

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING COMMITTEE

Tuesday, 18 June 2013

**PRESENT:** Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Conroy, Eales, Ford, Hibbert, Mennell, Sargeant, Stone and Wire DL

### 1. APOLOGIES

Apologies were received from Councillor Duncan.

### 2. MINUTES

The minutes of the meeting held on the 30<sup>th</sup> April 2013 were agreed and signed by the Chair.

### 3. DEPUTATIONS / PUBLIC ADDRESSES

Mr D Ward, Councillor J Yates, Mr K Ayoubi, Mr P McManus, Mr M Stevens, Mr J Stephenson, Mr S Thompson, Mr N Bartholemy and Mr D Huffadine-Smith were granted leave to address the Committee in respect of Item 6 - Proposal for an Early Morning Restriction Order

### 4. DECLARATIONS OF INTEREST

Councillor Wire DL declared a non-pecuniary interest in Item 6 - Proposal for an Early Morning Restriction Order, as a Member of Northampton Working Men's Club (CRU Club).

### 5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

The Chair stated that he had received a letter from the Chief Constable inviting all Licensing Authorities in Northamptonshire to observe policing in the Leisure Zone in the near future and asked for members to express their interest.

### 6. PROPOSAL FOR AN EARLY MORNING RESTRICTION ORDER

Mr Ward addressed the Committee and stated that prior to any consultation being agreed, alternative proposals needed to be considered. He argued that the an Early Morning Restriction Order (EMRO) would not reduce crime but would move it on to another area outside of the Leisure Zone and therefore the Licensing Objectives would not be enhanced any further and Police resources more stretched.

Councillor Yates commented that he was not against late night drinking, but felt that a 3am restriction would be acceptable. He stated that Northampton was a County Town and not a large city and the introduction of an EMRO would be suitable.

Mr Ayoubi commented that the Police had stated that their concerns were evidence based but argued that anyone could produce predetermined statistics to fit the premise. He further stated that whilst the statistics demonstrated that there was an increase in crime after 3am, 60 per cent of alcohol related crime was committed during the daytime; to prohibit the sale of alcohol between 3am and 6am would lead to a spike in crimes due to the high numbers of people leaving establishments at the same time, instead of dispersing gradually.

Mr McManus stated that he was opposed to the introduction of an EMRO as he believed

that if implemented it would be punishing the majority of responsible drinkers for the behaviour of the minority. He stated that new initiatives needed to be given a chance to be embedded and then, if necessary, to review again at a later date. It was noted that should the Committee decide to go out to consultation and approve the introduction of the EMRO, the implementation date would be the 18<sup>th</sup> November 2013, which he argued was too close to the festive period and would jeopardise businesses in the area.

Mr Stevens commented that as the proprietor of two licensed premises, if he had been aware of the possibility of an EMRO being introduced, he would not have established the business in Northampton. He commented that he had experienced no trouble with his diverse clientele. He commented that as a Licensing Authority, the Council already had the ability to act on licensed establishments who had contravened the Licensing objectives.

Mr Thompson noted that his establishment employed approximately 200 people and that the introduction of an EMRO would be an end to his business. He argued that it would put a 'black cloud' over the Town and would wrongly give the impression that the Town had a disproportionate number of problems with crime and anti-social behaviour.

Mr Bartholemy, as the Chair of Pubwatch, stated that he was neither in favour, nor against the concept of the introduction of EMROs but asked the Committee to take time in considering the implications. He suggested that pubs and clubs could not be held to account for the loss of control that the Police had in the Town centre especially with regards to the habit of people 'pre-loading' before they visited licensed premises. He also expressed concern that the proposed implementation date of the EMRO was far too close to the festive period and urged other initiatives such as the Alcohol Harm Reduction Unit (AHRU) a chance to have an impact.

Mr Huffadine-Smith commented that Northampton had a reputation for excess alcohol and crime and disagreed with statements that the introduction of an EMRO would have a detrimental effect on the business of the Town. He commented that the cost to the tax-payers would increase without an EMRO due to the cost of increased policing and that admissions to Accident and Emergency would also rise and suggested that the proposed restriction of prohibiting the sale of alcohol between 3am and 6am was too lenient and consideration should be given to restricting it between 1am to 6am.

