy charge. According to our indicative charges those businesses in Band A (rateable value of £0 to £4,300) will pay only £299. Data in the Impact Assessment above show that the majority of licensed premises fall within Band B (rateable value of £4,301 to £33,000). These premises will only pay £768 annually.
13. Payment on rateable value allows businesses to pay the levy with their annual licence fee. As such, there will be little added administrative burden on small businesses in paying the levy.
14. The levy charges will be uniformly calculated nationally. We will also ensure that licensing authorities give good notice to all premises which are liable for the levy in their area. As such, there will be no added compliance burden on small businesses in working out liability and calculating their charge.

15. Meetings regarding small businesses pointed out that some small businesses may want to change their opening hours to avoid paying the late night levy. As a result, the late night levy has made provision for businesses to make a change to their licence without paying a fee. This will mean that businesses can make a simple decision on whether to stay open based on income after midnight and the potential levy charge. As discussed in the accompanying Impact Assessment, the loss of business will be no higher than the charge the business wishes to avoid. For small businesses, this is a maximum of £299/£768 annually.
16. Some representatives have argued that small hospitality businesses e.g. Bed and Breakfasts should be exempt from the late night levy. The consultation attached to this Impact Assessment considers giving premises that only serve to overnight guests (late at night) as an optional exemption for licensing authorities to apply.

Competition Impact – Explanatory Memorandum

Do the policies:

1. Directly limit the number or range of suppliers?

The late night levy does not directly limit the number or range of suppliers.

EMROs may limit the range of suppliers in an area where it is applied. The EMRO will be justified on the grounds of crime and disorder and will only limit the range of suppliers where it can provide evidence that this is appropriate to further the licensing objectives.

2. Indirectly limit the number or range of suppliers?

In areas where it is adopted, the late night levy may result in a number of businesses deciding to no longer sell alcohol late at night. They will make a free change to their hours if they do not consider it profitable to pay the levy and stay open late.

There will be no greater costs for either existing suppliers or new entrants. The late night levy charges are consistent wherever it is applied and the EMRO will affect all premises equally in the specified problem area.

3. Limit the ability of suppliers to compete?

EMROs will restrict the areas where some businesses can operate at specific late night times. These areas will be set to promote the licensing objectives and on the basis of crime and disorder. The levy will not limit the ability of suppliers to compete.

4. Reduce suppliers' incentives to compete vigorously?

No. Neither policy will have an effect on the exchange of information between suppliers.

We expect the two policies to have a minor impact on competition. However, these cannot be monetised and quantified at this stage. We hope that the consultation will provide us with the information to be able to better understand the effects on competition.

Annex 2 – Present Value and Average Annual Tables for options 2 and 3 only (late night levy)

Option 2 – High

	Y0	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Total	Present Value	Annual Average
Transition costs	-	-	-	-	-	-	-	-	-	-	-	-	-
Annual recurring costs	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	250.00	215.19	25.00
Total costs	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	250.00	215.19	
Transition benefits	-	-	-	-	-	-	-	-	-	-	-	-	-
Annual recurring benefits	23.10	24.00	24.00	24.00	24.00	24.00	24.00	24.00	24.00	24.00	239.10	205.68	23.91
Total benefits	23.10	24.00	24.00	24.00	24.00	24.00	24.00	24.00	24.00	24.00	239.10	205.68	

Net	-	1.90	-	1.00	-	1.00	-	1.00	-	1.00	-	10.90	-	9.51	-
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Option 2 – Best estimate

	Y0	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Total	Present Value	Annual Average
Transition costs	-	-	-	-	-	-	-	-	-	-	-	-	-
Annual recurring costs	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	250.00	215.19	25.00
Total costs	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	250.00	215.19	
Transition benefits	-	-	-	-	-	-	-	-	-	-	-	-	-
Annual recurring benefits	16.70	17.60	17.60	17.60	17.60	17.60	17.60	17.60	17.60	17.60	175.10	150.60	17.51
Total benefits	16.70	17.60	17.60	17.60	17.60	17.60	17.60	17.60	17.60	17.60	175.10	150.60	

Net	-	8.30	-	7.40	-	7.40	-	7.40	-	7.40	-	74.90	-	64.60	-
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Option 3 – High

	Y0	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Total	Present Value	Annual Average
Transition costs	0.37	-	-	-	-	-	-	-	-	-	0.37	0.37	
Annual recurring costs	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	182.00	156.66	18.20
Total costs	18.57	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	18.20	182.37	157.03	
Transition benefits	-	-	-	-	-	-	-	-	-	-	-	-	-
Annual recurring benefits	16.10	17.00	17.00	17.00	17.00	17.00	17.00	17.00	17.00	17.00	169.10	145.43	16.91
Total benefits	16.10	17.00	17.00	17.00	17.00	17.00	17.00	17.00	17.00	17.00	169.10	145.43	

Net	-	2.47	-	1.20	-	1.20	-	1.20	-	1.20	-	13.27	-	11.60	-
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Option 3 – Best estimate

Transition costs	0.37	-	-	-	-	-	-	-	-	-	0.37	0.37	
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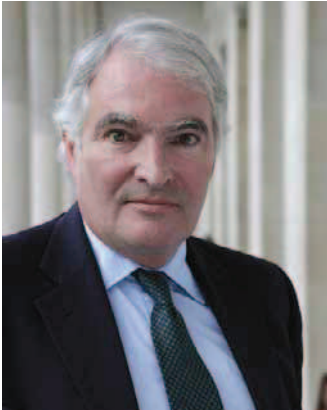


**DEALING WITH THE
PROBLEMS OF LATE
NIGHT DRINKING**
A CONSULTATION
ON SECONDARY
LEGISLATION FOR
THE LATE NIGHT LEVY
AND EARLY MORNING
RESTRICTION ORDERS

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MINISTERIAL FOREWARD



I believe that problems in the night-time economy should be addressed locally. The Government is committed to ensuring that the police and local authorities are given the right tools to address the alcohol-related problems in their area, whilst promoting a vibrant night-time economy to benefit business and the community that they serve. The late night levy and the extension of Early Morning Restriction Orders (“EMROs”) will enable local authorities to achieve this. If local communities are concerned about premises that are open into the early hours of the morning and causing problems, then they should be able to respond flexibly. The majority (64%) of all violence occurs in the evening or at night and one-fifth of all violent incidents take place in or around a pub or club. By extending EMROs so that they can be applied from midnight, local authorities will have an additional tool to address problem areas in the night time economy.

