

COVER SHEET FOR DRAFT COMMITTEE REPORT

To be completed by report author and attached to draft report

Subject/title of report	Licensing Act 2003 Review of Transition		
(Sub-)Committee(s)/ dates	Licensing Committee 5 January 2006		
TMT member(s) responsible	Jenny Rowlands	Report author(s)/ contact officer(s)	Tim Nichols
Wards affected	All	[If late item] - Chair's approval to urgency?	N/A
Part 1 or 2	Part 1	Exempt category (if any)	N/A

Summary of main recommendations	Decision
Key issues/impact of proposals	Balance: community safety and benefits for tourism economy – proper balance between rights and responsibilities of individuals, business and the community

CONSULTATION UNDERTAKEN					
Officers (all drafts to be sent to officers marked *)			Councillors		
Dept	Name	Date		Name	Date
Chief Exec			Chair	Jeane Lepper - Licensing	
DCE/Dir. Corp Servs			Deputy Chair(s)		
Dir. Children, F & S			Opposition Spokes.		
Dir. City Services			Ward Councillors		
Dir. Comms/Dem Servs	Adam Bates				
Dir. Culture & Regen					
Dir. Environment	Sue Drummond Chris Holm Ian Taylor Jenny Rowlands Judith Macho Maggie Brian Rob Fraser Linda Beanlands				
Dir. Human Res'rces					
Dir. Public Health					
Hd Adult Social Care					
*Monitoring Off'r	Rebecca Sidell		Others		
*Chief Finance Off'r	Alisdair Ridley				
Other consultations (public/stakeholders/communities of interest/partners/ staff etc.):					

REPORTING ROUTE (complete as applicable)					
Meeting	Date	Meeting	Date	Meeting	Date
DMT		Leadership Team		Committee (s)	
TMT		Chair's Meeting		P&R Cttee/Council?	
TMT/Leadership	23.11.05	Political group(s)		others	

Committee Administrator: Caroline DeMarco	Tel: 1063
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Signature of Chief/Statutory Officer

Item no. on agenda

Brighton & Hove City Council

For general release

Meeting: Licensing Committee (Licensing Act 2003 functions)

Date: 5 January 2006

Report of: Director of Environment

Subject: Licensing Act 2003: Review of transition

Ward(s) affected: All

1. Purpose of the report

- 1.1 Applicants had until 6 August 2005 to change to new premises and personal licences under 'Grandfather Rights', their existing rights including opening hours. They were also able to apply for variations during the six month period to take opportunities afforded by more flexible licensing hours and encouraged to provide additional licensable activities.
- 1.2 Licensing and its potential to influence crime and the local tourism economy has citywide importance. The Statement of Licensing Policy should be properly integrated with corporate strategies including local crime prevention, planning, transport, tourism and cultural strategies.
- 1.3 The Committee called for a review of transitional arrangements covering operational impact, licensing hearings, consultation with residents and integration with other corporate strategies.

2. Recommendations

- 2.1 That officers schedule meetings in 2006/7 as follows:

- Licensing Committee (Licensing Act 2003 functions) for 3 or 4 predetermined dates
 - Licensing Panels are convened ad hoc to meet demand and comply with timetables set down in the Act and Regulations.
- 2.2 That the outcome of Department of Culture Media and Sport's review is awaited before changing current practice on advertising applications.
- 2.3 That Members consider what further information in individual application reports would assist decision making.
- 2.4 That Members request a further report after DCMS has completed its review of Licensing Guidance.

3. Information/background

3.1 Licensing committee recommended a Statement of Licensing Policy on 7 October 2004. Policy and Resources Committee referred it to full council for adoption on 25 November 2004. The Licensing Authority must keep its policy under review during each three year period. Licensing Committee requested annual progress reports. Here is an interim review of transition.

3.2 During transition, the following numbers of applications were determined:

Club premises conversions	36
Club premises conversions and variations	13
Total	<u>49</u>
Licensed premises conversions	848
Licensed premises conversions and variations	408
Total	<u>1256</u>
Personal licence notifications	1546
New premises applications (during transition)	11 (to 6.8.05)

It is estimated that over 99.9% of premises licence applications were successfully determined during transition despite over 40% applications being made in the last week of the six month period. Licensing authorities had to determine applications within two months of receipt to avoid them being automatically granted or refused (for conversion or variation respectively). The Licensing Minister visited the Council's licensing staff and paid tribute to them citing the Council as one of the best in the country.

