

# LICENSING COMMITTEE AGENDA



**7 May 2013**

**at 10.00am**

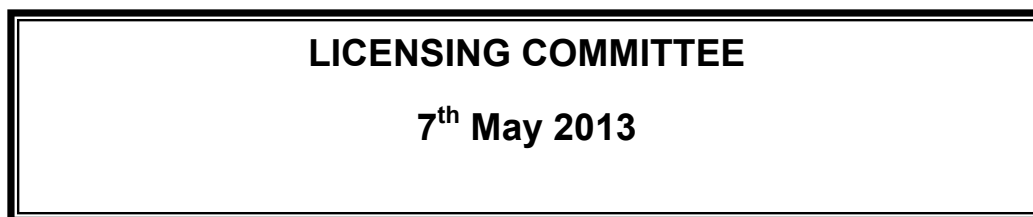
**in the Council Chamber, Civic Centre, Hartlepool**

ALL COUNCILLORS

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Atkinson, Beck, Brash, Cook, Cranney, Dawkins, Fisher, Fleet, Gibbon, Griffin, Hall, Hargreaves, Hill, Jackson, James, Lauderdale, A E Lilley, G Lilley, Loynes, Dr. Morris, Payne, Richardson, Robinson, Shields, Simmons, Sirs, Tempest, Thompson, Wells and Wilcox.

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
  - 3.1 To confirm the minutes of the meeting held on 24 April 2013 (*to follow*)
4. **ITEMS REQUIRING DECISION**
  - 4.1 Early Morning Alcohol Restriction Order – *Assistant Director, Regeneration and Planning*
5. **ITEMS FOR INFORMATION**
6. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**





**Report of:** Assistant Director, Regeneration & Planning

**Subject:** EARLY MORNING ALCOHOL RESTRICTION ORDER

---

## **1. PURPOSE OF REPORT**

- 1.1 To consider the representations received during the consultation process relating to the proposal to introduce an Early Morning Alcohol Restriction Order in Hartlepool.
- 1.2 To consider whether the adoption of an Early Morning Alcohol Restriction Order, on the terms previously advertised, should be recommended to full Council for adoption.

## **2. BACKGROUND**

- 2.1 Early Morning Alcohol Restriction Orders (EMROs) are a new power available to licensing authorities that was introduced following a recent amendment of the Licensing Act 2003.
- 2.2 The purpose of an EMRO is explained as follows: -

### The Licensing Act

*Section 172 A (1) - If a licensing authority considers it appropriate for the promotion of the licensing objectives, it may, subject as follows, make an (EMRO) under this section.*

### The Statutory Guidance

*Para 16.1 This power (to make an EMRO) enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.*

*Para 16.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.*

- 2.3 The process to be followed prior to the adoption of an EMRO, and to which the licensing authority must have regard, is detailed in the statutory guidance that accompanies the Act and the appropriate chapter of this guidance is attached as **Appendix 1** attached.
- 2.4 Whilst the formal adoption of an EMRO is a matter for full Council the Licensing Committee is expected to initially consider whether one may be appropriate. If so, a proposal must first be made, followed by a period of consultation and, if required, a hearing. The matter must then be referred to full Council for consideration and adoption.
- 2.5 Proposing an EMRO does not commit either the Licensing Committee or full Council to the subsequent adoption of an EMRO. Indeed, the statutory guidance states that following the consideration of representations received during the consultation process the Licensing Committee can decide that an EMRO is not appropriate and that the process should cease.
- 2.6 On 17<sup>th</sup> December 2012 the Licensing Committee considered a letter that had been submitted by Cleveland Police and the Director of Public Health in which a request was made for the licensing authority to introduce an EMRO in Hartlepool's town centre area.
- 2.7 The Licensing Committee considered the evidence submitted as part of this representation and determined that it was appropriate to formally propose the making of an EMRO for the town centre area (defined in the Council's licensing policy as the '*Cumulative Impact Area*') that would apply between 0200 hours and 0600 hours seven days a week. A copy of the formal Notice of proposal is attached as **Appendix 2** attached and a map highlighting the Cumulative Impact Area is attached as **Appendix 3** attached.
- 2.8 Members were informed that there are currently 13 premises licensed to sell alcohol beyond 0200 hours in the town centre area although not all of these are currently trading. Should an EMRO be adopted these premises would not be permitted to sell alcohol after 0200 hours.
- 2.9 Following the Licensing Committee's decision on 17<sup>th</sup> December 2012 to propose an EMRO the formal consultation process began on 14<sup>th</sup> February 2013 and concluded on 28<sup>th</sup> March. The consultation was carried out in full compliance with the Act, regulations and guidance and consisted of: -
- i. Publication of a formal 'proposal to adopt' Notice in the Hartlepool Mail (attached as **Appendix 4** attached) on 14<sup>th</sup> February.
  - ii. Publication of the Notice on the Council's website on 14<sup>th</sup> February and maintenance of an 'EMRO' page on the website throughout the consultation period including links to the committee report of 17<sup>th</sup> December 2012 and the evidence that was submitted to the committee at that time.
  - iii. Letter sent to all 'affected persons' situated within the affected area (**Appendix 5** attached)
  - iv. Letter to the Chief Executive of neighbouring authorities (**Appendix 6** attached)

- v. Display of 36 Public Notices in the affected area and on its perimeter.
- 2.10 In addition, the following measures were also taken to bring the proposed EMRO to the attention of all parties: -
- Radio interview on Radio Hartlepool and BBC Radio Tees
  - Article published in The Hartlepool Mail
  - Consultation event to which all licensees in Hartlepool were invited. Held on 22<sup>nd</sup> January and attended by approximately 25 licensees and/or their representatives
  - Presentations to both Neighbourhood Forums on 23<sup>rd</sup> January
  - Regular presentations to Hartlepool Licensees Association
- 2.11 The consultation period ended on 28<sup>th</sup> March 2013 and a total of 35 representations were received which are attached as **Appendices 7 - 41**.

### 3. ISSUES FOR CONSIDERATION

- 3.1 A licensing authority is required to advertise its proposal to adopt an EMRO for no less than 42 days during which any person may make representations.
- 3.2 To be considered a relevant representation, the statutory guidance states that it must '*be about the likely effect of the making of the EMRO on the promotion of the licensing objectives*' and must be made on the prescribed form. The form does not ask whether the respondent supports the proposal or not – simply what effect it may have on the licensing objectives.
- 3.3 The licensing objectives are: -
- Prevention of crime and disorder
  - Prevention of public nuisance
  - Public safety
  - Protection of children from harm
- 3.4 Whilst the licensing objectives are of primary importance, the guidance states that it is appropriate for the licensing authority to give consideration to other factors: -
- Para 16.8.... The licensing authority should consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO. As set out in paragraphs 9.38-9.40 of this Guidance, when determining whether a step is appropriate to promote the licensing objectives, a licensing authority is not required to decide that no lesser step will achieve the aim, but should consider the potential burden that would be imposed on premises licence holders as well as the potential benefits in terms of promoting the licensing objectives.*
- 3.5 Members will see from a number of the representations received that there is a concern that the introduction of an EMRO could have a significant detrimental impact on the viability of some licensed premises.