Mr Stephenson commented that an EMRO would be unnecessary in tackling a problem that was not in existence and argued that should an EMRO be introduced there may be an increase in the number of house parties within residential areas which would be even more problematic for Police as the problems would not be contained within one area but spread across to the Town and outer areas where there was no CCTV to monitor and identify problems. He further commented that an EMRO should only be considered as a last resort and other approaches, such as staggered closing times, should be explored before considering the introduction of any EMROs.

David Kennedy, the Chief Executive, submitted a report and explained that on the 11<sup>th</sup> February 2013, the Committee had requested that officers undertake a detailed analysis of the possibility of introducing an EMRO in Northampton. He stated that should the EMRO be introduced, post consultation, it would commence on the 18<sup>th</sup> November 2013 and would prohibit the sale of alcohol between the hours of 3am to 6am for an indefinite period in the 'Leisure Zone' and was one of a range of tools available to Licensing Authorities in addressing problems such as high levels of alcohol related crime and disorder in the early hours of the morning. It was explained that whilst undertaking the detailed analysis, Officers had worked alongside the Police, the Community Safety Partnership and a number of other agencies to examine crime and disorder. It was noted that crime and disorder peaked between the 3am and 6am time period, coupled with an increase in ambulances called and

hospital admissions. It was further noted that the estimated overall figure from Northamptonshire County Council with regards to the cost of alcohol problems in Northampton was in the region of £44 million. Mr Kennedy commented that whilst the work was being undertaken, incidents had continued to increase, but commented that should Members eventually introduce an EMRO, other work, such as the Alcohol Harm Reduction Unit would not be suspended

Chief Inspector Dave Spencer commented that when on patrol on Saturday and Sunday mornings, the number of intoxicated people was worrying and also commented that people under the influence of alcohol were more vulnerable to risks and disorderly behaviour. It was noted that reported crime in the 'Leisure Zone' was disproportionately high compared with the rest of the geographical area examined. He commented that whilst the number of crimes in the Leisure Zone had fallen, it had not fallen as much or as consistently as the rest of the Borough, He mentioned that it was necessary for members to look at the evidence presented in the report and were minded to note that after 3am, there was an increase in Crime and Disorder which implied that an EMRO would be best implemented for that time.

David Kennedy commented that the Police believed that an EMRO could promote the Licensing Objectives specifically in the 'Leisure Zone' with the majority of incidents happening between the hours of 3am and 6am. He commented that the EMRO, if implemented, would be applicable on all days of the year, with the exceptions of New Year's Day, and noted that Temporary Events Notice's (TENS) after 3am would not be allowed. In reference to Appendix 6, Mr Kennedy commented that a range of views had been expressed through the informal consultation conducted as part of the analysis undertaken by Officers and stated that the next step, should the Committee wish to, would be to undertake a formal statutory consultation and reiterated that the EMRO would be put into place on the 18<sup>th</sup> November 2013.

In response to questions asked, the Chief Executive commented that other times of the EMRO had been examined, but based on the evidence it was considered that 3am would be a suitable time to prohibit the sale of alcohol. It was also explained that no other town currently had an EMRO as it was new legislation that had been introduced but that in Blackpool, a consultation was underway, in considering implementing an EMRO.

Responding to further question, the Chief Executive explained that he did not anticipate any additional clean-up cost if an EMRO were to be introduced. Chief Inspector Spencer commented that he expected there to be a staggered dispersal of people as some would leave earlier and some would stay to drink soft drinks as the sale of alcohol would be not licensed but the establishments would be able to stay open to serve alternative refreshments.

A number of Members expressed concern that an EMRO would not resolve the issue of 'pre-loading' and suggestions were made that there would still be a disproportionate level of crime and disorder, but it would simply be moved to a different time and that an EMRO would not resolve the issue of a binge drinking culture. Concern was also expressed about the impact that the EMRO could potentially have on a number of businesses especially if it was introduced just before the festive period.

The Borough Solicitor, in response to concerns expressed by Members, commented that there would be the possibility to extend to implementation period of the EMRO past the minimum required time of 42 days, but stated that it could not be implemented prior to the 18<sup>th</sup> November 2013.

Councillor Eales, seconded by Councillor Ford, proposed that no further action be taken on this matter

**RESOLVED:**

That no further action be taken on this matter.

The meeting concluded at 7.40pm