Where there is a vibrant late night economy, with premises remaining open into the early hours, then the local authority should have the flexibility to charge for a contribution towards any additional policing that this generates. Tax payers should not simply be left to pick up this cost. People who enjoy a night out often visit a variety of premises and it is appropriate that the costs are shared between these businesses.

This consultation seeks views on the details of the regulations that will implement these policies. In particular, it asks for views on what categories of premises should enjoy exemptions and reductions under both measures. For example, I do not wish to unfairly penalise premises which are not part of the wider late night economy. These include, for example, hotels and B&Bs which serve only to guests, and the consultation therefore proposes these as one of the categories of exemption from both measures.

I would very much welcome views on these and other proposals on how the late night levy and EMROs will be implemented. Overall, our intention is that both measures will empower local communities to act to achieve a more viable night time economy.

A handwritten signature in black ink, appearing to read 'Henley'.

Lord Henley

Minister of State for Crime Prevention and Antisocial Behaviour Reduction

1. INTRODUCTION

- 1.01 This consultation is about two measures in the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) that will be implemented through regulations: Early Morning Restriction Orders (“EMROs”) and the late night levy (“the levy”).
- 1.02 Alcohol-related crime and disorder is a serious problem for many of our communities. The promised “café-culture” from later drinking hours has not materialised. In 2010/11, almost one million violent crimes were alcohol-related and almost half of surveyed violent crime victims believed the offender to be under the influence of alcohol. The police are fighting an expensive battle against alcohol-related crime and disorder. The Coalition Programme for Government recognised these problems and contained a set of commitments to tackle alcohol misuse, especially late at night. The necessary changes to primary legislation have been made through the 2011 Act.
- 1.03 EMROs will help licensing authorities to address specific problems caused by the late night supply of alcohol in their areas. An EMRO is a power introduced by the previous Government (which has not yet been commenced) which, under existing provisions, would enable licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between 3am and 6am on all or some days. The 2011 Act amends existing provisions to allow EMROs to be applied more flexibly between midnight and 6am. Licensing authorities will be able to make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. However, we believe that some types of premises should not be subject to an EMRO. Section 4 of this consultation considers exemptions to the EMRO power that will apply to all EMROs.
- 1.04 The levy will allow licensing authorities to raise a contribution from late-opening alcohol retailers towards policing the late night economy. It will be a local power that licensing authorities can choose whether to adopt for their areas. The licensing authority will also choose the period during which the levy applies, between midnight and 6am on each night. Non-exempt premises licensed to supply alcohol in this period will be required to pay the levy.
- 1.05 Licensing authorities will decide whether any (and, if so, which) of the categories of exemptions and reductions will apply to the levy. Section 6 of this consultation considers the available categories of premises to which exemptions and reductions will apply. The government is also keen to promote local and business-led initiatives. Many businesses successfully work together in schemes like Best Bar None, Business Improvement Districts (BIDs) and Community Alcohol Partnerships. Authorities and business communities might wish to consider these schemes as possible alternatives or complements to EMROs or the levy. Section 6 also considers this issue.
- 1.06 To inform this consultation, working groups and meetings were held with representatives from the police, the licensed trade, best-practice schemes, licensing authorities and the hospitality industry.
- 1.07 A consultation-stage Impact Assessment is attached to this consultation. This will be updated following the consultation if necessary.

2. ABOUT THIS CONSULTATION

Scope of the consultation

Topic of this consultation:	<p>This consultation seeks views on certain aspects of EMROs and the late night levy.</p> <p>EMROs</p> <ul style="list-style-type: none">• Process of adopting an EMRO.• Categories of business which will be exempt from any EMRO. <p>Late night levy</p> <ul style="list-style-type: none">• Process of adopting the levy.• Categories of business which individual licensing authorities may choose to exempt from, or afford a reduction in relation to, the late night levy.• The kinds of services a licensing authority may fund with the 30% of net levy receipts it may retain from the net levy revenue.
Scope of this consultation:	<p>Regulations will be made under powers in the 2011 Act and Licensing Act 2003 in relation to the late night levy and EMROs. The Government intends to commence both powers, but would like to hear views on the above and on the impact assessment before preparing the regulations.</p>
Geographical scope:	<p>England and Wales</p>
Impact assessment (IA):	<p>A consultation stage IA is included with the consultation document. A small firm impact test is included</p>

Basic Information

To:	We are keen to hear from everyone who will be affected by the two measures, including; members of the public to whom alcohol is supplied; those affected by alcohol-related crime; those that own or work in pubs, clubs, supermarkets and shops; best practice scheme representatives; criminal justice agencies; licensing authorities; and trade associations representing those who sell alcohol.
Duration:	The consultation runs for 12 weeks from 17th January to 10th April.
Enquiries:	Alcohol.Consultation@homeoffice.gsi.gov.uk
How to respond:	Information on how to respond to this consultation can be found on the Home Office Website at http://www.homeoffice.gov.uk/about-us/consultations . Responses can be submitted online through the Home Office website or by post by sending responses to: Home Office Drugs and Alcohol Unit 4th Floor Fry Building 2 Marsham Street London, SW1P 4DF
Additional ways to become involved:	Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio. The Department is obliged to offer, and provide on request, these formats under the Equality Act 2010.
After the consultation:	Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public, unless stated otherwise.

Background

Getting to this stage:	The two powers were consulted on as part of the ‘Rebalancing the Licensing Act’ consultation (Summer 2010) and introduced in the Police Reform and Social Responsibility Act (September 2011).
Previous engagement:	The government has already consulted a number of key partners prior to publishing this consultation. As well as engagement as part of the ‘Rebalancing the Licensing Act’ consultation, officials have held pre-consultation working groups with stakeholders from the on and off trade; police and local authorities; best practice schemes and the voluntary sector.

PART 1 EARLY MORNING RESTRICTION ORDERS

3. PROCESS

3.01 The 2011 Act allows an EMRO to be applied by licensing authorities flexibly between midnight and 6am to restrict the sale of alcohol. Licensing authorities can apply these orders to areas where they consider that restricting the late night supply of alcohol is appropriate to promote the licensing objectives. Before this power is commenced, regulations must be made.