- 3.6 It would be appropriate for the Licensing Committee to have regard to such concerns.
- 3.7 The statutory guidance states that there may be other measures that could be taken instead of the introduction of an EMRO such as: -
- *introducing a Cumulative Impact Policy;*
  - *reviewing licences of specific problem premises;*
  - *encouraging the creation of business-led best practice schemes in the area;*
  - *and*
  - *using other mechanisms such as those set out in paragraph 13.39 of the guidance.*
- 3.8 These alternative measures are discussed below: -
- 3.9 Cumulative Impact Policy
- 3.10 Cumulative Impact means *‘the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.’*
- 3.11 Members will be aware that a Cumulative Impact Policy (CIP) has been in force for the town centre area since the Licensing Act’s implementation in 2005. A CIP serves to create a rebuttable presumption that applications for new licences in that area will be refused. A CIP does not however allow licensing authorities to automatically refuse all new applications and, as such, where it has been appropriate to do so, some new licences have been granted in the CIP area over recent years.
- 3.12 Reviewing Licences of Specific Problem Premises
- 3.13 Five premises in the affected area have had their licences reviewed since December 2010. None of these reviews have resulted in a reduction in licensed hours but, where this has been considered, licensees have argued that to do so, in isolation, would be tantamount to a revocation of the licence as they would be unable to compete against premises that were open later.
- 3.14 Encouraging the Creation of Business-led Best Practice Schemes
- 3.15 Perhaps the most effective business-led best practice scheme is known as ‘Best Bar None’ which is a voluntary quality improvement scheme. One representation received during the consultation period rightly highlights the dramatic success that this scheme has had in Durham City.
- 3.16 Members may wish to note that in an attempt to introduce the ‘Best Bar None’ scheme in Hartlepool the chairman of Durham City’s ‘Pubwatch’ attended a meeting of Hartlepool Licensees Association in 2011. This was followed by a Council invitation to all town centre licensees to attend a further meeting to discuss the feasibility of introducing the scheme in Hartlepool.

- 3.17 The guest speaker at the event was Durham City's lead officer on Best Bar None but, disappointingly, despite approximately 60 invitations being sent, only six licensees attended this meeting. Only one has expressed any further interest in developing the scheme in Hartlepool.
- 3.18 Paragraph 13.39 of the statutory guidance details other measures that licensing authorities should consider for controlling cumulative impact such as:
- *planning controls;*
  - *positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;*
  - *the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;*
  - *powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;*
  - *the confiscation of alcohol from adults and children in designated areas;*
  - *police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;*
  - *prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);*
  - *police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;*
  - *the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate; and*
  - *Early Morning Alcohol Restriction Orders (EMROs).*
- 3.19 Members will be aware that a number of local initiatives have been introduced in recent years in an attempt to tackle alcohol related crime and disorder in the town centre area. These include: -
- Removal of 'planters' in Church Street that were creating a 'pinch point' at busy areas and which were being used as urinals and for dumping rubbish
  - Removal and trimming of some trees and shrubs in Church Street to improve CCTV coverage
  - Introduction of larger rubbish bins in the town centre area
  - Installation of alley gates to close off alleys that had been the location for assaults and sexual assaults
  - Introduction of a taxi marshal scheme in Church Street – operating between midnight and 0400 hours on Saturday nights
  - Introduction of 'Street Pastors' – volunteers who give up their time to patrol the night time economy area and offer practical help and support to late night revellers
  - The purchase and implementation of a 'Rapid Deployment' CCTV camera that can be quickly located where it is needed most

- An increase in the Police's Licensing Unit from one to three officers
- Provision of funding to purchase CCTV cameras for local taxi owners
- Designation of the town centre area as a 'No Public Drinking' Zone
- The early use of 'Directions to Leave'. These Notices can be served on any individual who represents a risk of disorder. The representation from Cleveland Police has highlighted that in the financial year 2011/12 a total of 399 Directions to Leave were issued.
- Making full use of legal powers available – Since 2011, following application by the Police, 29 'Drink Banning Orders' and 'ASBO's' have been issued by the Courts to ensure that those engaged in alcohol fuelled crime and disorder are excluded from the town centre area.

3.20 Members may wish to note that since the implementation of the Licensing Act in 2005, approximately 40% of the town centre's licensed premises have closed.

3.21 There has however, been a number of representations from local licensees who have indicated that the imposition of a 0200 hours terminal hour would significantly reduce their trading hours and may have serious consequences for the viability of their businesses.

3.22 It is for Members to determine on the basis of the representations submitted whether there is sufficient evidence for the adoption of an EMRO to be appropriate for the promotion of the licensing objectives.

3.23 Members must consider the following questions when determining whether the adoption of an EMRO should be recommended to full Council: -

- i. Is the introduction of an EMRO, on the terms previously proposed, appropriate for the promotion of the licensing objectives?
- ii. Are there any other steps that should be taken to promote the licensing objectives prior to the introduction of an EMRO?
- iii. Is there sufficient evidence to justify the proposed days that the EMRO would have effect?
- iv. Is there sufficient evidence to justify the proposed times during which the EMRO would have effect?
- v. Is there sufficient evidence to justify that an EMRO should apply to the area proposed?

3.24 The Licensing Committee has the following options available to it following consideration of all evidence submitted: -

- to decide that the proposed EMRO is appropriate for promotion of the licensing objectives;
- to decide that the proposed EMRO is not appropriate for the promotion of the objectives and therefore that the process should be ended;

- to decide that the proposed EMRO should be modified. In this case, if the authority proposes that the modified EMRO should differ from the initial proposal in relation to the area specified, the days in the initial proposal or the period of any day specified, the authority should advertise what is in effect a new proposal to make an EMRO in the manner described above, so that further representations are capable of being made.

3.25 Members may wish to note that the Licensing Act has recently been amended so that decisions of a licensing authority may be ‘appropriate’ rather than ‘necessary’. The Government’s aim in doing this has been explained as *‘A decision that is ‘appropriate’ for the promotion of the licensing objectives provides some flexibility to consider the effects of the decision on the promotion of the objectives. It may therefore be decided to take steps that are suitable for, rather than necessary to, the promotion of the objectives. It provides an element to deal with reluctance or resistance, to enable local communities to assert themselves properly in relation to this particular approach’*

3.26 Finally, Para 9.38 of the statutory guidance states: -

*Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.*

*Para 9.39 The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.*

## **4. EQUALITY AND DIVERSITY CONSIDERATIONS**

4.1 There are no equality or diversity implications.

## **5. SECTION 17**

5.1 The Crime and Disorder Act 1998 requires Local Authorities to consider the impact of everything they do in relation to crime and disorder in all their activities. This duty is what is referred to as ‘Section 17’.

5.2 The Licensing Committee is being asked to consider whether, based on the evidence presented to it, the adoption of an Early Morning Restriction Order will promote the licensing objectives, one of which is the prevention of crime and disorder.

## **6. RECOMMENDATIONS**

- 6.1 That Members consider the representations submitted and determine whether it is appropriate for the promotion of the licensing objectives that an Early Morning Alcohol Restriction Order be adopted in Hartlepool.
- 6.2 If Members consider it is appropriate for the promotion of the licensing objectives, that Members determine whether the EMRO as detailed in **Appendix 2** (attached) be recommended to full Council for adoption or whether it should be modified.

## **7. BACKGROUND PAPERS**

- 7.1 Licensing Committee Agenda & Minutes – 17<sup>th</sup> July 2012  
Licensing Committee Agenda & Minutes – 6<sup>th</sup> November 2012  
Licensing Committee Agenda & Minutes – 17<sup>th</sup> December 2012

## **8. CONTACT OFFICER**

Damien Wilson  
Assistant Director, Regeneration & Planning  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523400  
Damien.wilson@hartlepool.gov.uk

# 16. Early morning alcohol restriction orders

## GENERAL

- 16.1 This chapter provides guidance to licensing authorities about Early Morning Alcohol Restriction Orders (“EMROs”). The power conferred on licensing authorities to make, vary or revoke an EMRO is set out in sections 172A to 172E of the 2003 Act. This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 16.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 16.3 An EMRO:
- applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
  - applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week;
  - applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
  - applies to the whole or any part of the licensing authority’s area;
  - will not apply to any premises on New Year’s Eve (defined as 12am to 6am on 1 January every year);
  - will not apply to the supply of alcohol to residents by accommodation providers between 12 am and 6am, provided the alcohol is sold through mini-bars and/or room service; and
  - will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the 2003 Act.