- 3.3 A number of strategies were used to encourage applications: advice lines, workshops, four mass letter drops, published leaflet, presentation at trades associations, telephone advice, personal advice, translation into Cantonese, website advice with links, newsletters, press releases and City News articles.
- 3.4 The Licensing Strategy Group, comprising the licensing authority, responsible authorities and interested parties monitored impact of transition and devised practical solutions. For instance, City News was used to provide an additional outlet for advertising applications. Meetings were held with Court Officers to develop protocols and practical arrangements for dealing with appeals. Officers are meeting with Kingscliffe Society and North Laine Community Association separately to receive comments on the transition process. (Notes to be appended following meeting scheduled for 2 December.
- 3.5 Licensing Panels met 52 times over the six month period. At its peak, it was meeting up to eight times a week for half day hearings. Information additional to reports that members have requested include maps, plans and the section in applications that details measures to promote the licensing objectives.
- 3.6 Backlogs that had to be recovered after this exercise included: issue of licences (which must contain conditions embedded in previous regimes from operating schedules, from hearings following relevant representations and mandatory conditions), issue of decision notices and creation of the licensing register. The register must give public access to a list of specified licensing information.
- 3.7 Council officers and Members gave technical advice and political leadership to DCMS and Local Authority Coordinators of Regulatory Services. DCMS has invited the Council to take part in the scrutiny on licensing reform.
- 3.8 Corporate strategy links were made by reports to: Arts Commission (Outdoor Events Working Party), Equalities Forum, Brighton Music Network, Culture and Tourism sub-committee and Federation of Small Businesses. Building on advice given to LACORS on licensing public open land, officers are exploring the possibility of licensing larger parks and open spaces like the seafront to link with the council's outdoor events policy. The council promotes over 300

events annually. These will need to comply with the requirements of the new act. – see 5.2

- 3.9 The licensing function of licensing gaming and gaming machines transferred from Licensing Justices to local authorities from 24 November 2005. The Council already licenses provision of amusements with prizes and slot machines in non-licensed premises. All existing permissions granted by Licensing Justices remain valid and only need renewal at expiry.

4. Further Information

- 4.1 On 23 September 2005, the Culture Secretary and Licensing Minister announced:
- A review of DCMS' statutory licensing guidance and
 - Monitoring of the impact to see how the Act is delivered on the ground.

The review will occur in two stages:

- 1) Within three months, immediate areas of concern would be covered with a view to clarifying and updating guidance
- 2) By Summer 2006, the government and interested parties would be consulted to consider any need to redraft guidance.

LGA recommendations include:

- 1) Lengthening the consultation period for applications
- 2) Improving consultation e.g. letter drops
- 3) Removing presumption to support later opening hours
- 4) Clarifying the unambiguous role for Members to represent constituents.

- 4.2 The Home Office is introducing a Violent Crime Reduction Bill. The Government drive to reduce violent crime may include two new initiatives:
- Drinking Banning Orders (DBO)
 - Alcohol Disorder Zones (ADZ)

These are proposals to counter alcohol-related violence and disorder. DBO's would tackle binge drinking by banning individuals in designated places; ADZ's would be imposed in areas of high alcohol related disorder and raise a levy on licensed premises to fund additional public services.

