

SAFER LONDON COMMITTEE LICENSING SCRUTINY SUBMISSION BY THE WESTMINSTER LICENSEES ASSOCIATION

- The Westminster Licensees Association (WLA) welcomes the opportunity to submit written evidence to the Greater London Authority Safer London Committee scrutiny on alcohol licensing and crime and disorder. This is an issue of great import to the industry as well as political and other observers.
- We are, however, extremely concerned that the Committee's terms of reference appear to have prejudged the issue. There is an implicit acceptance of an automatic link between licensed premises and crime and disorder of all types – no attempt is made to focus on alcohol-related disorder or behaviour. There is also an assumption that the impact of licensed premises on local communities and services will inevitably be negative. We do not believe that this is a helpful, objective starting point for the scrutiny.
- We would further note that, whilst the discussion is somewhat topical at present, the Committee's scrutiny of these issues is far from timely given the major changes currently taking place in the licensing regime. This not only means that the trade and other relevant commentators are preoccupied at present, but more importantly that any consideration of present levels of alcohol related crime and disorder will not take account of the tough new measures of enforcement and stringent sanctions for irresponsible operators and individuals. The scrutiny is therefore premature and should be reassessed in the light of actual experience after the licensing regime has had time to bed down.

The WLA

- The WLA was established in March 2001 to provide an authoritative and collective voice for licensed retailers in Westminster. It is the only trade body dedicated to representing the views and interests of this body of businesses in local partnership and forum discussions and to political and other audiences. It sits on the Westminster Entertainment Forum, has regular quarterly meetings with Council officers and is represented in discussions with local magistrates, the police and other key stakeholders. We also work closely with other trade and business bodies, both national and local.
- The WLA is made up entirely of local business people and currently represents around a third of all on-licensed premises in Westminster. Our members are predominantly restaurant, bar, nightclub and hotel operators and include national chains such as Mitchells & Butler, Spirit Group, established London operators such as Urbium and Regent Inns and flagship licensed premises such as the Institute of Directors and Westminster Central Hall. However, the bulk of our membership is made up of a large number of individual independent small businesses operating under their own fascia.

The Industry in Context

- Independent pubs, bars, restaurants and nightclubs are at the heart of London's vibrant and dynamic evening and night time economy. They provide social and community spaces and facilities for residents, local businesses and visitors alike. They are a major part of the West End's appeal for overseas visitors. Around 30 million visitors come to London every year and spend £9 billion. Most of them will visit a licensed retail outlet during the course of their visit. Visitors who come to shop or visit the theatre will also use the complementary facilities the sector provides. A healthy and vibrant trade therefore underpins the London economy as a whole.

- The licensed retail industry makes a very positive economic contribution – the average outlet injects in excess of £100,000 each year into the local economy. Hotels and catering account for 4% of London’s GDP – significantly more than the average across the whole of the UK. The sector is the second largest private sector employer in Westminster, with an estimated 13,000 employees - 15% of total employment or just over 1 in 6 jobs.
- The sector generates substantial public sector revenue - alcohol duty alone raises £13 billion, with business taxes, rates, gaming duty, VAT and PAYE on top of this, not to mention additional voluntary contributions to local initiatives and BIDs. These businesses already contribute significantly to the police and to local authorities and they have a legitimate expectation of a level of service and enforcement as a result. This must be borne in mind when the costs of alcohol misuse are debated.
- **These facts must be acknowledged and the contribution the licensed retail trade makes to the capital must be acknowledged if the scrutiny is to be objective. It should also be borne in mind that, if they are to continue to contribute to the economic, social and cultural life of the capital, these businesses need a supportive not hostile regulatory framework.**

Alcohol Related Crime and Disorder

- We acknowledge that there are clearly issues of concern relating to public drunkenness in many towns and cities across the country, and that we all have a collective responsibility as politicians, operators and society as a whole to tackle it. Our members’ commercial interests are significantly affected by high levels of alcohol-related disorder and anti-social behaviour. Licensed retailers therefore have a strong vested interest in ensuring that this issue is tackled and tough action taken against the perpetrators.
- We are, however, concerned that the debate on how to deal with this problem is held in as objective a manner as possible, and that consideration of the issue is firmly rooted in fact rather than perception. We want politicians to work with licensed retail businesses not against them. The debate must be open, it must be based on fact and solutions must be evidence based.
- The Committee’s terms of reference are not helpful in this regard as they assume an implicit and automatic link between all licensed premises and all forms of crime and disorder. They also imply that all outlets are equally problematic and have an equally adverse impact on the local environment. We believe that it is important that the debate reflects the fact that any problems arise from a minority of irresponsible operators and a minority of their customers who misuse alcohol. It would be a mistake to tar the whole of this valuable industry with the same brush.
- Research by The Portman Group has ruled out the sort of "mechanistic connection between alcohol and crime" which the terms of reference imply. The suggestion that the problem is large establishments is also simplistic since it is the management standards and control which is key to determining the impact of an establishment not necessarily its size or format.
- TPG research goes on to state that "drinking is widespread, disorder is not" and notes that drinking related offences are a relatively small proportion of total crimes and an even smaller proportion of reported crimes. It is not clear from the terms of reference what information the scrutiny committee will be relying upon or will receive in this respect, but as presently drafted, the committee appears to be considering all forms of crime and disorder rather than focusing on those which are clearly alcohol related.