## THE EMRO PROCESS

- 16.4 An EMRO can apply to the whole or part of the licensing authority’s area. The area may, for example, comprise a single floor of a shopping complex or exclude premises which have clearly demonstrated to the licensing authority that the licensable activities carried on there do not contribute to the problems which form the basis for the proposed EMRO.
- 16.5 If the licensing authority already has a Cumulative Impact Policy (“CIP”) in its Licensing Policy Statement, it should consider the relationship between the CIP and proposed EMRO area, and the potential overall impact on its local licensing policy.

## EVIDENCE

- 16.6 The licensing authority should be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement should be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premises licences. The licensing authority should consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

- 16.7 When establishing its evidence base, a licensing authority may wish to consider the approach set out in paragraphs 13.23 to 13.26 of this Guidance which includes indicative types of evidence, although this should not be considered an exhaustive list of the types of evidence which may be relevant.

## **INTRODUCING AN EMRO**

- 16.8 An EMRO is a powerful tool which will prevent licensed premises in the area to which the EMRO relates from supplying alcohol during the times at which the EMRO applies. The licensing authority should consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO. As set out in paragraphs 9.38-9.40 of this Guidance, when determining whether a step is appropriate to promote the licensing objectives, a licensing authority is not required to decide that no lesser step will achieve the aim, but should consider the potential burden that would be imposed on premises licence holders as well as the potential benefits in terms of promoting the licensing objectives. Other measures that could be taken instead of making an EMRO might include:

- introducing a CIP;
- reviewing licences of specific problem premises;
- encouraging the creation of business-led best practice schemes in the area; and
- using other mechanisms such as those set out in paragraph [13.39] of this Guidance.

- 16.9 If the licensing authority has identified a problem in a specific area attributable to the supply of alcohol at two or more premises in that area, and has sufficient evidence to demonstrate that it is appropriate for the promotion of the licensing objectives, it can propose making an EMRO. The licensing authority should first decide on the matters which must be the subject of the proposal. These are:

- the days (and periods on those days) on which the EMRO would apply;
- the area to which the EMRO would apply;
- the period for which the EMRO would apply (if it is a finite period); and
- the date from which the proposed EMRO would apply.

In relation to the date when it plans to introduce the EMRO, the licensing authority should note that this may change when it is specified in the final order.

## **ADVERTISING AN EMRO**

- 16.10 The proposed EMRO must be advertised. The licensing authority should include a short summary of the evidence and the manner in which representations can be made in the document, as well as the details of the proposed EMRO. The proposal must be advertised for at least 42 days (a reference in this Chapter to a period of “days” means a period made up of any days and not only working days). The licensing authority must publish the proposal on its website and in a local newspaper. If no newspaper exists, it must be published in a local newsletter, circular or similar document. The licensing authority must also send a notice of the proposal to all affected people in its area. They are:

- holders of (and applicants for) premises licences or club premises certificates to which the proposed EMRO would apply;
- premises users in relation to TENs to which the proposed EMRO would apply;



- those who have received a provisional statement in respect of a premises to which the proposed EMRO would apply.

16.11 Licensing authorities must, moreover, display a notice of the proposal in the area to which the EMRO would apply, in a manner which is likely to bring the proposal to the attention of those who may have an interest in it.

16.12 The licensing authority should also inform responsible authorities in its area and neighbouring licensing authorities of its proposal to make an EMRO. It may also like to consider what further steps could be taken, in any particular case, to publicise the proposal in order to draw it to the wider attention of any other persons who are likely to have an interest in it.

## REPRESENTATIONS

16.13 Those who are affected by a proposed EMRO, responsible authorities or any other person have 42 days (starting on the day after the day on which the proposed EMRO is advertised) to make relevant representations. To be considered a relevant representation, a representation must:

- be about the likely effect of the making of the EMRO on the promotion of the licensing objectives;
- be made in writing in the prescribed form and manner, setting out the EMRO to which it relates and the nature of the representation;
- be received within the deadline; and
- if made by a person other than a responsible authority, not be frivolous or vexatious. Chapter 9 of this Guidance gives further advice on determining whether a representation is frivolous or vexatious.

Representations can be made in relation to any aspect of the proposed EMRO. If a licensing authority decides that a representation is not relevant, it should consider informing the person who has made that representation.

16.14 Responsible authorities may wish to make representations, as may affected persons (as set out in the above paragraph).

16.15 Others may also wish to make representations about the proposed EMRO. These persons could include, but are not limited to:

- residents;
- employees of affected businesses;
- owners and employees of businesses outside the proposed EMRO area; and
- users of the late night economy.

## HEARINGS

16.16 If a relevant representation or representations are received, the licensing authority must hold a hearing to consider them (unless the authority and anyone who has made representations agree that this is unnecessary). The licensing authority should consider, based on the number of relevant representations received by it and any other circumstances it considers appropriate, whether to hold the hearing over several days, which could be arranged to take place other than on consecutive working days.



16.17 Licensing authorities should be familiar with the hearing process as it has similarities with other processes under the 2003 Act. Further guidance on hearings can be found in Chapter 9 of this Guidance (paragraphs 9.27 to 9.37). However, licensing authorities should note the following key points in relation to a hearing about a proposed EMRO:

- the hearing must be commenced within 30 working days, beginning with the day after the end of the period during which representations may be made;
- the hearing do not have to take place on consecutive working days, if an authority considers this to be necessary to enable it to consider any of the representations made by a party or if it considers it to be in the public interest;
- a licensing authority must give its determination within 10 working days of the conclusion of the hearing; and
- the authority is not required to notify those making representations of its determination so that the determination may be put before the full council of the authority to decide whether or not to make the EMRO.

16.18 The licensing authority will determine the manner in which the hearing will be conducted in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. If a licensing authority determines that a representation is frivolous or vexatious, it must notify in writing the person who made the representation.

16.19 As a result of the hearing, the licensing authority has three options:

- to decide that the proposed EMRO is appropriate for promotion of the licensing objectives;
- to decide that the proposed EMRO is not appropriate for the promotion of the objectives and therefore that the process should be ended;
- to decide that the proposed EMRO should be modified. In this case, if the authority proposes that the modified EMRO should differ from the initial proposal in relation to the area specified, any day not in the initial proposal or the period of any day specified, the authority should advertise what is in effect a new proposal to make an EMRO in the manner described above, so that further representations are capable of being made.

## **FINAL EMRO**

16.20 If the licensing authority is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination must be put to the full council for its final decision.

16.21 The matters set out in the final order must be no different from the matters set out in the proposal to make the order, subject to the caveat described above in paragraph 16.18. The order must be set out in the prescribed form and contain the prescribed content.

16.22 No later than 7 days after the day on which the EMRO is made, the licensing authority must send a notice to all affected persons of the EMRO, and make the order available for at least 28 days on its website and by displaying a notice in the EMRO area. A licensing authority should retain details of the EMRO on its website for as long as the EMRO is in force. It is recommended that the licensing authority advises neighbouring licensing authorities and the Secretary of State that the order has been made, the nature of the order and when (and for how long) it will take effect.

- 16.23 The licensing authority should monitor the effectiveness of the EMRO to ensure it continues to be appropriate for the promotion of the licensing objectives and periodically review whether it is appropriate to continue to apply it. The licensing authority should consider setting out its policy in relation to reviewing EMROs (if any) in its statement of licensing policy.
- 16.24 The variation or revocation of an order requires the licensing authority to undertake the same process as that which applied on its introduction; that is after gathering the appropriate evidence, it advertises its new EMRO proposal, following the process set out above so that those affected and anyone else can make representations.
- 16.25 If an order applies for a finite period, the order will cease to apply on its last day. If the licensing authority wishes to introduce a further (new) EMRO, it must follow the full process for proposing a new EMRO.
- 16.26 Licensing authorities should update their statement of licensing policy (in accordance with section 5 of the 2003 Act) to include reference to the EMRO as soon as reasonably possible.