- 4.3 The Local Government Association's view (shared by some residents' associations) considered that "there may be a presumption in the Act and Guidance in favour of longer hours constraining local authorities ability to reject or modify applications". This was refuted by DCMS. However, in practice Licensing Panels heard each case on its individual merit. Their discretion to impose conditions was only engaged if representations were considered relevant. Residents were often concerned that later opening hours might lead to potential disturbance or disorder and applicants could counter that argument where there was limited evidence of current problems. Nevertheless, many conditions were imposed to protect against public nuisance from simple, inexpensive measures like closing public house windows and doors and clearing beer gardens after specified times to technical solutions like the fitting of sound limiting devices. New powers give the ability to deal swiftly and effectively with the minority of licensed premises causing real problems in our communities: fixed penalties and prosecutions, closure orders for disorder and noise and premises licence reviews which can lead to modification of conditions, removal of a licensable activity, removal of the designated premises supervisors, suspension or revocation of the licences.
- 4.4 Residents were often concerned where representations were not accepted. Guidance definitions included interested parties as persons living in the vicinity of the premises in question, and residents associations or bodies representing them. "In the vicinity" was not defined and rejections gave rise to some disputes. Concerns were also voiced that applicants were allowed to know identities of objectors. However, this does allow applicants and objectors to identify and resolve problems. Public houses should be closely engaged with their local communities.
- 4.5 The Statement of Licensing Policy and Licensing Guidance support separation of regulatory regimes and avoidance of duplication. Both support licence applications being made from premises with planning consent. The Statement of Licensing Policy supports reports to the Planning Application Sub-Committee. However, because Licensing Guidance cautions against zoning, setting of fixed trading hours in designated areas and staggered closing times and supports flexibility, some anomalies with planning conditions arose. Sussex Police and residents expressed concerns at the possibility applications for licences were not consistent with planning conditions. Planning authorities are responsible authorities

in their own right. Proprietors have responsibilities to comply with planning and licensing legislation.

- 4.6 DCMS believe it is too early to determine whether consultation arrangements for applications are working effectively or not, in terms of time for residents to make representations and effectiveness of arrangements. Locally, Ward Members have reflected concern of a perceived shortcoming. The residents may not become aware of applications. The Council has developed an advice note for Members and residents. DCMS propose publishing further guidance, augmenting local materials. The Act's provisions were intended to provide for sufficient and genuine access to licensing authorities for those affected by licensable activity. They do not make provision for direct communication of the contents of an application by the licensing authority to residents. Additional letters generated from the licensing authority itself may possibly be seen to be *ultra vires*. Such representations could be challenged if it was felt a person was induced to put in a general objection.
- 4.7 Current work includes dealing with new applications and licensing open spaces. Preparing for demands on enforcement to promote the licensing objectives and development of the review process.
- 4.8 Resident groups have raised the issue in representations of "cumulative impact" although this resulted in dissatisfaction as special policies must be evidence based but can form part of statement of licensing policy review.
- 4.9 Based on experience with dealing with some applications, officers would wish to develop practice to request applicants to provide copies of public notices with dates of publication even though there are no legal powers to require this information. It would assist officers in determining which representations should or should not be rejected as being out of time. It seems that in a number of cases, the applicants indicated that the period for objections was longer than it needed to be. The Council would take into account the objections received within the time scale indicated by the applicant, but after the strict 28 day time limit.

5 Consultation

- 5.1 Consultation included officers in Cultural Services, Planning, Community Safety and Leisure.

5.2 Ian Taylor, Events Officer has begun the planning process to licence all of the applicable parks and open spaces for Brighton and Hove under the new Licensing Act.

5.3 Initially 17 venues have been identified as needing to be licensed. These are:

Preston Park, Victoria Gardens, Old Steine, The Level, Seafront, [Pier to Marina including Madeira Drive], Seafront [West Pier to Brighton Pier including The Ellipse], Hove Lawns, Western Lawns, Stanmer Park, Hove Park, Queens Park, East Brighton Park, St Ann's Well Gardens, Wild Park, Greenleas Park, Blakers Park, and Victoria Recreation Ground.

5.4 In addition to these sites there are two venues which fall outside of the control of the Events Office; namely Jubilee Square and the Pavilion Gardens, which will require licensing via their own management if desired.

5.5 The Events Office has been working closely with the Licensing section to agree formats for the applications and scales of plans to be submitted.

5.6 Whilst the Licensing Act comes into effect on 24th November 2005, it has been identified that, apart from Burning the Clocks – the Winter Solstice lantern procession, the first licensable activity will not take place on Council land until April 2006.

Burning the Clocks will be subject to an individual licence separate from the main licence applications.

5.7 It is the intention to submit the applications to the Licensing Section by the end of November.

5.8 Appended are comments from a meeting held with Kingscliffe Society and North Laine Community Association and a list of points arising from Licensing Strategy Group.

