

## APPENDIX D

Cheshire East Council Licensing Committee

### **BRIEFING NOTE FROM THE CHESHIRE CONSTABULARY - EARLY MORNING RESTRICTED OPENING, LATE NIGHT LEVY AND DESIGNATED PUBLIC PLACE ORDERS**

#### **Scope**

The delivery of operational policing is the responsibility of the Chief Constable, a unique and historic role that for good reason is not directly accountable to the public. This accountability rests with the Police and Crime Commissioner who, democratically elected, is empowered to hold the Chief Constable to account on behalf of the public. This briefing note represents the views of the Constabulary and not the Office of the Police & Crime Commissioner.

#### **Context**

Fundamental to the idea of policing by consent is an understanding of the context in which consent is given. Policing the consequences of alcohol sale and use, needs to be set within its wider social and economic context. In some respects this is quite positive:

- Since 2004 the overall volume of alcohol consumed in the UK has reduced.
- In Cheshire East the overall volume of police recorded alcohol related crime and anti social behaviour has also reduced, from a total of 4,599 crimes & incidents in 2009/10 to 3,375 in 2012/13.

However:

- The UK per capita rate of consumption remains high - around twice the global average.
- The overall reduction in consumption is largely within low strength beer and wine and masks an increase in the consumption of higher strength alcohol such as spirits.
- In Cheshire East the proportion of alcohol related disorder occurring between mid-night and 4am has shown an increase since 2011/12 with for the first time in 2012/13 more disorder occurring in the four hours after midnight than the four hours prior.

This changing pattern of consumption has been driven by the increased *availability* of alcohol and a growing *price differential* between what were formerly known as “off” and “on” licence sales.

Taking beer as an example, the Licensing Act 2003 relaxed restriction on when alcohol can be sold allowing (off licences) supermarkets to sell beer throughout the day (and night). As part of a wider portfolio of household products beer can be sold at a cash price per unit that is little different to that paid in the 1980s. With average incomes two to three times higher now than in the 1980s this equates to real terms decrease in price of around 70%. Meanwhile former “on” licensed premises (pubs and clubs) selling beer as part of a much more limited entertainment portfolio do so at prices around three times that of the supermarkets.

This increased *availability* and growing *price differential* has had two principal consequences:

- An alarming growth in the number of presentations to acute Health Services of Liver Related Diseases caused by a group within the overall drinking population that is drinking more (by volume or strength or both), and reaching hazardous levels of consumption at an earlier age.
- An increase in “pre loading” or the consumption of cheap alcohol at home prior to going out to pubs and clubs. The consequence of this is that people are arriving at pubs and clubs later, and more intoxicated.

## Specific Policing Implications

### Incidence

The table below summarises outline data in terms of the *incidence* of alcohol related crime and disorder recorded in Cheshire East.

Incidence of alcohol related crime and disorder	2009-10	2010-11	2010-11	2012-13	Change (Volume)	Change (Per Cent)
Total no of Crimes	1801	1871	1810	1266	-535	-30%
Total no of ASB Incidents	2798	2572	2374	2109	-689	-25%
ASB incidents from 0001 - 0600hrs	884	790	788	770	-114	-13%
Proportion of ASB from 0001 -0600hrs	32%	31%	33%	37%	+5	+5%

There has been a significant reduction in the volume of Crime and Anti-Social Behaviour recorded in Cheshire East on average throughout the full twenty four hour period of the day. There has also been a reduction in the volume of ASB recorded between mid-night and 6am. However this mid-night to 6am reduction is at about only half the level of the overall reduction. The consequence of this is that Crime and Anti-Social Behaviour occurring between mid-night and 6am, as a proportion of the overall total is growing.

### Spread

The table below summarises data relating to the spread (in both time and space) of specific alcohol related offences occurring between mid-night and 6am across Cheshire East over the twelve months up until November 2013.

