

## NEW LICENSING LAWS

# **The risk of disorder and nuisance from current re-licensing**

The new Licensing Act 2003 requires pubs, bars, night cafes, restaurants, off-licence outlets and entertainment venues, etc, to apply for a new form of licence, which allows them to stay open longer and vary their style of operation.

Unless an objection is made - by the police or residents, for example - then the new licence will be granted automatically.

There is now a huge risk that later closing times and other variations will add to the already serious problems of anti-social behaviour and noise disturbance experienced by the town. The licensing issues are set out below in this special edition of the FoRG Newsletter.

Over the next six weeks, all 100 licences in the town must be converted to a new licence. On a separate sheet, we describe how to object if you are concerned about a particular venue seeking to vary the hours or other terms of its existing licence.

**Richmond town centre experiences a high and increasing level of alcohol-related anti-social behaviour (ASB) in the evenings.** This is evidenced by recent research on the town in the Erskine Report, commissioned by Richmond Council. The research demonstrates the negative effect of ASB on the quality of life of residents, the viability of some local businesses and the enjoyment of many visitors.

Richmond now has some of the best research of any town in the country, which was crucial to the Council when, backed by the police, it unanimously decided on 14 June to introduce a saturation policy (see below) for Richmond and Twickenham town centres.

Friends of Richmond Green and The Richmond Society were instrumental in pressing for and contributing to this policy and research.

The research shows that almost 75% of residents and businesses in Richmond who responded to the Erskine survey regularly experience crime, disorder, nuisance and/or ASB linked to the licensed economy. 54% of respondents are deterred from using the facilities in the town at night for these reasons. 60% say they experience sleeping difficulties on a regular basis, linked to the licensed economy.

The problems are countrywide, but in Richmond the concentration of pubs and bars per resident is as high as in Soho. Almost uniquely, however, we have open spaces. These spaces and the diverse evening economy create a social magnet and the problem has been exacerbated by the huge growth in licensed capacity in the town (a 50% increase over 10 years) and by longer opening

hours. There are now 27 pubs and bars in the centre and nearly 70 restaurants and similar venues.

Based on a report by the Cabinet Office in September 2003, we calculate the cost of alcohol-related ASB and crime in Richmond town centre is over £6 million per annum.

**The Licensing Act 2003 now adds an immediate and irreversible risk.** It regulates most forms of entertainment, including the supply of alcohol, live music, dancing and late night refreshment. Regulated entertainment has to be licensed and applications for the conversion of existing licences have to be made to the Council by 6th August 2005 (as many as 100 in Richmond Town alone). All converted licenses come into effect on 24th November 2005. So far, the Council has received six applications varying existing licences in Richmond town centre and around 20 elsewhere. Besides the *Victoria Inn* and *Richmond Arms*, four are owned by Mitchells & Butlers plc - *The Lot*, *All Bar One*, *Edward's* and *O'Neill's*. The remaining applications are likely to pour in over the next six weeks.

#### **A brief analysis of applications to date shows some worrying developments:**

1. Generally, standard opening hours are being extended on Thursdays by 1.5 hours and on Fridays and Saturdays by two hours and on other days by one hour. In addition, applications are being made to add one or two hours on many specified dates - up to 17 dates in some cases. Mitchells and Butlers has also applied to open its venues for the TV transmission of 'recognised international sporting events' which could result in 24-hour opening for separate events in different global time zones. Licensees can also give notice of up to 12 temporary events in a year, lasting 96 hours each, with no opportunity for residents to object. Opening hours are tending to be earlier, at 10 am or even 6 am, including Sundays.

2. We estimate, based on applications to date (i.e. around 35% of capacity), that the evening economy hours from 8 pm to closing time could increase by at least 30%. This could deliver £4 million per annum of increased sales in the town - mostly alcohol consumption, which is equivalent to introducing two 'megabars' the size of Edward's in the early hours of the morning, with customers moving from one bar to the next and finally trying to leave the town on non-existent public transport.

3. Some applications seem to be seeking greater outdoor activity, including live music, furthering the trend of *alfresco* use of the town.

4. There is a general trend to apply to remove all conditions currently attached to existing licenses - often ones we have fought hard for in the past.

5. *Edward's* seeks to extend existing closing times by two hours, so that on Thursdays, Fridays and Saturdays it will close at 3:30 am and on other days at 1:30 am. On 17 specified dates, there will be either one or two additional hours and an application is being made to open during the transmission of international sporting events. Also, the venue will open earlier at 10:00 am on all days. It seeks to remove over 12 conditions, such as keeping doors closed.

Licence variations now underway in the town could lead to there being several thousand revellers in the town at 2 am or later.

**Solutions to alcohol-related anti-social behaviour are not in sight.** The Erskine Report made clear that concerns of residents and others are primarily with low level ASB, often in open spaces - shouting, urinating, vomiting, etc. A single incident may not be serious compared to assault, say, but cumulatively over time and when pervading an area, low level ASB is serious. It erodes the quality of life in the town and leads to an increase in serious crime.

The police have confirmed that generally they do not collect data on low level ASB. Crime statistics focus on more serious crimes, so it is essential that, in future, the Erskine type research is used to monitor the situation and inform decisions.

It is hardly practical or economical to police low level ASB on a response or re-active basis because it is often momentary, occurs at any time and pervades the town. There might be 500 incidents of low level ASB to every assault. In any event, the police are not readily available 75% of the time, overall, in the evenings to deal with low level ASB.

We are therefore seeking solutions further back in the chain of alcohol sale, consumption and consequential ASB - to deal with existing and future problems resulting from the new Licensing Act. But it is difficult to see these materialising soon.

This is of concern because we believe the extension of hours will lead to people binge drinking, with the noise and disturbance arising in the early hours of the morning when residents need their sleep. Furthermore, transport out of the town will have largely ceased by the time most licensed venues close under the extensions being applied for.

Applicants are required to state what additional steps they intend to take to promote the Licensing Act's objectives but so far there is little to give us confidence that the licensed trade will deal with the existing problems, let alone those created by their license variations.

Where a concentration of licensed premises exists and there is significant alcohol-related crime and disorder, the Council can add a saturation policy (known as Cumulative Impact Policy or C.I.P) The C.I.P. approved recently applies to defined zones in Richmond and Twickenham town centres and to pubs and bars (we had argued it should apply to all licensable activities). The presumption is against awarding licenses for new pubs and bars or variations to increase capacity of existing premises. Importantly, the burden of proof of no adverse impact falls on the applicant and it covers open spaces such as The Green.

We are very concerned with there being any extension of hours, given the existing problems and the risks of later opening. We will try to assist residents who wish to object to licence variations and more generally continue to seek practical solutions to the problems.

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Behaviour (LASB) working group - sponsored by Friends of Richmond Green and The Richmond Society.