### **EXCEPTIONS TO AN EMRO**

- 16.27 EMROs will not apply on New Year's Eve in recognition of its status as a national celebration. The supply of alcohol to residents through mini-bars and room service in premises with overnight accommodation will also not be subject to an EMRO.

### **ENFORCEMENT OF EMROS**

- 16.28 The supply of alcohol in contravention of an EMRO is an 'unauthorised licensable activity' which is an offence under section 136 of the 2003 Act. Moreover, it may result in a closure notice being served on the premises under section 19 of the Criminal Justice and Police Act 2001 as a precursor to an application for a closure order under section 21 of that Act. This may alternatively, result in the licence being reviewed on crime prevention grounds. Further information on reviews can be found in Chapter 11 of this Guidance.
- 16.29 An EMRO overrides all authorisations to supply alcohol under the 2003 Act (including temporary event notices). It is immaterial whether an authorisation was granted before or after an EMRO was made as there are no authorisations that have the effect of authorising the sale of alcohol during the EMRO period, with the only exception being a licensing hours order made under section 172 of the 2003 Act.



© Crown copyright 2012

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/) or e-mail: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be sent to:  
The Alcohol team, The Home Office, 4th Floor, Fry Building  
(North West), 2 Marsham Street, London SW1P 4DF  
Email: [AlcoholStrategy@homeoffice.gsi.gov.uk](mailto:AlcoholStrategy@homeoffice.gsi.gov.uk)

This publication is also available for download at  
[www.official-documents.gov.uk](http://www.official-documents.gov.uk)

ISBN: 9780108512049

Printed in the UK by The Stationery Office Limited on behalf of  
the Controller of Her Majesty's Stationery Office

ID P002521453 10/12

Printed on paper containing 75% recycled fibre content minimum.



## Hartlepool Borough Council

### **Licensing Act 2003 Section 172(A)**

Hartlepool Borough Council proposes to make an Early Morning Alcohol Restriction Order (EMRO) under Section 172A of the Licensing Act 2003.

This decision has been made following representations from Cleveland Police and the Director of Public Health and the receipt of crime and disorder statistics showing a significant level of alcohol related crime in the Victoria Road and Church Street areas which has led it to believe that proposing an EMRO would be appropriate and proportionate for the promotion of the Licensing Act's licensing objectives.

The proposed EMRO would have the effect of prohibiting the sale of alcohol from all licensed premises, the supply of alcohol from all club premises and by virtue of a temporary event notice for any premises situated within the area specified below between 0200 hours and 0600 hours and would apply seven days a week inclusive of every week until such time as the EMRO is revoked or amended.

The proposed EMRO would come into force on 13<sup>th</sup> August 2013 and apply to the general town centre area of Hartlepool incorporating, amongst others, Victoria Road and adjoining streets, Church Square and Church Street and adjoining streets. A detailed map of the proposed area is available on request or by visiting the Council's website detailed below.

Representations concerning this proposed EMRO must be made on a prescribed form that can be obtained from the address detailed below or downloaded via [www.hartlepool.gov.uk/licensing](http://www.hartlepool.gov.uk/licensing).

Representations must be submitted to the following address no later than Thursday 28<sup>th</sup> March 2013.

Dated 14<sup>th</sup> February 2013

Principal Licensing Officer  
Hartlepool Borough Council  
Bryan Hanson House  
Hartlepool  
TS24 7BT





Advertisers are required to ensure that they are familiar with the conditions which apply to the acceptance of advertisements for publication in the Sunderland Echo, the Shields Gazette, the Hartlepool Mail, the Seaham & Houghton Star, the Washington Star, the Peterlee Star, the Northumberland Gazette, the Morpeth Herald, the News Post Leader, and the News Guardian.

Full conditions of acceptance are displayed at our offices in Hartlepool, South Shields, Sunderland (City and Pennywell), Alnwick, Morpeth, and Whitley Bay. Copies are also available on request.

All advertising is subject to VAT.

**Hartlepool Borough Council  
Licensing Act 2003 Section 172(A)**

Hartlepool Borough Council proposes to make an Early Morning Alcohol Restriction Order (EMRO) under Section 172A of the Licensing Act 2003.

This decision has been made following representations from Cleveland Police and the Director of Public Health and the receipt of crime and disorder statistics showing a significant level of alcohol related crime in the Victoria Road and Church Street areas which has led it to believe that proposing an EMRO would be appropriate and proportionate for the promotion of the Licensing Act's licensing objectives.

The proposed EMRO would have the effect of prohibiting the sale of alcohol from all licensed premises, the supply of alcohol from all club premises and by virtue of a temporary event notice for any premises situated within the area specified below between 0200 hours and 0600 hours and would apply seven days a week inclusive of every week until such time as the EMRO is revoked or amended.

The proposed EMRO would come into force on 13th August 2013 and apply to the general town centre area of Hartlepool incorporating, amongst others, Victoria Road and adjoining streets, Church Square and Church Street and adjoining streets. A detailed map of the proposed area is available on request or by visiting the Council's website detailed below.

Representations concerning this proposed EMRO must be made on a prescribed form that can be obtained from the address detailed below or downloaded via [www.hartlepool.gov.uk/licensing](http://www.hartlepool.gov.uk/licensing).

Representations must be submitted to the following address no later than Thursday 28th March 2013.

Dated 14th February 2013

Principal Licensing Officer  
Hartlepool Borough Council  
Bryan Hanson House  
Hartlepool  
TS24 7BT

**Hartlepool Mail**

Reassurance for your trip

[www.hartlepool](http://www.hartlepool)

[mail.co.uk](http://mail.co.uk)

/travelinsurance

**Travel  
Insurance  
you can  
trust**

PURCHASE  
ONLINE FOR  
10% DISCOUNT

In association with  
**referential**  
travel insurance

The  
alternative to  
comparison sites

**Cheap  
Motor  
Insurance**

0800 479 3396

or  
01473 419 325

Search over  
60 brands  
on the phone

**CallConnection**



Calls may be recorded  
FBA registered No. 332174



**REGENERATION & NEIGHBOURHOODS**  
PUBLIC PROTECTION

Bryan Hanson House  
Hanson Square  
Hartlepool TS24 7BT

Tel: 01429 266522  
Fax: 01429 523308



Our Ref:

Your Ref:

Telephone Number: (01429) 523354

12<sup>th</sup> February 2013

Dear Sir/Madam

## **EARLY MORNING ALCOHOL RESTRICTION ORDERS**

Hartlepool Borough Council proposes to make an Early Morning Alcohol Restriction Order (EMRO) under Section 172A of the Licensing Act 2003.

This decision has been made following representations from Cleveland Police and the Director of Public Health and the receipt of crime and disorder statistics showing a significant level of alcohol related crime in the Victoria Road and Church Street areas which has led it to believe that proposing an EMRO would be appropriate and proportionate for the promotion of the Licensing Act's licensing objectives.

The proposed EMRO would have the effect of prohibiting the sale of alcohol from all licensed premises, the supply of alcohol from all club premises and by virtue of a temporary event notice for any premises situated within the area specified below between 0200 hours and 0600 hours and would apply seven days a week inclusive of every week until such time as the EMRO is revoked or amended.