COMMITTEE REPORT APPENDIX

Meeting/Date	Licensing 05/01/06
Report of	Director of Environment, Jenny Rowlands
Subject	Licensing Act 2003: Review of Transition
Wards affected	All

Financial implications

DCMS states that the regime will provide for the recovery of full costs of local authority functions under the Act. The LGA is engaged with the independent Elton Review regarding the actual position and proposals for change.

Current budget forecasts suggest that full cost recovery for the transition year will be achievable. Further work is being carried out to see if the post transition budget will achieve a breakeven position.

Alasdair Ridley 21/10/05

Legal implications

The new licensing regime imposes general duties on licensing authorities:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Corporate/Citywide implications

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness.

Risk assessment

Benefit to local tourism and the economy may be diminished unless enforcement is swift and effective.

Public safety is a primary objective of licensable activities which must comply with health & safety legislation and the HSE advice.

Sustainability implications

Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

Equalities implications

Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Implications for the prevention of crime and disorder

Licensing policy aims to prevent crime and disorder and protect public safety,

Background papers

None

Contact Officer

Tim Nichols, Head of Environmental Health and Licensing – telephone 2163

**Meeting with Representatives of
North Laine Community Association and
Kingscliffe Society**

**Friday 2 December 2005
2.00 Brighton Town Hall**

Notes – Summary

Present:-

Brighton & Hove City Council

Judith Macho
Tim Nichols
Jean Cranford
Colin Giddings
Louise Anderson (minutes)

North Laine Community Association (NLCA)

Roy Skam
Gabrielle Villermet

Kingscliffe Society (KS)

Trevor Scoble
Janie Thomas

Introduction

It was agreed that the notes of the meeting would be circulated to all attendees for input and approval.

KS queried whether Councillors had been invited to attend the meeting. It was noted that KS had included Cllr Lepper in her initial email exploring the possibility of a meeting with officers and councillors, however, following discussions between Cllr Lepper and Tim Nichols, it had been agreed that Councillors should not be involved at this point. It was more appropriate to deal with officers in the first instance.

Definition of Vicinity

- NLCA and KS concerned about definition of vicinity and would like to see this formally adopted as policy in Brighton & Hove. Although other Councils have clearly defined “vicinity” BHCC has not. Previously vicinity was quarter of a mile radius from premises.
- NLCA concerned that unlike under previous regime, Panels do not visit an area prior to hearing applications, unaware of characteristics of an area. NLCA would like this procedure reinstated.
- KS did not believe vicinity was defined in the guidance. KS were puzzled over a previous application, which was struck out as a result

of their representation. However, during second hearing their representation was considered invalid. For clarification, Tim stated that in first instance application was struck out before hearing began on a primary issue, in the second instance, once hearing had commenced KS were not deemed to be a representative body.

KS still found this difficult as in the first instance the impression was that the application was struck out at the hearing, in the sense that we were all round the table and KS was allowed to make the points put forward in its written representation. KS thought it had not been clear that two processes were involved. Tim clarified that anyone could raise objections to errors in a Regulation 25 Notice, even if the premises were not in their vicinity. In respect of the second instance, when KS were not deemed to be a representative body, both KS & NLCA thought it would be helpful, if staff had doubts about legitimacy, for contact to be made with the relevant group in advance so as to offer a chance to clarify the situation in time for the hearing, rather than being told at the hearing.

- KS concerned that residential areas are not indicated as such on plans submitted with applications. Great deal of difference between applications for premises in shopping parades and high streets to premises in residential areas.
- KS were aware that guest house owners were concerned that increased licensing hours would have detrimental affect on their business. How do committee balance situation of 50 people leaving a pub, disrupting five or six guest houses in the street who will lose business.
- BHCC is one of the 10 Scrutiny Councils – interpretation of vicinity was raised at first meeting on 25 November and will continue to be monitored.

Identity of Objectors

- Residents concerned that making a representation would have a detrimental affect on the value of their property.
- Again, this was raised at meeting with DCMS , as was fear of reprisals. This will be reviewed by DCMS.

Make-up of Licensing Panel

- KS had believed Panel would be made up of Councillors, Local Groups and Magistrates. In fact, only Councillors, who did not have wherewithal to grasp situation. Concern Panel is loaded in favour of licensee rather than residents and businesses.
- For the record, all Councillors visited Magistrates Court to listen in on a Hearing, and all have had relevant training.

