

## Dealing with the problems of late night drinking consultation questions

### 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~~

### 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 – We relax late night noise services as not appropriate on New Year's Eve.~~

### 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 EMROs present a high risk to licensed trade~~

### 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. There is no discretion on premises type and exemptions. Give local authority discretion. EMROs present a burden to local businesses.~~

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

No

Don't know. Allowing residents to recommend LNL without detailed access to budgets and policing priorities will create expectation variance.

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~~ There is no discretion on locality and no link to cumulative impact policies. The licensing authority should be able to apply LNL to a geographical area such as cumulative impact zone. The amount of revenue raised is likely to be too low to fund services. Burdens on LA include unfunded minor variations, potentially huge amounts of TENS and complex justification procedures. There needs to be a definitive definition of what each of these premises are: e.g. what exactly is a restaurant? Use of TENS creates a loop hole.

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. A proportionate reduction should be made for partnerships like our local Business Crime Reduction Partnership. Problem in finding out which premises are included in a BID.

~~Disagree – licensing authorities should not be able to exempt Business Improvement Districts~~

~~Neither agree nor disagree~~

~~Don't know~~

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~~ They are not profit making businesses. Exemption could be made for an occupant capacity of less than 100, consistent with our local licensing policy to avoid substitution of premises licences with club premises certificates as an avoiding factor.

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: In favour due to economic climate. The LNL power is a potential risk to our night time economy with 12% of working population working in this sector. Problem with finding out which premises attract small business rates relief. If small off licences attract small business rates relief, then they wouldn't be caught by the LNL.

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~~

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 but consider income achieved will be too limited to fund work to ameliorate alcohol related harms.

~~Disagree~~

~~Neither agree nor disagree~~

~~Don't know~~

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?** Alcohol related offending, alcohol related hospital admissions, domestic violence, noise complaints from licensed premises.

CONSULTATION QUESTION 13:

**Do you agree or disagree with this set-up of cumulative discounts?** Yes but consider that the scheme will be cumbersome, complex and raise limited revenue.

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: Local authorities should have discretion. Cost of unfunded minor variations is burdensome on licensing authorities.

CONSULTATION QUESTION 15:

**What activities do you think licensing authorities should be able to fund with their retained proportion?** Taxi marshals and medical services. The 30% proportion needs increasing to achieve a meaningful contribution. The LA contribution is too low to fund taxi marshals etc. Cost of collection will reduce the cost effectiveness and be seen as taxation. The Police contribution should be ring fenced and be applied to the area in which it is collected.

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?

They should allow security and medical provision. The costs of minor variations and TENS resulting from declaration should be included.

CONSULTATION QUESTION 17:

**If you have any comments on the Impact Assessment, please detail them here?** The threat to local economies is not fully recognised. There would be a severe burden on local businesses and the local economy. Process complexity may discourage application. The impact on licensing authorities is entirely underestimated. The collection process is complex and likely to be onerous and costly.

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?** Very careful balance between the fragile local economy and protecting residents would need to be considered.

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~~

**Licensing officer only: Which Licensing Authority are you from?**

Brighton & Hove City Council.