The proposed EMRO would come into force on 13<sup>th</sup> August 2013 and apply to the general town centre area of Hartlepool incorporating, amongst others, Victoria Road and adjoining streets, Church Square and Church Street and adjoining streets. A detailed map of the proposed area is available by calling the Licensing Team on the above number or by visiting the Council website at [www.hartlepool.gov.uk/licensing](http://www.hartlepool.gov.uk/licensing).

### **How to Make a Representation**

Representations concerning this proposed EMRO are invited from **14<sup>th</sup> February 2013 and must be made no later than 28<sup>th</sup> March 2013.**

Representations must be made on a prescribed form that can be obtained by calling the Licensing Team or downloaded from the Council's website. The completed form can be returned to Hartlepool Borough Council at the address given above or e-mailed back to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

For a representation to be considered relevant it must refer to the likely effect of the making of the proposed order on the Licensing Act's 'licensing objectives' which are: -

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

Should you have any questions concerning the Council's proposals you can contact the Licensing Team on (01429) 523354.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Harrison', with a long horizontal stroke extending to the right.

Ian Harrison  
Principal Trading Standards & Licensing Officer

**REGENERATION & NEIGHBOURHOODS**  
PUBLIC PROTECTION

Bryan Hanson House  
Hanson Square  
Hartlepool TS24 7BT

Tel: 01429 266522  
Fax: 01429 523308



Our Ref:

Your Ref:

Telephone Number: (01429) 523354

12<sup>th</sup> February 2013

The Chief Executive  
Durham County Council  
County Hall  
Durham  
DH1 5UL

Dear Chief Executive

**Proposal to Introduce Early Morning Alcohol Restriction Order (EMRO)**  
**Section 172A Licensing Act 2003**

This letter serves to formally notify neighbouring authorities that Hartlepool Borough Council has begun the process of consulting on the possible implementation of an Early Morning Alcohol Restriction Order (EMRO).

If adopted, the proposed EMRO would prohibit the sale of alcohol beyond 0200 hours from any licensed premises in Hartlepool's town centre area.

A formal Notice of the Council's proposal is enclosed.

Yours faithfully

Ian Harrison  
Principal Trading Standards & Licensing Officer

## Hartlepool Borough Council

### **Section 172(A) Licensing Act 2003**

Hartlepool Borough Council proposes to make an Early Morning Alcohol Restriction Order (EMRO) under Section 172A of the Licensing Act 2003.

This decision has been made following representations from Cleveland Police and the Director of Public Health and the receipt of crime and disorder statistics showing a significant level of alcohol related crime in the Victoria Road and Church Street areas which has led it to believe that proposing an EMRO would be appropriate and proportionate for the promotion of the Licensing Act's licensing objectives.

The proposed EMRO would have the effect of prohibiting the sale of alcohol from all licensed premises, the supply of alcohol from all club premises and by virtue of a temporary event notice for any premises situated within the area specified below between 0200 hours and 0600 hours and would apply seven days a week inclusive of every week until such time as the EMRO is revoked or amended.

The proposed EMRO would come into force on 13<sup>th</sup> August 2013 and apply to the general town centre area of Hartlepool incorporating, amongst others, Victoria Road and adjoining streets, Church Square and Church Street and adjoining streets. A detailed map of the proposed area is available on request or by visiting the Council's website detailed below.

Representations concerning this proposed EMRO must be made on a prescribed form that can be obtained from the address detailed below or downloaded via [www.hartlepool.gov.uk/licensing](http://www.hartlepool.gov.uk/licensing).

Representations must be submitted to the following address no later than Thursday 28<sup>th</sup> March 2013.

Dated 14<sup>th</sup> February 2013

Principal Licensing Officer  
Hartlepool Borough Council  
Bryan Hanson House  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☐

A responsible authority

☐

Name:

Temporary Chief Inspector 1150 Lee Rukin

Address:

Cleveland Police  
Hartlepool District Office  
Avenue Road  
Hartlepool

Postcode TS24 8AB

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

This would be applicable to the Cumulative Impact Area in Hartlepool as designated by the Safer Hartlepool Partnership.

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

#### **The prevention of crime and disorder**

The attached analytical document demonstrates sufficiently that crime and anti-social behaviour continues to feature within the Night Time Economy with similar proportions despite the introduction to the late hours licensing legislation.

What is now evident from the change in licensing hours is that there has been a shift of violence and anti-social behaviour from 12pm to 3am to between the hours of 3 and 5am. This is when limited resources are available and has a detrimental impact on operational capability in other areas of policing.

#### **Public safety**

The intention is to maximise public safety and it is believed the introduction of the EMRO will support the Night Time Economy tactics in further reducing crime and anti-social behaviour.

It is evident that the current Night Time Economy tactics draw upon significant police resources that are no longer sustainable. The evidence for which is highlighted in the analytical document attached.

#### **The prevention of public nuisance**

Church Street and surrounding roads have small pockets of residential buildings, flats and housing. Victoria Road is in close proximity to large populated residential areas.

Both areas experience noise and anti-social incidents that occur during the Night Time Economy hours with both areas suffering from anti-social, violent and disrespectful behaviour of revellers as they make their way home.

#### **The protection of children from harm**

It is envisaged that by restricting the sale of alcohol back to 2am when police resources are maximised this will enable a more concentrated focus on the protection children and underage drinkers.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

27<sup>th</sup> March 2013

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT



**EVIDENCE TO SUPPORT THE IMPLEMENTATION OF AN  
EARLY MORNING ALCOHOL RESTRICITON ORDER  
(EMRO)  
In the Local Authority Cumulative Impact Area**

<b>AUTHOR:</b>	Rachel Parker, Community Safety Research Team
<b>DATE:</b>	March 2013

The contents of this document is for the sole use of reducing crime and disorder in the borough of Hartlepool,  
no part of this document maybe copied or amended without prior consultation with the Safer Hartlepool  
Community Safety Research Team  
as named above.



This document has been produced at the request of Temporary Chief Inspector Lee Rukin, as evidence to support the representation made by Cleveland Police in relation to the implementation of an Early Morning Alcohol Restriction Order (EMRO) in the Local Authority Cumulative Impact Area.

The Police Reform and Social Responsibility Act 2011 allows the Licensing Authority i.e. Hartlepool Borough Council to implement measures aimed at reducing late night alcohol related disorder. One of these measures is Early Morning Alcohol Restriction Orders (EMROs) which enable licensing authorities to restrict the sale of alcohol in the whole or a part of their area.

### **Hartlepool and the Night Time Economy (NTE)**

The 2003 Licensing Act led to the de-regulation of licensing law. Amongst many changes, the headline was a relaxation of closing times for licensed premises, introducing the opportunity for late night drinking. The Act was intended to promote four fundamental licensing objectives:

1. the prevention of crime and disorder
2. public safety
3. the prevention of public nuisance; and
4. the protection of children from harm

From 2005, licensed premises across the country were able to apply for later licenses. Extended licensing hours for premises in Hartlepool commenced in November 2005.

Prior to these changes, the Police experienced peaks of disorder as patrons moved from pub to night club and again when night clubs closed simultaneously at 2am. The eradication of these bottlenecks / flashpoints was one of the intended consequences of the 2003 Act.

Since November 2005, it has been necessary for the Police to increase the resources they deploy in the NTE for longer periods. Prior to 2005, the streets were more or less empty of patrons by 3am. Extended licensing hours require Police officers to deal with crime and incidents in this area up until 5, sometimes 6am thus preventing officers from being able to return to patrolling the rest of the town.

### **Crime and Disorder in the NTE**

In the financial year 2011/12 crime in Hartlepool had reduced by 39% when compared to 2005/06, with crime in the Cumulative Impact Area (CIA)<sup>1</sup> experiencing a 51% reduction (Table 1).