Planning Applications and Licensing Applications

- KS concerned there is no link between planning and licensing applications. Licenses are granted before planning approval has been given.
- Tim has consulted with Maggie Brian (Development Control Manager) on this with the aim of drawing up a protocol to ensure licensing applications are adjourned until planning was approved.
- Again, this was raised at DCMS and will be monitored.
- KS believed that there were at least four premises in St James's Street where a breach of current planning permission would occur if the hours granted under licensing applications were acted upon.

Human Rights

- KS concerned Council were not taking human rights issues seriously.
- NLCA concerned that Council were prepared to compromise over human rights issues. There is relevant case law in European Court of Human Rights (noisy bars in Valencia, Spain).
- In response to KS request that these issues be looked at, Tim reassured the meeting that this issue was taken seriously by the Council, and that DCMS were also aware of this.
- Janie Thomas said that at the hearings she had attended she could not recall Human Rights being raised except by objectors. Other objectors felt similarly. Staff present at the meeting did not agree with that recollection. Tim Nichols said that the Council would take it very seriously if Human Rights were breached.

Appeals

- KS believed people were unaware of complaints procedure and concerned about possible costs.

Cumulative Impact

- NLCA concerned that question of cumulative impact was not being addressed by the Panel. North Laine and St James Street particularly affected by this.
- KS stated cumulative impact policy had been adopted by other Councils, why not here?
- Tim stated that cumulative impact would only be taken into consideration for new premises, or for premises seeking to increase their capacity, so would not have been appropriate for most of the applications heard in Brighton & Hove.
- BHCC licensing policy will be reviewed within three years, at which time may be appropriate to include cumulative impact.
- Again, an issue for DCMS, and these concerns would be fed back to them.

Noise Problems

- Main problem was noise from people going home from licensed premises, or moving from one to another, not premises themselves. No legislation to protect residents from noise in the street once people have left the premises.
- Houses were in conservation areas – restrictions on alterations that can be made to minimise noise entering homes.
- Police not interested in investigating since problem has moved on by time they arrive.
- Tim reiterated importance of logging complaints to build up intelligence.
- Again, this had been discussed at DCMS, who had recognised gap in legislation, and who would be linking with other relevant government departments to discuss.
- WHO report stated that sporadic noise throughout the night is more damaging to health than continuous noise.

Scrutiny Council

- BHCC one of 10 scrutiny Councils. Meeting had already taken place and further meeting between BHCC and their representative, Kevin Williamson, has been arranged for late December 2005. Councils involved are; Birmingham, Blackpool, Brighton & Hove, Bristol, Cardiff, Havering, Manchester, Nottingham, Newcastle and Taunton Dean.
- Key objective will include the following:-
- Understanding the interaction of the national policy framework with local licensing policy statements and objectives.
- Linking local council officers and committee members – and through them local police, residents, businesses and other stakeholder groups – with central policy makers, to draw on practical experience of how the regime is working locally.
- Identifying what good practice and innovative thinking looks like.
- Considering issues raised during transition, e.g. effective involvement of locally elected representatives and impact of current procedures for advertising applications, and other matters as they arise.
- Capturing and sharing quantitative licensing statistics and qualitative case study material.

Monitoring will take place over a three month period initially for simple changes, in parallel with a longer term review through to November 2006, which will look at the whole Act.

Noise Patrol

- Currently in operation between 10.00 pm and 3.00 am, Friday and Saturday. This is a priority for the Council, however, not the only way of investigating and dealing with noise disturbance. Premises can be monitored by means of DAT recording and witness statements.

Opening Hours

- All licensed premises are issued with full licence, together with a two page summary, which details opening hours. Summary must be displayed within the premises – does not have to be outside. Police can enter premises and demand to see summary licence.

Complaints

- KS feel that objections they made to licensing applications in relation to noise were not given serious consideration.
- NLCA were concerned that the Panel were biased towards the applicant, e.g. when an applicant's representative had not shown up at hearing he was telephoned, this did not happen on another occasion when objector had not turned up.
- Tim stated that to be successful at a hearing need to have somebody who is actually affected by the problem present. Need to build a case – are conditions of licence or planning regulations being breached. Need to prove who is affected by the breach of conditions or noise, then inform Council who can follow up complaint.