3.02 The regulations will prescribe details of the process for making an EMRO and the kinds of premises that will be exempt from an EMRO. Consultation respondents are asked to consider the proposed process map in Annex A.

CONSULTATION QUESTION 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

No

Don't know

If no, please explain what else is needed

4. EXEMPTIONS TO EMROS

4.01 EMROs are designed to address recurring problems with alcohol-related crime and disorder in specific areas. The licensing authority will be able to decide during which hours the EMRO will apply, whether it is applied every day or on particular days; whether it will run for a limited or unlimited period; and whether it will apply to whole or part of the licensing authority's area. In each case, the decision will be based on what is appropriate for the promotion of the licensing objectives¹. There are some types of premises

¹ Licensing objectives are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

which should not be subject to an EMRO, wherever it is applied. Some businesses, wherever they may be located, do not contribute to alcohol-related crime and disorder. For example, a hotel may only serve alcohol to its guests who are staying overnight. As such, the 2011 Act enables the Secretary of State to make regulations which prescribe exemptions to an EMRO by reference to particular kinds of premises or particular days.

4.02 Many licences have additional authorisations on New Year's Eve to stay open later than usual. The government proposes that EMROs will not apply between midnight on 31st December and 6am on 1st January of each year.

CONSULTATION QUESTION 2:

The government proposes that EMROs 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 EMROs should apply on New Year's Eve?

Yes – the EMRO should apply on New Year's Eve

No – the EMRO should not apply on New Year's Eve

Neither agree nor disagree

Don't know

Please give reasons for your answer

4.03 Local discretion in setting the EMRO area is paramount, and the intention is to have only a few nationally prescribed exemptions. Some premises may need to vary their licence (to, for example, add a condition via the minor variations process) before an exemption is applicable to them.

4.04 EMROs will operate to restrict alcohol sales even when a Temporary Event Notice (TEN) is otherwise in effect. Section 172 of the Licensing Act 2003 enables the Secretary of State to make a licensing hours order to relax licensing hours on special occasions. Primary legislation includes

provision that, unless the licensing hours order provides otherwise, the EMRO will not be effective to prevent alcohol sales in a period to which the extended hours order applies.

relevant period will be members or their guests; or those who stay overnight; or those who attend for a performance. We also propose that there is an exemption for community premises which have demonstrated that they do not need a Designated Premises Supervisor (DPS). We propose that the following exemptions will apply to every EMRO:

4.05 The proposed exemptions cover some types of premises where the only customers during the

Name	Definition
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 between midnight and 6am.

CONSULTATION QUESTION 3:

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

- Agree – these categories of premises should be exempt from EMROs
- Disagree – these categories of premises should not be exempt from EMROs
- Neither agree nor disagree
- Don't know

Please give reasons for your answer, specifying any exemptions that you disagree with

CONSULTATION QUESTION 4:

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

- Yes
- No
- Don't know

If yes, please specify which other types of premises and give reasons.

PART 2 THE LATE NIGHT LEVY

5. PROCESS

- 5.01 The levy will allow licensing authorities to raise a contribution from late opening alcohol retailers towards the policing costs generated by the late night economy. The levy will apply to all premises (on and off-trade), throughout the licensing authority's area, which are authorised to sell or supply alcohol in the time period set by the licensing authority. This can be any time between midnight and 6am. Section 172 of the Licensing Act 2003 permits the Secretary of State to make a licensing hours order to relax licensing hours on special occasions. The Government intends to ensure that this will not result in some premises inadvertently becoming liable to pay the late night levy. The levy will not apply to TENs. The 2011 Act makes provision for the Government to prepare draft regulations before the levy scheme is commenced.
- 5.02 Regulations will prescribe details of the process for adopting the late night levy. Consultation respondents are asked to consider the proposed process maps in Annex B.
- 5.03 Prior to making a decision to implement the levy, it is intended that the licensing authority will have discussions with the Police and Crime Commissioner (PCC) and local police to decide whether it is appropriate to introduce the levy in its area. If so, the licensing authority must formally consult the PCC, the police, licence holders and others about its decision to introduce the levy. The consultation should ask whether it needs to apply any exemptions or discounts to the levy and how it will apportion net levy revenue between the police and licensing authority. The licensing authority will have the final decision in all of these areas.

CONSULTATION QUESTION 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?

- Yes
- No
- Don't know

If yes, do you have any suggestions on how this process should operate?

6. EXEMPTIONS AND REDUCTIONS TO THE LEVY

- 6.01 There are some types of premises which licensing authorities may consider should not make a contribution towards late night police costs through the late night levy. To enable local discretion, the levy will allow licensing authorities to select exemptions or reductions that they consider should apply in their area. It is proposed that the following types of business are available as exemptions for licensing authorities to adopt:

Name	Definition
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	<p>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:</p> <ul style="list-style-type: none"> (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 on them, and (iv) alcohol is not 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).
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).

CONSULTATION QUESTION 6:

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

Agree
Disagree

Please give reasons for your answer, specifying any exemptions that you disagree with

Business Improvement Districts

6.02 Business Improvement Districts (BIDs, established under the Local Government Act 2003) are a defined area within which businesses pay a fee in order to fund improvements within their boundaries and can prove valuable to business communities. An increasing number of late night or licensed trade BIDs are being established. Some of these schemes may fulfil the purpose of the levy, by raising contributions towards late night services, without the need for local authority intervention. These schemes should be actively encouraged. It is proposed that licensing authorities are able to grant an exemption to those paying a levy as part of a BID where the authority is satisfied that the aims meet a satisfactory crime and disorder focus.

CONSULTATION QUESTION 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 Improvements Districts
Disagree – licensing authorities should not be able to exempt Business Improvement Districts
Neither agree nor disagree
Don't know

Members' clubs

6.03 Many private members' clubs operate under 'Club Premises Certificates' (CPCs). Alcohol cannot generally be supplied under a CPC for profit or to the general public. Some licensing authorities may consider that private member's clubs in their area should not make a contribution to late night enforcement costs. Should clubs be exempt from the late night levy, the police revenue in the average licensing authority area from the levy will be reduced by approximately 10%.

CONSULTATION QUESTION 8:

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

Yes
No
Don't know

Please give reasons for your answer

Small Business Rate Relief

6.04 Small Business Rate Relief offers business ratepayers that meet certain criteria the opportunity to receive reductions on their rates bills. The criteria vary slightly in England and Wales but, in general, businesses are typically eligible if they occupy only one property and their rateable value is below a certain level. This may apply, for example, to small local pubs.