---

<sup>1</sup> See Appendix 1

Financial Year	Total Crime	Crime <b>Outside CIA</b>	Crime <b>Inside CIA</b>	% Total crime in <b>CIA</b>
April 2004 - March 2005	10981	8923	2058	19
April 2005 - March 2006	11524	9269	2255	20
April 2006 - March 2007	10410	8327	2083	20
April 2007 - March 2008	10068	8220	1848	18
April 2008 - March 2009	8889	7253	1636	18
April 2009 - March 2012	7598	6232	1366	18
April 2010 - March 2011	7308	6091	1217	17
April 2011 - March 2012	7080	5969	1111	16
April 2012 - <b>December 2012</b>	4782	4028	754	16
<b>Grand Total</b>	<b>78640</b>	<b>64312</b>	<b>14328</b>	<b>18</b>

Table 1

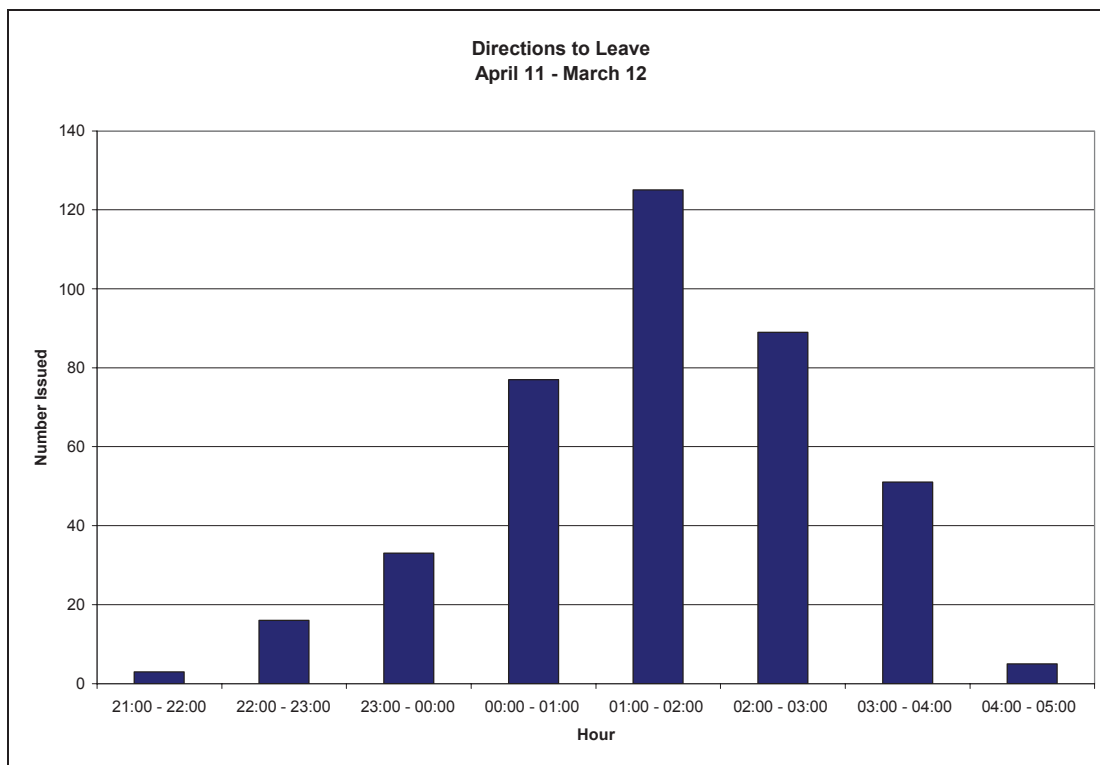
For the purpose of this report, crimes and incidents occurring during the hours of **9pm and 6am** have been considered as this is the time frame associated with the NTE by the Safer Hartlepool Partnership. Crime occurring in the whole of Hartlepool between 9pm and 6am had reduced by 40% and in the CIA by 53% (Table 2).

Financial Year	Total Crime between 9pm and 6am	Crime <b>Outside CIA</b>	Crime <b>Inside</b> CIA	% Total crime in <b>CIA</b>
April 2004 - March 2005	4157	3377	780	19
April 2005 - March 2006	4695	3662	1033	22
April 2006 - March 2007	4308	3315	993	23
April 2007 - March 2008	4065	3267	798	20
April 2008 - March 2009	3467	2797	670	19
April 2009 - March 2012	3044	2409	635	21
April 2010 - March 2011	2928	2398	530	18
April 2011 - March 2012	2796	2312	484	17
April 2012 - <b>December 2012</b>	1834	1490	344	19
<b>Grand Total</b>	<b>31294</b>	<b>25027</b>	<b>6267</b>	<b>20</b>

Table 2

This reduction is testament to the increased police resource and partnership initiatives that have been undertaken to address crime and disorder in the NTE in Hartlepool including the Taxi Marshalling Scheme and the Hartlepool Town Pastors. Since January 2010, police officers have been issuing Directions to individuals to leave a locality. These are appropriate where an individual's presence is likely to cause or contribute to the occurrence, repetition or continuance of alcohol-related crime and disorder in a locality and their removal is necessary for the purpose of removing or reducing the likelihood of there being such crime or disorder in the locality. These provisions are contained in section 27 of the Violent Crime Reduction Act 2006 as amended by section 31 of the Policing and Crime Act 2009.

Directions to leave prohibit an individual's return to that locality for a specified period, not exceeding 48 hours. They are a preventative measure intended to pre-empt behaviour and prevent escalation by dealing with an issue at an early stage in order to prevent the likelihood of alcohol related crime or disorder arising. During the financial year 2011/12, police issued 399 Directions to Leave in the NTE, with 73% issued between midnight and 3am as displayed in the following chart (chart 1); therefore potentially preventing almost 400 incidents from occurring.



The use of Directions to Leave, Drink Banning Orders and Anti Social Behaviour Orders, which have an exclusion zone in the CIA, are all useful tools to prevent and deter crime and disorder and are used and pursued proactively. Drink Banning Orders were first used in Hartlepool in January 2011. As of January 2013, 23 of these orders had been issued by the Court to individuals, with 18 excluding the individual from the NTE.

Whilst overall crime reduction has been significant in the CIA, there has been no significant reduction in the percentage of offences which occur in this area and in particular violence offences continue to be of concern.

### **Violence and the NTE – All Days**

Total violence offences in Hartlepool between 9pm and 6am had reduced by 50% in 2011/12 (774 offences) compared to 2005/06 (1535 offences), and by 53% in the CIA (from 597 to 248 offences). However, on average, more than one third of all violence offences between 9pm and 6am continue to occur in the CIA (Table 3).

Financial Year	Total Violence Against the Person (VAP) Offences between 9pm and 6am	VAP Outside CIA	VAP Inside CIA	% Total VAP in CIA
April 2004 - March 2005	1158	769	389	34
April 2005 - March 2006	1535	938	597	39
April 2006 - March 2007	1412	813	599	42
April 2007 - March 2008	1160	729	431	37
April 2008 - March 2009	817	500	317	39
April 2009 - March 2012	893	549	344	39
April 2010 - March 2011	791	533	258	33
April 2011 - March 2012	774	526	248	32
April 2012 - December 2012	545	370	175	32
<b>Grand Total</b>	<b>9085</b>	<b>5727</b>	<b>3358</b>	<b>37</b>

Table 3

As previously mentioned, prior to 2005 the NTE was empty of revellers by around 3am. The following tables (Table 4 and Table 5) identify how there has been a shift in the times of offences being committed since the introduction of extended licensing hours.

