



**STEPHEN CARGIN
HEAD OF JUSTICE**

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25 November 2016

Dr Kevin Pelan
Committee for Communities
Room 430
Parliament
Belfast BT4 3XX

Dear Dr Pelan

**RE: ORAL EVIDENCE – THE LICENSING AND REGISTRATION OF CLUBS
(AMENDMENT) BILL**

Thank you for your letter dated 24 October 2016 and our letter dated 8 November 2016 in relation to issues that were raised during our evidence session on 20 October 2016.

I will answer these issues in order:

Increase in policing costs should the bill be enacted as drafted

This has been discussed with our 3 policing areas and I can advise that the cost to police the additional hour for one night would be approximately £7,229. As a result, the total cost to police the additional hour for 12 nights would be approximately £86,748.

These costs include ancillary items such as fleet, uniform, radios and consumables etc. It should be noted however, that these are the absolute minimum costs. Costs will increase if premises take the additional hour on different nights, which will definitely happen with the exception of popular holiday times such as Boxing Night. In addition, costs would also be more depending on how quickly crowds disperse from town centres etc. Finally, there would also be an increase if arrests are made and officers have to stay on which has a knock-on effect the following day as they will have to backfill at short notice as they need time between shifts.

The only potential saving would be on police time in relation to children's certificates, however this would be negligible.

It should also be noted that there will be increased costs for other organisations such as the emergency services and hospitals etc.

During our evidence session, a number of committee members asked if shift patterns could be changed to address the additional hour. At that time, I outlined to the members that this was a huge issue as we had gone through constant change in how we do policing through neighbourhood policing teams, local policing teams and in having resources available. I have made further enquiries on this and to ensure the extended hours are covered would require either additional overtime or a change in shift pattern. However, both are problematic with the use of overtime on the present shift pattern placing officers over the 12-hour period permitted for night time working agreed with the staff association. This would also be impacted with the European Working Time Directive regulations.

To change the present shift pattern which was developed in 2005 –2006 to cover the extra hour would also be problematic due to the weekend period shift pattern being back to back on early and late shifts with the available overlap fully utilised for the present night time economy operations. To further extend this would require movements of hours across the week to ensure that only 40 hours are utilised per week on a rota. The weekend shift could end up as a 12-hour shift which is against Home Office Guidelines from 2006.

Feedback has also shown that there would be considerable objections from staff associations regarding this.

Financial impact to allow later opening for one hour twice a week

Needless to say, licensed premises will generally avail of the additional hours at different times throughout the year which will pose difficulties in predicting times of high demand and the appropriate allocation of resourcing for this.

I would refer to the previous point, where it states the total cost to police the additional hour for one night would be approximately £7,229.

If the Bill is amended to permit later opening of one hour twice a week (104 nights), the cost to policing would be approximately £751,816. However, similar to the point above, these are the absolute minimum costs.

Financial Impact To Provide Regularised Extensions Thereby Allowing For Longer Term Scheduling Of Police Resources

Having considered this, we do not believe there would be any tangible benefits. Even if premises all had to take the additional hour on the same nights, there would still be a significant increased cost for policing as outlined above.

Impact Of Extended Drinking Up Time – Good Or Bad Evidence

Contact was made with Police Scotland and they advised that currently in Scotland, they have a 15-minute drinking up time. They were very surprised to hear that Northern Ireland was considering extending drinking up time from 30 minutes to 60 minutes.

They advised that whilst in theory this will allow patrons to gradually exit the premises, the reality was that it will result in the vast majority of patrons leaving establishments at the later time. In addition, they also felt there would be increased alcohol consumption as people will stockpile drinks prior to the one hour drinking-up time commencing. All in all they felt this would have a major impact on policing demands especially during the weekends.

We also contacted the National Police Chiefs Council (NPCC) who represents all Police Forces in England, Wales and Northern Ireland. They currently have a national Alcohol Licensing Working Group and we asked what, if any, additional problems/issues there were when licensed premises in England and Wales were permitted to open for longer hours. They responded with a number of comments as follows:

- The longer opening hours have put more pressure on policing as now the issues continue much longer into the early hours. Previously with the 2:00am latest closing, most of the issues were resolved by 3:00/4:00am, but not anymore. Issues now tend to go on through the early hours until the next morning.
- People are drinking over a longer more spread out period of time, which has resulted in additional officers being affected.
- The **preference** is for longer drinking-up times as it stops people 'guzzling' down their last drink. With an hour drinking-up time instead of 30 minutes, it means they have longer to consume their last drink. **However**, it can also result in people buying additional drinks to consume during that one hour drinking-up time; which was not the intention of the Act and this then causes more issues.
- Many areas have found that later hours cause issues of dispersal because many types of public transport finish earlier. For example, in Brighton the last train out of the City leaves before many of the late bars and clubs close. That means people have no way to get home and can become a victim of crime or perpetrate a crime through frustration.
- The amount of crime is the same but spread over a longer period of time

Finally, it has been brought to our attention that in the Police Reform and Social Responsibility Act 2011, there is a section on the 'late night levy'. This enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. The levy empowers local areas to charge businesses that supply alcohol late into the night for the extra enforcement costs that the night-time economy generates for police and licensing authorities. However, this part of the Act applies only to England and Wales.