CONSULTATION QUESTION 9:

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

Please give reasons for your answer

New Year's Eve

- 6.05 Some premises may have a one-off late night authorisation on their licence to celebrate the New Year. On the one hand, it could be argued that the ability to host one-off special occasions will not be hindered by the late night levy. Before the levy begins in any area, premises will be able to make a free minor variation to their licence to reduce their hours. On special occasions, they may use a TEN to authorise the sale of alcohol.
- 6.06 On the other hand, an exemption for those premises whose only late night authorisation is for New Year will benefit many premises.

CONSULTATION QUESTION 10:

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

- Agree – there should be an exemption for New Year's Eve
- Disagree - there should not be an exemption for New Year's Eve
- Neither agree nor disagree
- Don't know

Reductions for best practice schemes

- 6.07 Licensing authorities may also wish to use the late night levy to promote and support participation in other business-led best practice schemes. These schemes encourage businesses to join together to address some of the negative effects of selling alcohol. The following schemes are recommended as available reduction categories:

Members of a locally accredited Best Bar None scheme
Members of a locally accredited Pubwatch, Clubwatch or Shopwatch scheme. The discount can only apply to one of the above three schemes. Criteria to be an applicable pubwatch scheme: <ul style="list-style-type: none"> • 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. • Membership is open to all licensed premises within the geographic area. • The scheme has a Chair person and/or Coordinator who is responsible for maintaining verifiable records of membership.
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.
Premises that pay a levy in a Business Improvement District (established under the Local Government Act 2003) where the authority is satisfied that the aims meet a satisfactory crime and disorder focus

CONSULTATION QUESTION 11:

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

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

Other local best-practice schemes

6.08 The best practice schemes referred to in Question 11 are locally accredited schemes that are part of a national network. It has been suggested that some schemes have been created locally without any national accreditation. Groups of businesses may join together and fund late night services or address specific community problems. Regulations could grant licensing authorities the power to give discounts to schemes that they recognise as effective. Schemes would have to meet readily recognised and measurable benchmarks in order to be capable of qualifying for a discount.

CONSULTATION QUESTION 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?

6.09 We propose that there is a 10% discount to the levy for every relevant best practice scheme (up to a maximum of 30%). This is in recognition that many businesses are members of multiple schemes.

CONSULTATION QUESTION 13:

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

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

6.10 There may be other types of premises that should not be required to contribute fully towards the levy, for example, community-run pubs or others with an established community and social character.

CONSULTATION QUESTION 14:

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

- Yes
- No

If yes, please state what you think these should be and how this type of premises should be defined.

7. LICENSING AUTHORITY LEVY REVENUE

7.01 There are many different types of local authority-funded services which make the late night economy a more welcoming place to do business. Some examples include taxi marshals, late night town wardens and street cleaning services. The licensing authority can retain up to 30% of the net levy revenue to fund other activities besides policing. This section considers whether there should be any restrictions on how authorities spend this money.

CONSULTATION QUESTION 15:

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

Restrictions on funded activities

7.02 It is intended that the proportion of net levy revenue retained by licensing authorities (a

maximum of 30%) is used to fund services which tackle alcohol-related crime and disorder, such as taxi marshalling and ‘booze buses’ that provide assistance to those who otherwise might become victims or offenders. This would not extend to the wider management of the night time economy. For example, it would include the clean-up of the after-effects of alcohol-related crime and disorder, such as broken glass and public urination, but not general clean-up activities, such as the collection of waste from outside fast food restaurants

CONSULTATION QUESTION 16:

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

Please state whether you think the types of services should be limited to preventing and tackling alcohol related crime and disorder; or should extend to both preventing and tackling alcohol related crime and disorder and management of night time economy?

8. IMPACT ASSESSMENT

8.01 An Impact Assessment for late night levy secondary legislation is attached. Consultation respondents are encouraged to comment on this document.

CONSULTATION QUESTION 17:

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

CONSULTATION QUESTION 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?

9. ABOUT YOU

9.01 Please indicate in what capacity you are responding to this consultation:

Licensing authority
Member of the public
Police officer
Person involved in licensed trade/club premises
Other please specify

Police officers only: Which Police Force are you from?

9.02 Licensed trade only: Please tick one of the following boxes which would best describe you/ your organisation

Individual
Members’ Clubs
Micro company (1 – 9 employees)
Small business (10-49 employees)
Small – medium enterprise (50-249 employees)
Large company (over 250 employees)

Licensing officer only: Which Licensing Authority are you from?

Member of the public/Other only: Which Local Authority or London Borough are you from?

10. CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under

the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

GOVERNMENT CODE OF PRACTICE ON CONSULTATION

The Consultation follows the Government's Code of Practice on Consultation the criteria for which are set out below:

Criterion 1 – When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 – Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 – Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 – Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 – The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 – Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 – Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at: <http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html>

CONSULTATION CO-ORDINATOR

If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office consultation co-ordinator, Adam Mcardle. Please DO NOT send your response to this consultation to Adam Mcardle. The Co-ordinator works to promote best practice standards set by the Government's Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation. The co-ordinator can be emailed at: Adam.Mcardle2@homeoffice.gsi.gov.uk or alternatively you can write to him at:

Adam Mcardle, Consultation Coordinator
Home Office
Performance and Delivery Unit
Better Regulation Team
3rd Floor Seacole
2 Marsham Street
London
SW1P 4DF

11. CHECKLIST

CONSULTATION QUESTION 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?

CONSULTATION QUESTION 2:

The government proposes that EMROs 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 EMROs should apply on New Year's Eve?

CONSULTATION QUESTION 3:

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

CONSULTATION QUESTION 4:

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

CONSULTATION QUESTION 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?

CONSULTATION QUESTION 6:

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

CONSULTATION QUESTION 7:

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

CONSULTATION QUESTION 8:

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

CONSULTATION QUESTION 9:

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

CONSULTATION QUESTION 10:

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

CONSULTATION QUESTION 11:

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

CONSULTATION QUESTION 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?