Violence Offences in the CIA 9pm - 6am				% Violence Offences in the CIA 9pm - 6am			
Hour	2005-06	2008-09	2011-12	Hour	2005-06	2008-09	2011-12
21:00 - 22:00	42	14	13	21:00 - 22:00	7.04%	4.42%	5.24%
22:00 - 23:00	60	22	16	22:00 - 23:00	10.10%	6.94%	6.45%
23:00 - 00:00	92	27	31	23:00 - 00:00	15.41%	8.52%	12.50%
00:00 - 01:00	112	62	47	00:00 - 01:00	18.76%	19.53%	18.95%
01:00 - 02:00	125	73	49	01:00 - 02:00	20.93%	23.03%	19.76%
02:00 - 03:00	126	71	45	02:00 - 03:00	21.11%	22.40%	18.15%
03:00 - 04:00	30	34	32	03:00 - 04:00	5.03%	10.73%	12.90%
04:00 - 05:00	10	13	15	04:00 - 05:00	1.68%	4.10%	6.05%
05:00 - 06:00	0	1	0	05:00 - 06:00	0.00%	0.32%	0.00%
<b>Total Offences</b>	<b>597</b>	<b>317</b>	<b>248</b>				

Table 4

Table 5

In 2011/12, 19% of violence offences in the CIA were recorded between 3am and 6am, compared to 7% in 2005/06. At the end of the 3<sup>rd</sup> quarter (31<sup>st</sup> December 2012) in the current financial year 2012/13, 10% of violence offences in the CIA had been recorded between 3am and 6am. The distribution of offences displayed in the following chart (Chart 2) may suggest that the objective of the licensing act to disperse people more slowly over a longer period has been achieved. In real policing terms, officers dealing with incidents in the NTE over this prolonged period are not available to patrol elsewhere to provide proactive and reassurance policing for the wider population.

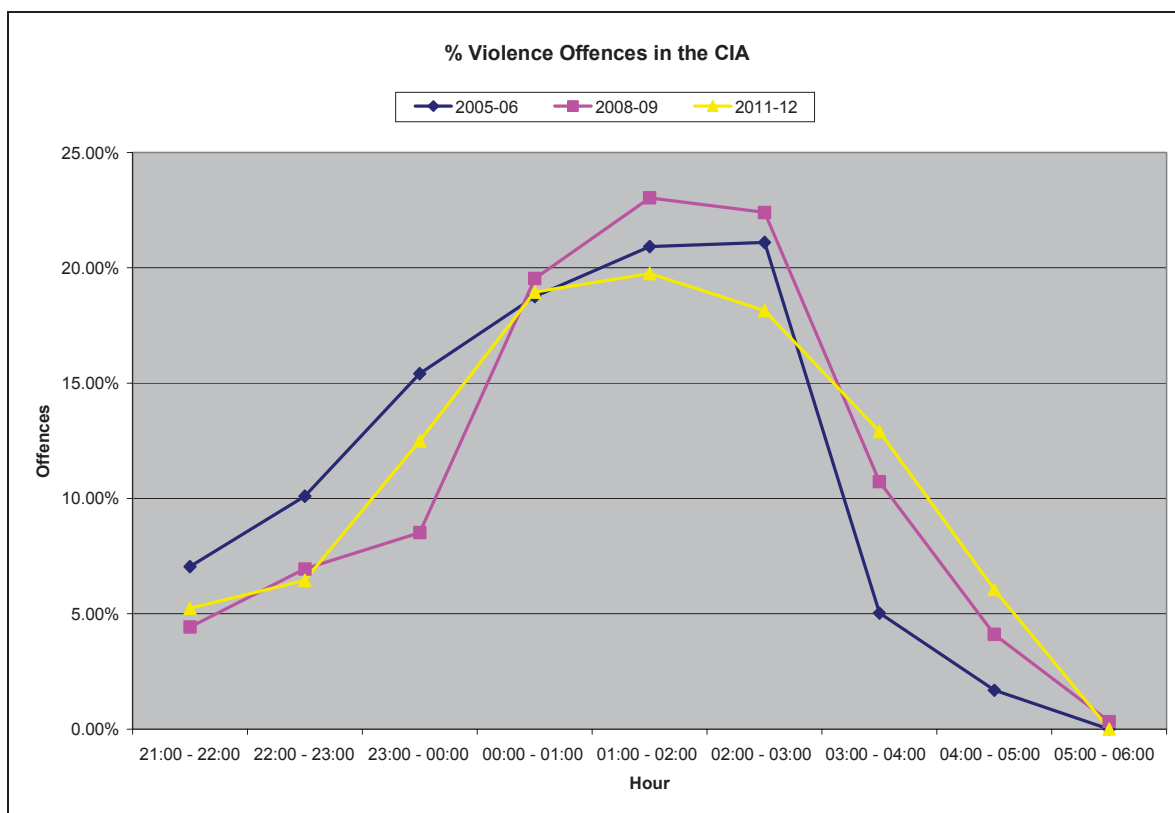


Chart 2

## Violence and the NTE – Weekends<sup>2</sup>

Weekend Violence Offences in the CIA in 2011/12 have reduced by 57% when compared to 2005/06. However, 21% of violence offences in the CIA were recorded between 3am and 6am, compared to 8% in 2005/06 (Tables 5 & 6 and Chart 3). At the end of the 3<sup>rd</sup> quarter (31<sup>st</sup> December 2012) in the current financial year 2012/13, 11% of violence offences in the CIA had been recorded between 3am and 6am.

Violence Offences in the CIA 9pm - 6am - Weekends				% Violence Offences in the CIA 9pm - 6am - Weekends			
Hour	2005/06	2008/09	2011/12	Hour	2005/06	2008/09	2011/12
21:00 - 22:00	23	8	12	21:00 - 22:00	4.68%	3.34%	5.66%
22:00 - 23:00	37	15	12	22:00 - 23:00	7.53%	6.27%	5.66%
23:00 - 00:00	64	14	22	23:00 - 00:00	13.03%	5.85%	10.37%
00:00 - 01:00	94	43	37	00:00 - 01:00	19.14%	17.99%	17.45%
01:00 - 02:00	117	58	44	01:00 - 02:00	23.82%	24.26%	20.75%
02:00 - 03:00	118	60	41	02:00 - 03:00	24.03%	25.10%	19.33%
03:00 - 04:00	29	28	30	03:00 - 04:00	5.90%	11.71%	14.15%
04:00 - 05:00	9	12	14	04:00 - 05:00	1.83%	5.02%	6.60%
05:00 - 06:00	0	1	0	05:00 - 06:00	0%	0.41%	0%
<b>Total Offences</b>	<b>491</b>	<b>239</b>	<b>212</b>				