Access to Information

- KS believed Council's website was a good source of information, although not everyone had internet access, so availability of files was important. In any event, however, would like to read applications in file.
- Legislation simply requires for details of the application to be made available.
- Information on website currently in date order, would be easier to access if alphabetically or divided into wards. Also, the register does not give information as to what has been granted. KS stressed that they wished to know situations relating to premises in their area as a source of information for members.
- New software to be installed in two weeks' time, this should assist with access to information.
- Information is available from premises concerned.

Regulation 25

- Licensing officer to check information displayed on Notice outside Bulldog.

Any other Business

- Member of NLCA to be invited to attend future Licensing Strategy Group meetings.

**Licensing Strategy Group
13 December 2005**

Present:

Tim Nichols	Head of Environmental Health & Licensing, BHCC
Jean Cranford	Licensing & Projects Manager, BHCC
Adam Bates	Head of Tourism, BHCC
Roy Skam	North Laine Community Association
Roger Rolfe	Kingscliffe Society
Lisa Holloway	Brighton Music Network
Mark Wall	Head of Democratic Services, BHCC
Rebecca Sidell	Lawyer, BHCC
Simon Wolpin	C-Side Ltd/ Licensees Association
Alex Matthews	Deputy Chair, Village Pubwatch
Mike Dalley	Gay Business Forum
Ray Moore	Principal Trading Standards Officer, BHCC
David Bateup	Police Licensing

Review of Transition

Tim Nichols –

- Pleased BHCC is one of 10 Councils DCMS is using to review licensing guidance.
- Licensing minister had complimented BHCC as a licensing authority – mentioned in Hansard.
- Very difficult period for Council in terms of workload involved and consternation of residents.

Jean Cranford –

- Huge administrative problem, however, excellent team of staff had coped admirably.
- IT system did not perform as had been expected – to be resolved.

Adam Bates –

- Little impact from tourism perspective so far. Still waiting to see what will happen, Summer will be time when changes can be evaluated.
- Question over how this will result in a better balance and more sustainable, higher quality night-time economy.

Roy Skam –

- Residents aggrieved. Felt the law was weighted against them.
- Concerned situation will deteriorate in the summer.

Roger Rolfe –

- Suffering increased noise levels nightly.

- Noise diary has 23 entries since 24 November, and made eight calls to the Police.
- Concerned Police cannot cope.
- Would like to see fixed penalty notice fines issued on the spot.
- Gap in legislation in relation to noise on the street.

Lisa Holloway –

- All going well from point of view of music industry, although night club promoters finding it hard as people stay in pubs longer.
- Issue of licensing all age events for Concorde 2 was resolved through negotiation and compromise.
- Main venues: progression from Marlborough/Sanctuary to Free Butt/Pressure Point to Concord II to Dome/Brighton Centre

Mark Wall –

- Main issue had been pressure on staff time, and staffing of Committee Hearings.
- Difficulty in defining Councillor's roles.

Rebecca Sidell –

- Huge volume of Panels was challenging.
- Issuing decision letters was a big headache.
- Appeals now coming in, these are manageable.

Simon Woplin –

- Decline in trade for night clubs, with customers remaining in pubs longer.
- Have not yet used 24-hour licences, no demand for it.
- Marginal increase in trade for pubs.
- Sensed lack of urgency in drinkers.
- Fake ID a major problem.
- Application process had been fairly straightforward, but confusion over displaying of notices.

Alex Matthews –

- Already had late licence in place, has not extended it further.
- Has seen a 30% fall in trade, with people staying longer in pubs.
- Noise has not been a real issue.
- Major problems in UK are caused by pricing strategies and irresponsible promotions.

Mike Dalley –

- Very impressed with the way in which the Council handled the whole process.
- Good interaction between Gay Business Federation, Village Pubwatch and Nightsafe.

Ray Moore –

- Main concern is underage drinking – not really affected by change in hours, but new Act has given Trading Standards lots of new powers. Still waiting to see how effective these will be.
- Agreed fake ID is a problem.

David Bateup –

- Extremely busy over the last few months.
- Police now have a Sargeant and three PCs dedicated to Police licensing.
- Most violent crime incidents occur in West Street – Police working with management of premises in West Street to minimise this.
- In terms of media anticipated increase in violent crime – nowhere near as bad as expected.