- We would also caution the committee against reliance upon blunt statistics on crime and disorder. Incidents of crime and disorder within a particular locality need to be carefully scrutinised to ensure that they are correctly focused on those which are relevant to this debate. There is a danger in assuming that all problems relating to noise, nuisance and public order are solely or largely attributable to the presence of licensed premises and the rise in their number.
- During the course of the development of local statements of licensing policy throughout Greater London, the WLA was aware of several making use of police statistics about violence against the person offences within high street drinking circuits. However, closer examination revealed that all such offences had been reported, including domestic incidents, shoplifting and pickpocketing in non-licensed venues, offences occurring in the morning and early afternoon. Evidence from the British Crime Survey suggests that, nationally, alcohol is a factor in only 30% of city centre arrests and around half of all violent crimes.
- By talking about all forms of crime and disorder and linking them to licensed premises, the issue is sensationalised. The perception of alcohol related disorder and indeed the fear of it, become divorced from reality. In so doing, politicians are distort the debate.
- A recent survey carried out by Westminster City Council found that alcohol related offences of drunkenness, street drinking, urination etc rate relatively lowly in the list of priorities for residents, well below concerns about cycling on the pavement. For visitors, alcohol related disorder and social issues are not of concern. Female visitors felt safer than at home and the survey actually concluded that "actual incidents of crime per visitor are very small".
- After the installation of CCTV cameras in the West End Stress Area coordinated through the Trocadero, a 2 month assessment of crime was made in summer 2002. A total of 784 offences were committed but those clearly attributable to alcohol amounted to only 10% of these ie around 1 offence a day. Even if you look at all crimes being committed in the period, the number per day is very low for such a busy city centre location. At a WLA seminar in 2003, DAC Trotter stated that he was surprised, given the number of people in the West End, that there were so few crimes.
- There must also be a clear differentiation between alcohol related crime and general incidents of anti-social behaviour. Much is often made of the aggressive and menacing atmosphere in parts of the West End. For example, reference is made to drug dealing, pick pocketing, noise from alarms and sirens, under age drinking, groups of youths acting in a hostile manner, mini cab touting, busking, begging. Licensing is not about the control of general anti-social behaviour away from licensed premises nor should the policy try to link the legitimate trade with these clearly illegal activities
- We further believe that it is important that the contribution of the off-licence sector to alcohol related disorder is explored.
- **In order to ensure that the debate is as objective as possible, we strongly recommend that a common London-wide standard of reporting and analysing alcohol related crime and disorder is developed. This should include reference to the type of offence, the time during which it took place and the way in which it is recorded to ensure that those incidents not relevant to considerations of alcohol related crime are excluded. In addition, statistics of incidents of crime should not be used in isolation but always placed in the context of resident or visitor numbers. This should apply equally to analysis of CAD call outs.**

Positive Measures to improve the situation

- We acknowledge that there are issues to do with alcohol related crime and disorder which need to be tackled not only by the licensed trade but also central and local government, the police and other services and by society as a whole in encouraging a more responsible attitude towards drinking. Our members' commercial interests are significantly affected by high levels of alcohol-related disorder and anti-social behaviour. Licensed retailers therefore have a strong vested interest in ensuring that any initiative in this area is effective and will work in practice.
- We support the polluter pays principle in such circumstances but remain fundamentally opposed to the imposition of compulsory levies on the sector as a whole. As an industry we favour higher and more rigid penalties for alcohol-related offences – whether committed by licensees or by consumers – and a zero tolerance approach to irresponsible conduct.
- We believe the most effective approach to the identified problem would be strong and targeted enforcement against the small minority of irresponsible operators. Irresponsible operators should be named and shamed – isolated, penalised and if necessary closed down. The beneficial effects of such action were revealed in the Summer and Christmas Alcohol Enforcement Campaigns which resulted in a decline in offences over the period.
- The police and local authorities already have extensive existing powers to clamp down hard on rogue operators and we firmly support a zero tolerance approach to licensing and public order offences. These powers will be supplemented by the introduction of the Licensing Act 2003 later this year together with Government proposals for Alcohol Disorder Zones.
- We acknowledge that the problem of alcohol-fuelled violence cannot be addressed solely by individual police officers dealing with individual drinkers, but this is an important component of an overall effort to change the culture of binge drinking and to encourage a greater degree of personal responsibility for individual actions. We are disappointed at the persistent unwillingness of the police to adopt this approach. At a recent seminar with the WLA, DAC Trotter stated that he was unwilling to adopt a zero tolerance approach to offences on the grounds that there was no deterrent effect as different people came in each night. This may contribute to the perception of a greater problem and the feeling of concern people have.
- We further note that the industry as a whole is in the process of developing internal standards of practice for responsible retailing and liaising with the Government over a national code of practice.
- **In view of these developments, we believe it is premature for the Committee to recommend further action at the present moment. The scrutiny should aim to act as a benchmark to be reviewed once the Licensing Act and other proposals set out above have had time to take effect.**