As a result, we would ask that consideration be given to introducing something similar in Northern Ireland.

Family Events – Proposed Amendment

Having carefully considered this, we do not consider it appropriate to comment on this as there is a potential conflict of interest based on our enforcement role in this legislation. Our view is that it is for others to amend this to ensure that any new legislation takes account of family type functions such as weddings and birthday parties etc.

Penalties For Breaches Of Licences Resulting In Suspension

Over the last 2 years, only 4 premises have had their licence suspended, of which 2 had to close for 2 weeks and 2 for one week.

The current legislation (Article 71B of The Licensing (NI) Order 1996 (the Order)) makes provision for the endorsement of penalty points on a licence where the holder is convicted of an offence. Where a licensee is convicted of an offence liable to a fine not exceeding £1,000, a court may order penalty points to be endorsed on the licence. Upon conviction of the same offence within 3 years a court must order the points to be endorsed on the licence.

Article 71C of the Order (Suspension of licence for repeated offences) empowers a Magistrates' Court to suspend a licence for not less than one week or more than 3 months where the licensee has accumulated 10 or more penalty points within a 3-year period.

As can be seen from the suspensions to date, all have been for very short periods. Experience has shown that in the majority of the cases where the premises closed, they took the opportunity to refurbish/redecorate the premises.

PSNI would suggest that if the penalties were stronger, this would undoubtedly cause licensees to be more responsible. For example, if premises had their licence suspended for say 2-3 months, this would have a significant financial impact on their business.

Irish News Article Regarding Crimes Recorded Against Nightspots

I would point out that these figures are for offences that occurred at pubs and clubs including nightclubs. We have checked with our Principal Statistician and he has advised that it is not possible to say if all the crimes recorded are directly related to alcohol consumption.

With regard to up-to-date figures, I can advise that for the period 1 January 2016 to 30 September 2016, there have been 2,581 crimes recorded at pubs and clubs across Northern Ireland.

Correlation Between The Closure Of Teenage Discos And Related Anti-Social Behaviour

Firstly, I would like to point out that in the vast majority of districts; police have not experienced or stopped any teenage discos over the past number of years. There are examples of teenage discos being held in locations where there is no alcohol facility and these have been run very well.

Recently, premises in Cookstown removed their liquor licence to allow teenage discos to continue with buses travelling from as far away as Enniskillen, Newry, Armagh, Lurgan and from Clones in the Republic of Ireland. These events normally attract up to 1,000 young people each time. At present, police meet the buses at the front doors and then go on board to remind the young people of their responsibilities. There will always be a

number of young people that arrive worse for wear and they are escorted to the 'Safe Haven' which is within the confines of the premises. The police then attend the 'Safe Haven' and collate details of the young people; parents are then contacted and in some cases come to collect their children. Those that police have to deal with are invited to attend an Alcohol Awareness Course which takes place in Cookstown and is delivered by the CASE (Citizenship & Safety Education Programme) trained officer and this is also supported by the local PCSP.

On a positive note, the management of the licensed premises have an excellent working relationship with local Police.

That said however, this continues to have a significant drain on policing, especially from a resourcing aspect. Police need at least 4 officers inside the 'Safe Haven' to collate details and to establish the true identity of the young people they have to deal with. In addition, the running of the Alcohol Awareness Course requires at least 2 officers, which takes them away from other policing duties. Furthermore, police are always trying to educate the children coming to the disco totally inebriated, leaves themselves open to all kinds of vulnerability and danger and if encountered by police, they will at the very least be attending one of the courses with their parent/guardian.

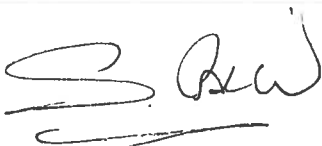
Invitation To Committee Members

Finally, the PSNI would like to extend an invitation to the Committee members to a night-time economy operation, in order that they can see at first hand the issues that police regularly have to deal with. Whilst Belfast City centre would be the obvious choice to do this, we acknowledge this is unlikely to suit all the members.

That said however, we would be more than happy to accommodate individual members if they are interested in attending similar operations in other areas, eg Londonderry, Enniskillen or Cookstown etc.

I hope this is of assistance.

Yours sincerely



STEPHEN CARGIN
Chief Superintendent
Legacy & Justice Department