

POLICE REFORM AND SOCIAL RESPONSIBILITY BILL

The final Committee stage of the Bill dealing with Part 2, The Changes to the Licensing Act, has now completed its passage through the House of Lords.

NICK WALTON reports

“Predictably, very little, if anything, changed during this stage in the process. However, it gave the opportunity for the Lords to debate the content of the Bill in order to extract the specific meaning relating to the individual sections. This is a very important part of the process as it identifies areas of the Bill that need to be reviewed, or where further information is required before the Bill undergoes further line by line examination by the Lords.

This next stage, “the report stage”, is due to commence in the House of Lords on 29th June 2011 (as we go to press, and on the day *Club Mirror’s* working party met in Westminster).

Concerns for clubs

I have identified in previous articles the general content of the Bill and expressed my concerns for Private Members Clubs in respect of a number of measures that are proposed. Several of the noble Lords, who have been involved in the discussions relating to the changes in the Licensing Act, have expressed their concerns about individual sections of the Bill, however. Lord Clement Jones, who has championed Licensing issues, suggested amendments throughout the Committee stage, to all of the sections relating to the Licensing Act. Included in the amendments. He has requested that Private Members Clubs be exempted from several of the more onerous changes, most notably relating to Early Morning Alcohol Restriction Orders and the Late Night Levy.

Support from Lord Clement Jones

Lord Clement Jones identified that both the Late Night Levy and Early Morning Alcohol Restriction Orders are designed to tackle issues relating to licensed premises, largely on the

High Street, that sell alcohol for consumption on the premises to members of the public. He contrasted this with Private Members Clubs who are not selling to members of the public, but are membership based. He stated that, by and large, Private Members Clubs are not positioned on the High Street, or close to centres of the night time economy, and because of their original remit which was to support and provide a centre for the community, they continue to be located predominantly in the centre of the community and are supported and frequented by those residents of the community.

Lord Clement Jones further went on to say that, in the main, Private Members Clubs tend to be self-regulating, in that there is a Committee who can easily censure members whose conduct could potentially bring the name of the club into disrepute.

Significant burden

Finally, he suggested that the impact of the Late Night Levy and also Early Morning Alcohol Restriction Orders would place a significant burden on the revenue streams of Private Members Clubs to further compromise the viability of their position. He stated that recent figures from the DCMS statistics show that, as well as pubs having to close in these economic times; the net reduction in Private Members Clubs operating with a Club Premises Certificate is put at 300 per year from 2008 - 2010.

The arguments proffered by Lord Clement Jones for both the exemption from the Early Morning Alcohol Restriction Orders and the Late Night Levy, found some support from others in the debate, with confirmation of a review of types of clubs and that the Government will consider,

very carefully in consultation, the exemptions and reductions before any legislation is introduced.

In drawing this debate to a close, Baroness Browning did comment that amendments to the Bill at this stage may prejudice any decisions that are made as a result of the public consultation on exemptions and reductions for the Late Night Levy. There was an appreciation that there were a number of initiatives which had been taken by the local community in respect of the night time economy, and due consideration would be given to the breadth of those schemes and how workable categories for reductions could be determined.

There is clearly a considerable way still to go in respect of this Bill. What is definite, however, is that whilst Licensing Authorities may be able to determine the scope of the Early Morning Alcohol Restriction Orders and the areas and times to which those Restriction Orders will apply, the Late Night Levy, in one of its workable categories, will apply to the premises which operate in the Licensing Authority area after a specified time.

Fees payable

The fees payable will be determined centrally by Government and will most likely be based along the non-domestic rateable value of the premises (as is currently the practice in respect of fees payable to the Licensing Authority for applications for new Club Premises Certificates, variations and yearly fees).

Two further comments of note in respect of both the Early Morning Alcohol Restriction Orders and the Late Night Levy. Confirmation was obtained on several occasions throughout the debate that neither proposal is likely to impact on either

New Years Eve or special celebrations (such as the Golden Jubilee in 2012).

It would appear that in order to guarantee such exemptions for the Early Morning Alcohol Restriction Orders and the Late Night Levy that decisions will be taken centrally by Government rather than allowing individual Licensing Authorities to create local variations, which could impact upon individual premises in an area.

Club Mirror has commenced a lobbying programme in an attempt to demonstrate to those in Parliament (who do not already know) that clubs operating with a Club Premises Certificate are, and should be, considered as a very specific group. Continued lobbying, not only of the members of Parliament in your area, but also to individual members of the House of Lords, should assist in that regard.

Further information regarding the consultation process, which will take place with specific regard to the Late Night Levy, will be advised as soon as it is available. However, I would urge all Club Committees who have not yet responded, to write to their Member of Parliament, and to do so as soon as possible in order that they are aware of the grave significance of ensuring that Club Premises Certificate holders are not included in major parts of the changes to the Licensing Act 2003. ”

Turn to page
18 now to
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