CONSULTATION QUESTION 13:

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

CONSULTATION QUESTION 14:

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

CONSULTATION QUESTION 15:

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

CONSULTATION QUESTION 16:

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

CONSULTATION QUESTION 17:

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

CONSULTATION QUESTION 18:

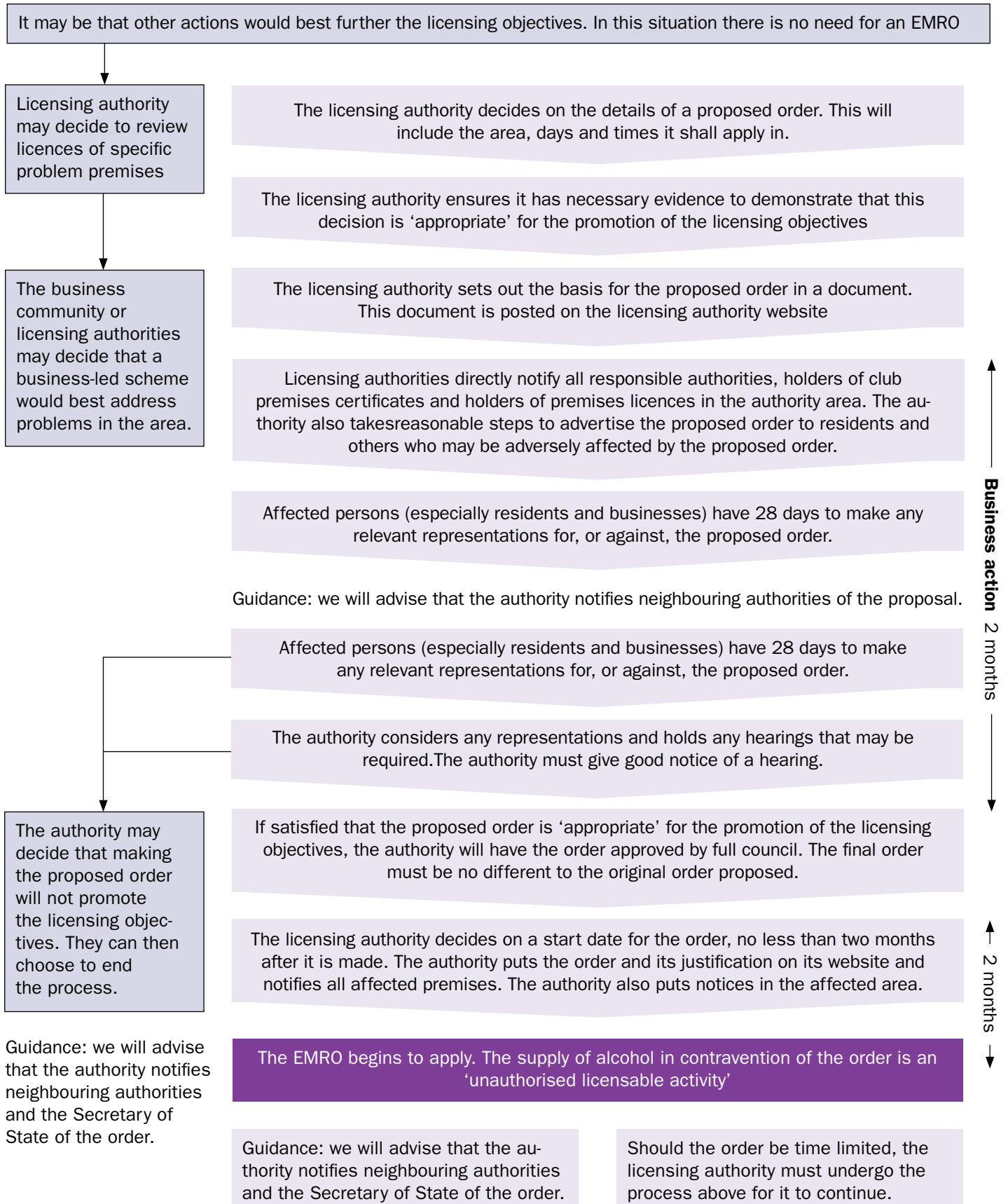
If you have any comments on the Impact Assessment, please detail them here?

CONSULTATION QUESTION 19:

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

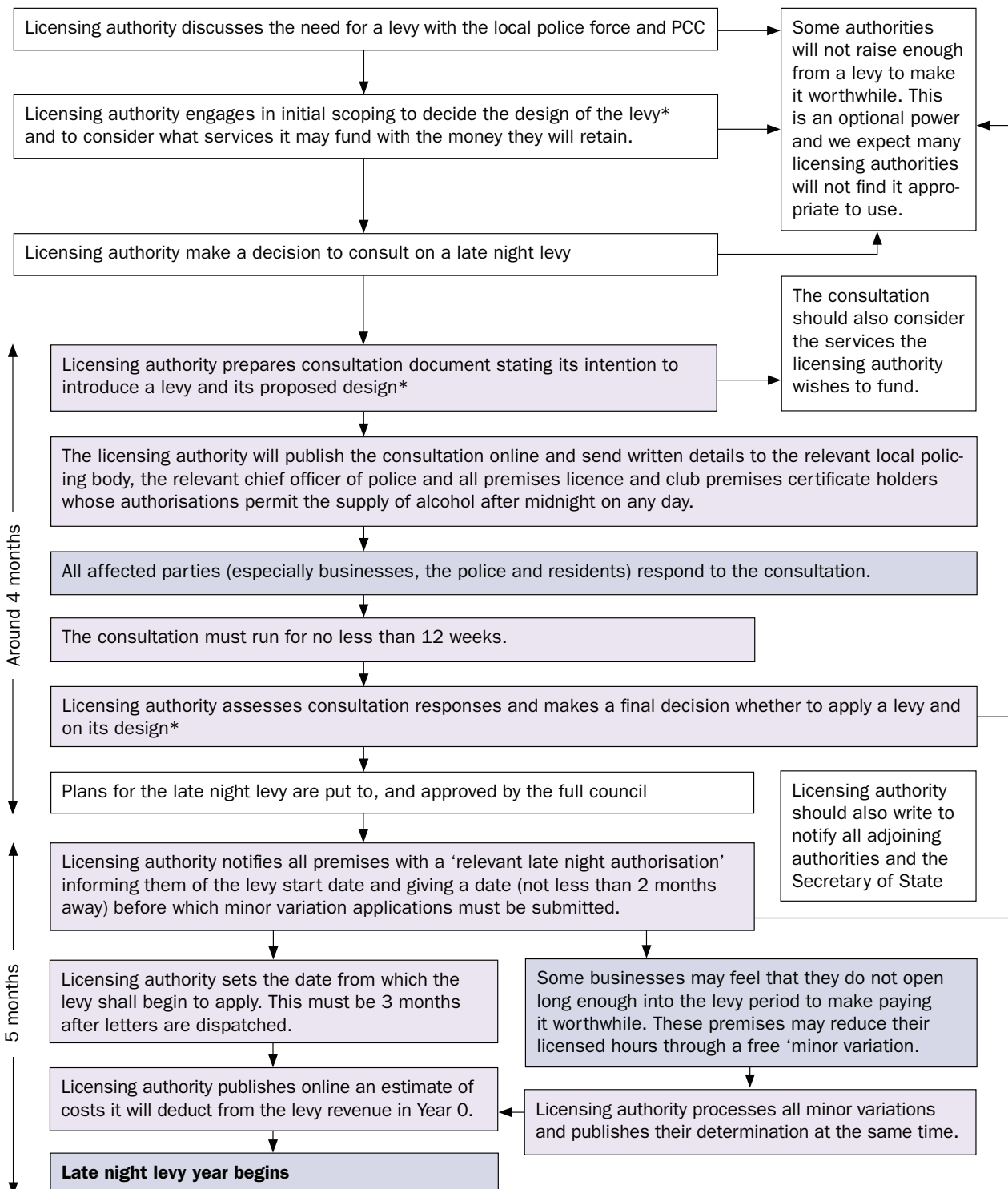
ANNEX A - EMRO PROCESS MAP

A situation arises where there is need to restrict the late night supply of alcohol in a particular area. The licensing authority can decide, possibly at the suggestion of the public or the PCC, to make an EMRO.

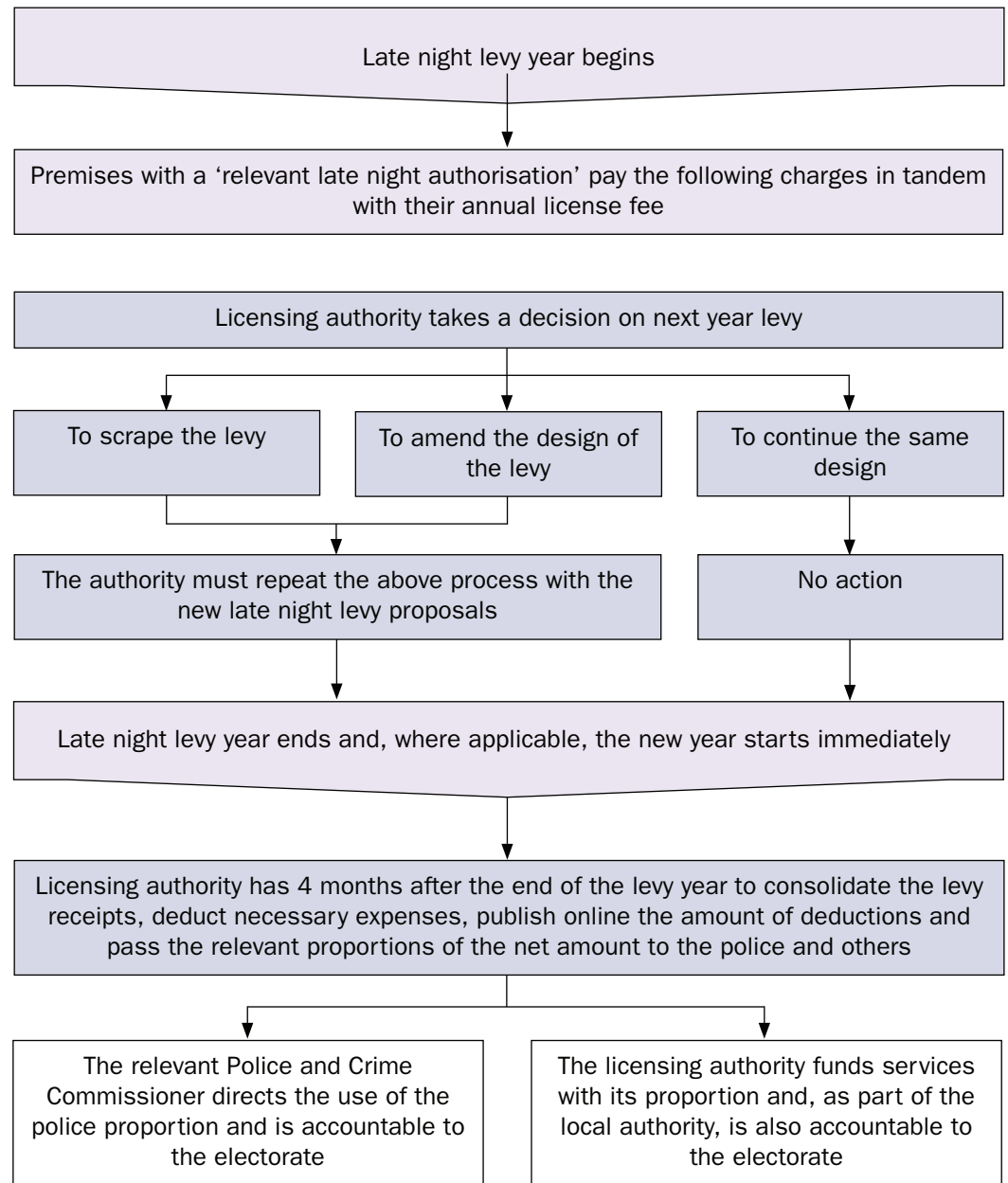


ANNEX B - LATE NIGHT LEVY PROCESS MAPS - (Part I - Introduction)

Essential processes which will be deductible from levy revenue	<p>'late night supply period'- This is the time period where the levy applies. The licensing authority chooses this period but it must be within the window of midnight and 6am.</p> <p>'relevant late night authorisation'- a licence or certificate which permits the supply of alcohol within the 'late night supply period'</p>
Key stages for business	<p>*The levy design - is the licensing authority's choice of the 'late night supply period', any exemptions or reductions that apply and the proportion of the revenue (after administrative costs are deducted) which the licensing authority wishes to keep to fund other activities (max 30%).</p>



ANNEX B - LATE NIGHT LEVY PROCESS MAPS CONTINUED - (Part II - Levy year)





Home Office

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<http://www.homeoffice.gov.uk/about-us/consultations/late-night-drinking>

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To: Licensing and Gambling Acts Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Licence Fees 2012/13

Summary and Recommendations

Purpose of report: To seek agreement of the licence fees for 2012/13 where the Council has discretion over the level of fee charged.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework:

Recommendation(s):

Committee is requested to:

- (a) note the licence fees set by statute; and
- (b) agree the licence fees for 2012/13 as set out in this report.

