



VIOLENT CRIME REDUCTION BILL

June 2005

- The Government has published the Violent Crime Reduction Bill, implementing proposals set out in the *Drinking Responsibly* consultation paper earlier this year to which the Association responded. These include establishing the framework for Alcohol Disorder Zones, new powers for the police to require reviews of licensed premises, sanctions against licensees found to persistently sell alcohol to children and orders banning individuals guilty of violent conduct under the influence of alcohol from entering licensed premises.
- The Bill establishes broad frameworks for the powers to be brought forward. Detailed regulations will only be published at a later date. In stark contravention of the Government's own regulations no regulatory impact assessment was produced either during the consultation stage or now the legislation is being presented to Parliament. The second Reading in the Commons takes place on Monday 20 June.

Alcohol Disorder Zones

- The Bill provides powers to Police and Local Authorities to designate areas as Alcohol Disorder Zones (ADZs) and to levy a charge against all licensed premises within that zone. The levy will cover the cost of administering the zone and any estimate of the cost of additional policing made by a local chief officer of police plus any additional cost local authority might feel is due.
- Local authorities will be permitted to establish an ADZ if, in their assessment, an area suffers from alcohol related disorder and that this might persist. The size of the ADZ will be determined by the local authority and the Bill makes no provision for appeals against that decision.
- Before establishing an ADZ a local authority must publish a notice setting out their intention to designate the locality and inviting representations on the scope and purpose of the Zone. Respondents will have 28 days to make representations.
- The local authority and chief local police officer will then draw up an action plan setting out what measures would need to be taken to avoid the ADZ being introduced. This will be circulated to all premises licence holders in the locality. This will also set out what the ADZ would aim to achieve and how money raised would be spent. If, after 8 weeks, the local authority determines that the conditions it has set out to make the ADZ unnecessary have not been met the ADZ takes effect and contributions are levied. This 8 week period can be waived if the local authority decides before this date that the conditions are not going to be met – eg. if they have set the conditions impossibly high or have predetermined that they want to introduce an ADZ regardless – then the ADZ can be introduced at the whim of the local authority. Any variations to the scheme will follow the same procedure.
- The local authority and the police are required on a quarterly basis, or as they find reasonably practicable, to review whether they wish to continue receiving this additional revenue from the licensed trade. Regulations governing the conduct of these reviews may be set out by the Secretary of State at a later date. The suggestion is that they will be set at about the same level of stringency and with the same level of input from external bodies as the initial regulations to establish ADZs. However, the Bill does require the Home Office to

The Association of Licensed Multiple Retailers

9B Walpole Court, Ealing Studios, London, W5 5ED
Tel: **020 8579 2080** Fax: 020 8579 7579 E-mail: info@almr.org.uk



consult with the trade when drawing up this guidance and *ALMR* will be making rigorous recommendations in this regard. There is no timescale provided for when this guidance will be published.

- The charges applicable will be set at a later date by the Secretary of State. This might be a flat levy on all premises or through a banding system based on rateable value. Home Office sources suggested that, for an average premise, this would be run to £5,000 per annum if an ADZ operated for a full year. Different rates might apply in different local authorities and to different types and size of premise but a central formula will be set out in regulations.
- All Premises Licence holders within the zone will be subject to the levy. The local authority may exempt premises where consumption of alcohol is not the primary purpose for entry to the establishment, eg. a supermarket or, arguably, a nightclub but all pubs and bars will be required to pay the charge.
- Premises failing to pay the levy will be subject to a suspension of licence.
- These proposals have been described as “Business Improvement Districts in Reverse”. Designating areas as ADZs might have serious implications for property value, would discourage other businesses from establishing in an area thus posing a real threat to regeneration, and provide no clear indication of how the government proposes they will reduce disorder. There are no incentives to good premises to maintain high standards whilst permitting the few poorly run premises to proceed without effective sanction. For all the talk of “making the polluter pay” this Bill entirely abrogates responsibility from the individual. Designating Zones in this way is in fact highly likely to drive away responsible customers and so trapping the area into a cycle of disorder.
- The Bill places no requirements on local authorities or police to use moneys raised effectively, it provides no court of appeal against a designation, it makes no attempt to deal with individuals arriving in an area from premises or homes on the periphery of the Zone and apparently ignores the issue of street drinking and the purchase of alcohol from retailers not operating exclusively in the drinks sector.

Drinking Banning Orders

- Drinking Banning Orders (DBOs) provide the courts with the powers to ban an individual who has engaged in disorderly conduct under the influence of alcohol from entering licensed premises. The Order may be made if the courts have reason to believe that his behaviour threatens the safety of other individuals.
- The Order will apply for between 2 months and 2 years but must not ban an individual from entering their residence, a place of work or a place of training or education. Bearing in mind that many shopping centres will have a Premises Licence, then an offender might be banned from shopping!
- Interim orders lasting 4 weeks, and renewable every 4 weeks, may be made against an individual prior to a full court hearing to impose the DBO.



Licence Reviews

- This section amends the Licensing Act 2003 to allow the police to require a review of a Premises Licence if they have reason to believe it is subject to serious crime or disorder. Licensing authorities notified by the police are required to hold an emergency meeting within 48 hours to consider temporary variations to the Premises Licence, including a prohibition on the sale of alcohol, the removal of a DPS or suspension of the licence. A full review, under the terms of the Licensing Act, must occur within 28 days.

Persistently Selling Alcohol to Children

- An individual found guilty of selling alcohol to children three times within three months will be guilty of a new offence. This will carry a fine of up to £10,000. In the 'blitz' of test purchasing conducted last summer and last Xmas there are anecdotal reports of some bars/clubs being tested no fewer than 7 times in one evening.
- A premises licence holder found guilty of such an offence may have the premises licence suspended for up to 3 months. This period may be suspended until an appeal has been heard.
- A police officer may issue a closure notice if he believes a premise has been guilty of persistently selling to children. A closure notice prohibits the sale of alcohol from a premise for up to 48 hours. If a premises licence holder accepts the closure notice, no further action will be brought in respect of the alleged persistent sales to minors.

Directions to leave a locality

- A police officer who believes that an individual who may cause a disturbance in a locality may, in writing, require him to leave that locality, which must be specified, for a period of up to 48 hours. The 48 hour period may commence immediately or at a later date at the discretion of the officer.

Exclusions from licensed premises

- Amending the Licensing Act the Bill will require courts who find an individual guilty of an offence on a licensed premise to consider banning the individual from that premise. If the court determines not to impose an exclusion it must set out its reasons why.

Other developments

- Sir Ian Blair, Met Police Commissioner, has announced that he will be lobbying the Government to amend the Bill to require some pubs and bars to search for guns and knives. A similar suggestion was put forward by Hazel Blears during the election campaign but did not make it into the initial Bill.

Political dimensions

- This Bill and especially the ADZs is widely opposed, including local authorities and the police, as being inappropriate, unworkable and unenforceable. As a manifesto commitment Ministers are forcing it through Parliament but we cannot assume that the Opposition will necessarily be as hostile as we might like – they seeking to be driving any crime and



disorder agenda themselves. Nevertheless the *ALMR* will work with other groups to oppose the Bill, both as poorly presented and utterly wrong in its ambition.