Spread of alcohol related crime and disorder	Areas in which incidence is concentrated	Peak days/Times	Proportion of incidence at peak times
All alcohol related crimes 0001 -0600hrs	Crewe, Macclesfield & Wilmslow	Saturday & Sunday mid-night to 4am	58%
All alcohol related violence against the person 0001 - 0600hrs	Crewe, Macclesfield & Wilmslow	Saturday & Sunday mid-night to 4am	61%
All Alcohol related incidents 0001 – 0600hrs	Crewe, Nantwich, Macclesfield & Wilmslow	Saturday & Sunday mid-night to 4am	58%
All Alcohol related ASB 0001 – 0600hrs	Crewe, Nantwich, & Macclesfield	Saturday & Sunday mid-night to 4am	54%

Not surprisingly incidence is concentrated by *geography* on the larger towns with the peak times between mid-night and 4am on Saturday and Sunday.

## Regulation

The key challenge for policing alcohol related crime & Anti- Social Behaviour is the *shift* in demand than the *volume* of it. With more demand occurring in the early hours, and concentrated in towns it draws resources away from the visible and accessible policing in their local neighbourhood that the public desire. The Constabulary recognises that the growing differential in price has made the licensed (on) trade as much a victim of the consequences of this shift as policing, and its first instinct would be to work with the trade to reverse or at least mitigate the effect of this shift. The Constabulary's ArcAngel approach to reducing alcohol related crime and Anti-Social Behaviour is strong evidence of this. However should regulation prove the only way forward the Constabulary would offer the following views on the individual measures under consideration>

**Early Morning Restricted Opening (EMRO)** As a measure to limit or reverse the *shift* in demand into the early hours, the Constabulary would support any moves to implement an EMRO with late night extension restricted ideally to a 2am maximum, plus a voluntary code of practice through Archangel. However it is clear from experience nationally that such a move would be resisted by the trade.

**Late Night Levy (LNL)** A more complex tool the LNL would offset the cost of the *shift* in demand rather than limit or reverse it, and would fail to address the essential resource tension between policing the evening economy throughout the night and providing visible & accessible policing in neighbourhoods, throughout the day.

The Constabulary would have some concerns around any potential public perception of the levy as a means for the police to generate income. It is important to emphasise that the Police and Crime Commissioner would take receipt of the policing proportion of monies generated by a LNL and has some flexibility on how to spend it other than directly on policing services. He also has some flexibility as to how much he chooses to claim of the proportion that he is entitled to. It is a matter for the Police & Crime Commissioner, but the Constabulary understands that he would be willing to explore such flexibilities.

It might be that the increased cost to premises associated with a LNL would encourage earlier closing, however the cost to individual premises should not be over stated, with our research suggesting the following likely costs:

	Annual Cost	Rate Per day
Band "B" Premises	£768	£2.10
Band "C" Premises	£2159	£3.44
Crewe Hall Hotel	£1493	£4.09

Most premises within Cheshire East would appear to fall into Band B or C. Larger premises such as Crewe Hall would pay fractionally more. In probably each case the cost to the premise per day is around the cost of a pint of beer to one of their customers.

It may be that the political cost of a universal levy is deemed to be greater and the Constabulary would support any exemptions made by the Local Authority for well managed premises away from hotspot areas.

**Designated Public Place Orders (DPPOS)** This measure is most usually used in response to a specific issue relating to the consumption of alcohol in public places other than licensed premises, and gives Officers and Police Community Support Officers the power to confiscate alcohol in certain circumstances. The measure is predominantly aimed at adults aged 18 or above as powers already exist for seizure of alcohol for those below that age. It is a measure unsuited to widespread designation, as within the areas designated, the perfectly legitimate and sensible consumption of alcohol at public events can be affected. For the measure to be wholly effective it requires police to be available to seize alcohol and so some consideration should be given to designate only areas in receipt of reasonably intensive policing around existing alcohol related crime & disorder issues. Whilst it may have its merits the DPPO would appear largely irrelevant to the restriction or reversal of the *shift* in demand on policing.

## **Conclusion**

In summary the Constabulary recognises the wider context in which the regulation of alcohol sale and consumption occurs. In particular that the increased *availability* of alcohol, and the differential in *price* between off and on sales has driven changes in consumption that challenge both licensed premises and policing, as well as generating a greater impact on health services.

The challenge to policing is not around rising demand but instead around a *shift* of demand that creates a tension between the requirements to police the binge drinking alcohol consumer ever later into the night when the rest of the world is asleep, whilst providing visible, accessible policing in neighbourhoods during the day – when most of the world is awake.

The Constabulary would welcome and support any measures taken by the Committee that might enable any restriction or reversal of this *shift* in demand.