1. The purpose of this report is to agree licence fees for 2012/13 where the Council has discretion over the level of fee charged. The proposed fees are set out in the Appendix.
2. This Committee is responsible for fees under the Licensing Act 2003 and Gambling Act 2005. Fees for other types of licence will be the subject of a separate report to General Purposes Licensing Committee. All fees under the Licensing Act are set by statute.
3. The authority has discretion under the Gambling Act to set Gambling Premises Licence fees up to the statutory maximum. Fees for Gaming Machine Permits and Temporary Use Notices are set by statute.
4. The general principles when setting fees are that they must be reasonable and relate to the cost of performing the function. Costs include staffing, administration, testing, inspections, hearings, enforcement and appeals.

5. Any increase in fees are purely inflationary rises, details of which can be found at **Appendix One**.

Financial Implications

6. The Council is responsible for collecting licence fees for these functions. Predicted income from licence fees is included in the Council's budget.

Legal Implications

7. The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licence fees under the Licensing Act 2003 and Gambling Act 2005.

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Background papers:

Version number: 1.0

LICENSING AND GAMBLING ACTS COMMITTEE

APPENDIX ONE

Environmental Development - Licence Fees 2012-13 set by the Council (up to statutory maximum)

Gambling Act 2005 - Premises	2011-12	2012-13	Comments
Bingo Premises			
Application (Max Fee Permitted: £3,500)	£836	£870	Inflationary Rise of 4%
Annual fee (Max Fee Permitted: £1,000)	£550	£572	Inflationary Rise of 4%
Variation application (Max Fee Permitted: £1,750)	£1,200	£1,248	Inflationary Rise of 4%
Transfer application (Max Fee Permitted: £1,200)	£388	£404	Inflationary Rise of 4%
Reinstatement application (Max Fee Permitted: £1,200)	£500	£520	Inflationary Rise of 4%
Provisional statement application (Max Fee Permitted: £3,500)	£727	£756	Inflationary Rise of 4%
Copy of licence	£25	£25	Fee set by Statute
Notification of a change	£50	£50	Fee set by Statute
Family Entertainment Centre			
Application (Max Fee Permitted: £2,000)	£677	£704	Inflationary Rise of 4%
Annual fee (Max Fee Permitted: £750)	£610	£634	Inflationary Rise of 4%
Variation application (Max Fee Permitted: £1,000)	£937	£972	Inflationary Rise of 4%
Transfer application (Max Fee Permitted: £950)	£355	£370	Inflationary Rise of 4%
Reinstatement application (Max Fee Permitted: £950)	£433	£450	Inflationary Rise of 4%
Provisional statement application (Max Fee Permitted: £2,000)	£593	£617	Inflationary Rise of 4%
Copy of licence	£25	£25	Fee set by Statute
Notification of a change	£50	£50	Fee set by Statute
Adult Gaming Centre			
Application (Max Fee Permitted: £2,000)	£677	£704	Inflationary Rise of 4%
Annual fee (Max Fee Permitted: £1,000)	£610	£634	Inflationary Rise of 4%
Variation application (Max Fee Permitted: £2,000)	£937	£972	Inflationary Rise of 4%
Transfer application (Max Fee Permitted: £1,200)	£355	£370	Inflationary Rise of 4%
Reinstatement application (Max Fee Permitted: £1,200)	£433	£450	Inflationary Rise of 4%
Provisional statement application (Max Fee Permitted: £2,000)	£593	£617	Inflationary Rise of 4%
Copy of licence	£25	£25	Fee set by Statute
Notification of a change	£50	£50	Fee set by Statute
Betting Premises (Track)			
Application (Max Fee Permitted: £2,500)	£800	£832	Inflationary Rise of 4%
Annual fee (Max Fee Permitted: £1,000)	£727	£756	Inflationary Rise of 4%
Variation application (Max Fee Permitted: £1,250)	£1,250	£1,250	Already at Max Fee
Transfer application (Max Fee Permitted: £950)	£383	£398	Inflationary Rise of 4%
Reinstatement application (Max Fee Permitted: £950)	£470	£489	Inflationary Rise of 4%
Provisional statement application (Max Fee Permitted: £2,500)	£660	£686	Inflationary Rise of 4%
Copy of licence	£25	£25	Fee set by Statute
Notification of a change	£50	£50	Fee set by Statute
Betting Premises (Other)			
Application (Max Fee Permitted: £3,000)	£755	£785	Inflationary Rise of 4%
Annual fee (Max Fee Permitted: £600)	£577	£600	Rise to Max Fee
Variation application (Max Fee Permitted: £1,500)	£1,040	£1,082	Inflationary Rise of 4%
Transfer application (Max Fee Permitted: £1,200)	£370	£384	Inflationary Rise of 4%
Reinstatement application (Max Fee Permitted: £1,200)	£460	£478	Inflationary Rise of 4%
Provisional statement application (Max Fee Permitted: £3,000)	£650	£676	Inflationary Rise of 4%
Copy of licence	£25	£25	Fee set by Statute
Notification of a change	£50	£50	Fee set by Statute

