

Police Reform and Social Responsibility Bill - March 2011

## **Give more autonomy to licensing authorities regarding closing times**

### **What are flexible opening hours?**

The previous Government introduced 24 hour alcohol licences, with the intention of allowing premises to adopt flexible opening hours. The objective was that consideration would be given to the impact of opening hours on local residents and businesses.

However, the introduction of 24 hour alcohol licences discouraged the use of provisions contained in the Licensing Act 2003 such as staggered closing times, zoning and fixed closing times:

- **Staggered closing times**

With staggered closing times licensing authorities are given the power to impose different closing times for different premises to spread the closing times in an area over the course of an evening. In situations where a licensing authority decides to impose this it will help ensure that people leave pubs and clubs over a longer period of time, rather than all premises closing at the same time with a large number of people ending up on the street at the same point.

- **Zoning**

Under this measure licensing authorities are able to prevent premises from opening beyond a time that they choose within certain zones in their area while all other parts of their area remain unaffected. For example, a licensing authority will be able to decide that an area which is largely residential should not have any premises opening beyond the hours of midnight, while still allowing later opening premises to exist in other zones in their area, such as town centres.

- **Fixed closing times**

Fixed closing times can be enforced by the licensing authorities in designated areas where there are issues with crime and disorder and noise disruption. By setting fixed closing times a premises will need to close by a time as specified by the licensing authority. This prevents noise and disruption late in the evening.

### **What are the proposed changes through the Bill?**

We will amend Section 182 of the statutory guidance to make it clear to local authorities that they can make decisions about the most appropriate licensing

strategy for their area. Licensing authorities will be encouraged to consider using measures including fixed closing times, staggered closing times and zoning.

This change acknowledges the fact that different licensing approaches may be best for different areas and will empower licensing authorities to implement a licensing strategy that is best placed to meet the needs of their local area, based on their local knowledge.

### **What are the benefits of this proposal?**

The rationale behind 24 hour licensing was that, with an extension of opening hours, concentrations of people leaving licensed premises at a set time should be reduced, with people dispersing more gradually from licensed premises at their different closing times. To this effect, in Section 182 of the guidance issued alongside the Licensing Act 2003, local areas were actively discouraged from implementing measures that could reduce this flexibility such as fixed closing times, staggered closing times, and zoning (where fixed closing hours are set within a designated area). This proposal will provide the licensing authorities with different options to use to manage the dispersal of people from premises and will minimise disruption as well as crime and disorder.

### **What is the rationale behind this change?**

The present Government is committed to empowering licensing authorities and local communities to tackle alcohol related crime in their area. The change in the Government's policy on fixed and staggered closing times and zoning reflects this change in emphasis, as it gives licensing authorities greater autonomy over closing times in their area.

### **What evidence is there that fixed closing times/ staggered closing times/ zoning help to reduce alcohol-related crime and disorder and public nuisance?**

This power is about giving licensing authorities the right to decide to take control of closing times in their area based on local evidence. Many local communities and licensing authorities do not want premises opening late in their area, or would like certain parts of their local area to not have any late opening premises in them. This is linked to the impact that people leaving a premises late at night has on problems such as creating noise which disturbs local people.

We appreciate that this is not the case in every local authority area, but in cases where licensing authorities have evidence that existing closing times are causing problems in their areas we feel it is right that they should be able to take action to tackle these problems.

**Won't allowing licensing authorities to use methods such as fixed and staggered closing times and zoning result in unfair restrictions on responsible retailers?**

We believe that local licensing authorities are the best placed and most informed people to make decisions on what times premises close in their area. For this reason, we believe they should be given discretion to impose fixed closing times if they feel it is appropriate.

When considering the option of imposing fixed closing times the licensing authority will need to consider the possible effects this would have on factors such as many people leaving premises simultaneously and to consider taking action to mitigate any problems this may cause.

**What were the main views of consultation respondents on this proposal?**

This proposal received widespread support in consultation responses.