Environmental Development - Licence Fees 2010-11 set by Statute

Gambling Act 2005 - Permits	2011-12	2012-13	Comments
Alcohol Premises Gaming Machine Permits			
Application	£150	£150	Fee set by Statute
Existing operator application	£100	£100	Fee set by Statute
Annual fee	£50	£50	Fee set by Statute
Permit variation fee	£100	£100	Fee set by Statute
Transfer of permit	£25	£25	Fee set by Statute
Change of name on permit	£25	£25	Fee set by Statute
Copy of permit	£15	£15	Fee set by Statute
Notification of 2 machines	£50	£50	Fee set by Statute
Club Gaming Permits and Club Gaming Machine Permits			
Application	£200	£200	Fee set by Statute
Application (Club Premises Certificate holder)	£100	£100	Fee set by Statute
Annual fee	£50	£50	Fee set by Statute
Permit variation fee	£100	£100	Fee set by Statute
Renewal	£200	£200	Fee set by Statute
Renewal (Club Premises Certificate holder)	£100	£100	Fee set by Statute
Permit variation fee	£100	£100	Fee set by Statute
Copy of permit	£15	£15	Fee set by Statute
Family Entertainment Centre Gaming Machine Permits			
Application	£300	£300	Fee set by Statute
Existing operator application	£100	£100	Fee set by Statute
Renewal	£300	£300	Fee set by Statute
Change of name on permit	£25	£25	Fee set by Statute
Copy of permit	£15	£15	Fee set by Statute
Gambling Act 2005 Temporary Use Notice			
Submission of Notice	£500	£500	Fee set by Statute
Copy of Notice	£25	£25	Fee set by Statute

Licensing Act 2003	2010-11	2011-12	Comments
Application fee			
Application and Variation Fees - Premises Licenses and Club Premises Certificates	£100-£635	£100-£635	Fee set by Statute
Enhanced fee for some premises with rateable value above £87,001	£900-£1,905	£900-£1,905	Fee set by Statute
Additional fee for capacity of more than 5,000 people	£1,000-£64,000	£1,000-£64,000	Fee set by Statute
Minor Variation Fee	£89.00	£89.00	Fee set by Statute
Annual fee			
Premises Licenses and Club Premises Certificates	£70-£350	£70-£350	Fee set by Statute
Enhanced fee for some premises with rateable value above £87,001	£640-£1,050	£640-£1,050	Fee set by Statute
Additional fee for capacity of more than 5,000 people	£500-£32,000	£500-£32,000	Fee set by Statute
Personal License	£37	£37	Fee set by Statute
Transfer of Premises Licence	£23	£23	Fee set by Statute
Change of address	£10.50	£10.50	Fee set by Statute
Copy of licence	£10.50	£10.50	Fee set by Statute
Temporary Event Notice	£21	£21	Fee set by Statute
Provisional Statement	£315	£315	Fee set by Statute

Agenda Item 8

LICENSING AND GAMBLING ACTS COMMITTEE

Wednesday 19 October 2011

COUNCILLORS PRESENT: Councillors Clarkson (Chair), Brett (Vice-Chair), Brundin, Cook, Goddard, Lloyd-Shogbesan, Royce, Sanders, Sinclair, Timbs and Campbell.

OFFICERS PRESENT: Julian Alison (Licensing Team Leader), Tony Payne (Licensing and Development Manager), Lois Stock (Democratic and Electoral Services Officer) and Daniel Smith (Law and Governance)

6. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Mike Rowley.

7. DECLARATIONS OF INTEREST

None

8. UPDATE ON LICENSING AUTHORITY ACTIVITY APRIL 2011 - AUGUST 2011

The Head of Environmental Development submitted a report (previously circulated, now appended) concerning licensing authority activity between April and August 2011. Julian Alison presented this report to the Committee and explained the background. He gave the following additional information in answer to questions posed by members of the Committee:-

- “PACE” refers to the Police and Criminal Evidence Act;
- Following concerns expressed by the Committee at the last meeting, the licensing team have been round to almost all off-licences in the City to offer guidance and advice. No further incidents involving off-licence have come to their attention since;
- The checking of ID – in particular looking for fake ID – is a Police matter. The Police do sometimes send officers out with the licensing team. If fake ID is found, the premises are reported to the licensing team and the Police deal with the individual concerned;
- The new City Chief Inspector has been very helpful, and there has been good liaison between the City and the Police licensing teams;
- Thames Valley police, Nightsafe and the Council’s licensing team are jointly seeking funding for further test purchasing campaigns.

Resolved to thank the licensing team for their work and note the report.

9. PROPOSAL TO EXAMINE THE DEREGULATION OF SCHEDULE ONE OF THE LICENSING ACT 2003

The Head of Environmental development submitted a report (previously circulated, now appended) concerning proposals to examine the deregulation of Schedule 1 of the Licensing Act 2003. Tony Payne introduced this report to the Committee and explained the background to it. Officers were seeking delegated authority to respond to the consultation. They would take into account the views of the Committee and liaise with the Chair and Vice Chair over the final submission.

The Committee discussed the issue and expressed the following views:-

- It would be unwise to sweep away the current procedures. These allow licensing authorities a degree of control;
- Members of the public are generally satisfied with the way in which the Council deals with licensing issues. One of the functions of the licensing team is to safeguard the public. It would be a retrograde step to remove nearly all forms of regulated entertainment from the Licensing Act 2003 regime;
- The proposals are foolish, the Council needs to send a strong message opposing them;
- It is important to retain control over what happens in the City;
- The proposals, if implemented, would increase the workload for the licensing team, especially in the area of enforcement. There would surely be a rise in complaints that would need enforcement action, and this would be reactive, as opposed to pre-emptive, action. It would not deal with the problem before it arose or when it was experienced;
- The Committee appreciated that the proposals sought to free up events such as school plays and Punch and Judy shows from the constraints of the Licensing Act, but this should not be achieved by sweeping away legislation that would make things worse in many other areas;
- Overall, the Committee had serious concerns about the proposals.

Having thus considered the report, the Committee resolved:-

- (1) To delegate to the Head of Environmental Development the authority to draft a response to the consultation, based upon the views expressed by the Committee;
- (2) To present this draft to the Chair and Vice Chair for final approval before submitting it to the Department of Culture, Media and Sport.

10. MINUTES

Resolved to confirm as a correct record the minutes of the meeting held on 15th June 2011, with the following observations:-

- Thanks were given to Julian Alison for arranging the helpful training with Leo Charalambides;
- Julian Alison would invite the City Centre Inspector, Katy Barrow-Grint, to the next meeting of the Committee. (however he could not guarantee she would be able to attend) The Committee noted that it would be desirable to have her presence at a future meeting;

- The licensing team held regular meetings with the major licensees in the City in order to discuss issues of concern and importance, and keep everyone up to date with any changes and developments in licensing legislation and practice. This was going well. Thanks should be given to Alex Bloomfield, Thames Valley Police licensing officer, for his input into this.

11. DATES OF FUTURE MEETINGS

Resolved to note that the next meeting would be held on 22nd February 2012.

The meeting started at 5.00 pm and ended at 5.35 pm

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