Table 5

Table 6

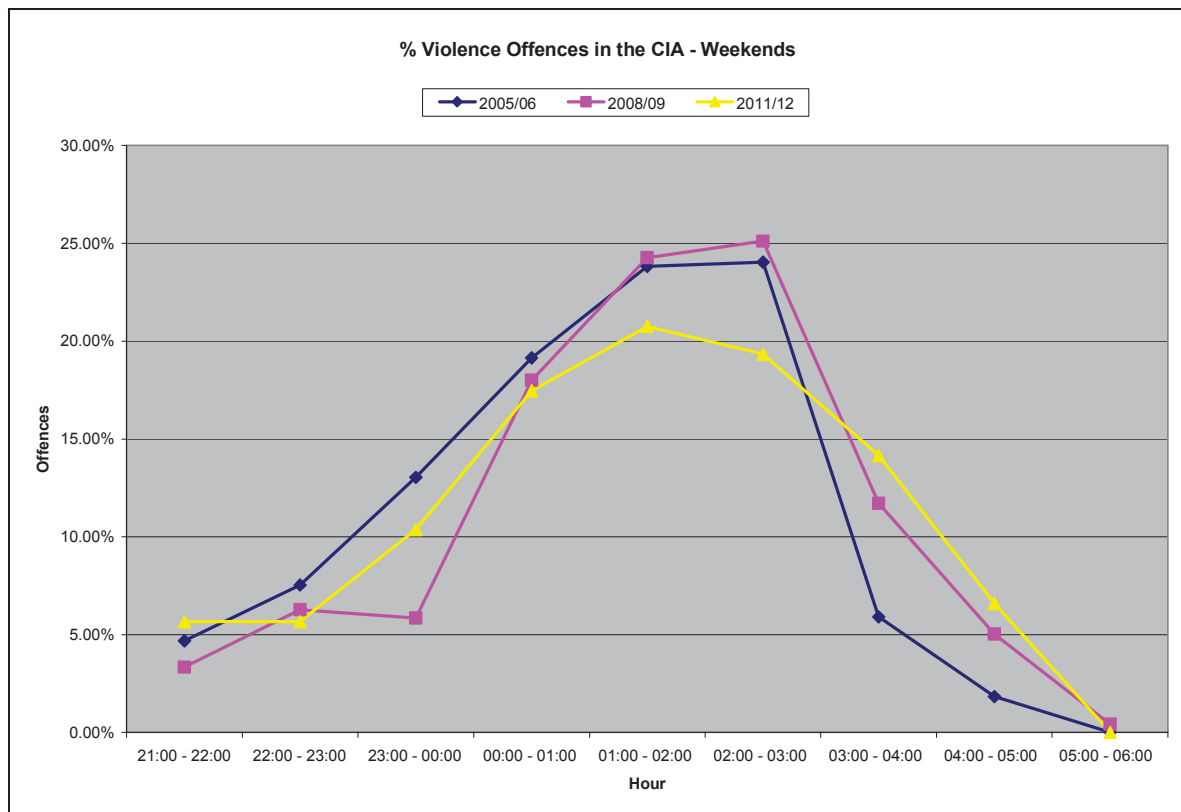


Chart 3

<sup>2</sup> Weekend period: Fridays, Saturdays and Sundays from 9pm to 6am

## Anti-Social Behaviour and the NTE

In April 2011 changes were introduced to the National Standard for Incident Recording (NSIR). The previous 14 Police anti-social behaviour incident categories have been simplified and reduced to just three categories; Personal, Nuisance and Environmental<sup>3</sup>. Owing to these changes the ability to undertake comparative analysis with previous years is not possible. Therefore data in this document compares April to December 2012 with April to December 2011.

Anti-social behaviour (ASB) in the CIA equated to 17% of all Anti-social behaviour recorded in Hartlepool between April and December 2012, an increase of 2% compared with the same period in 2011. This said, ASB in the CIA is experiencing a downward trend and figures for April to December 2012 identify that there has been a 16% reduction in incidents compared to the same period in the previous year (Table 7 & Chart 4).

Month	2011				2012			
	All ASB	ASB Outside CIA	ASB Inside CIA	% ASB in CIA	All ASB	ASB Outside CIA	ASB Inside CIA	% ASB in CIA
Apr	882	745	137	15.53	507	418	89	17.55
May	786	673	113	14.38	559	484	75	13.42
Jun	732	639	93	12.70	523	439	84	16.06
Jul	886	775	111	12.53	651	539	112	17.20
Aug	784	636	148	18.88	631	515	116	18.38
Sep	773	679	94	12.16	627	525	102	16.27
Oct	760	647	113	14.87	568	484	84	14.79
Nov	663	562	101	15.23	505	430	75	14.85
Dec	535	427	108	20.19	527	411	116	22.01
<b>Total</b>	<b>6801</b>	<b>5783</b>	<b>1018</b>	<b>14.97</b>	<b>5098</b>	<b>4245</b>	<b>853</b>	<b>16.73</b>

Table 7

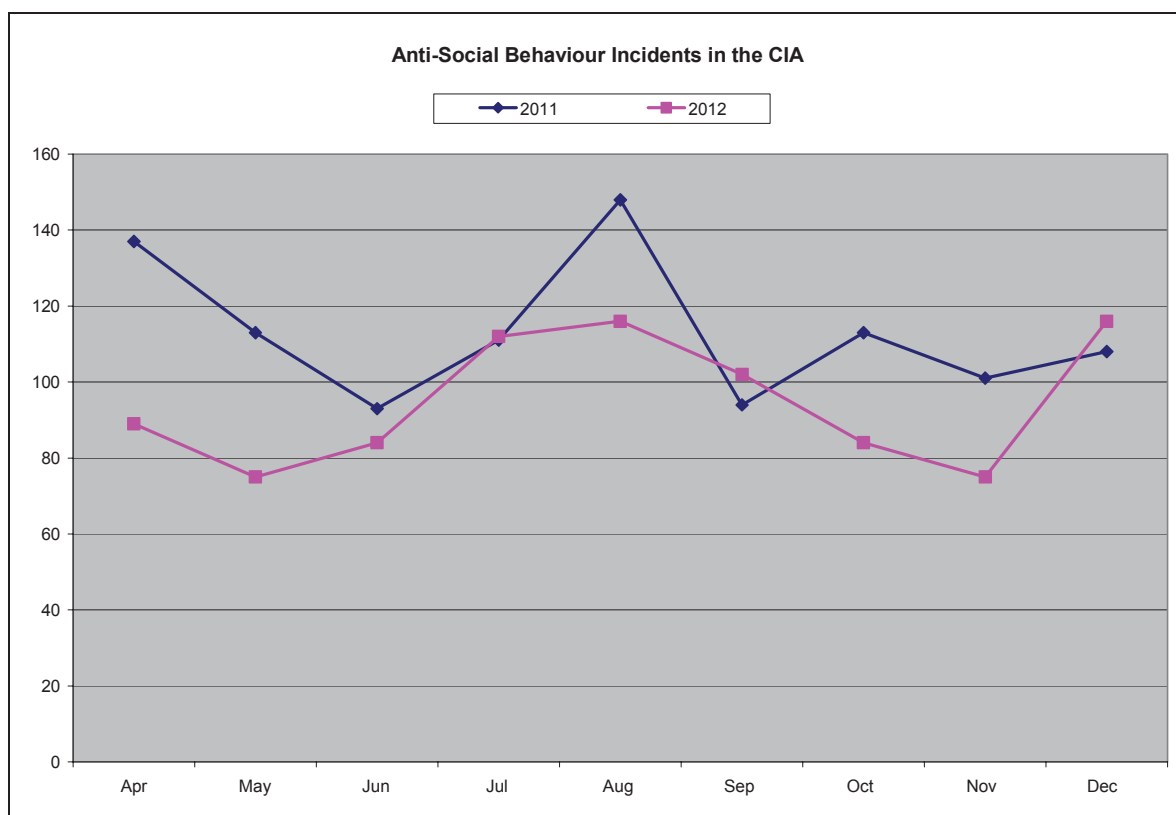


Chart 4

<sup>3</sup> From April 2011 a new set of three simplified categories for anti-social behaviour was introduced - '**Nuisance**' – incidents where an act, condition, thing or person causes trouble, annoyance, irritation, inconvenience, offence or suffering to the local community in general rather than to individual victims.

'**Personal**' – incidents that are perceived as either deliberately targeted at an individual or group, or having an impact on an individual or group rather than the community at large. '**Environmental**' – incidents where individuals and groups have an impact on their surroundings, including natural, built and social environments.

ASB incidents between the hours of 9pm and 6am in the CIA reduced by 22% in the period April to December 2012 compared to the same period in the previous year. Despite this decrease, analysis identifies that more than half of all recorded incidents in the CIA continue to occur during this time frame (Table 8), with almost one quarter (23%) recorded between 3 and 6am during the period April to December 2012; a 4% increase compared to the same period in the previous year (Table 9).

	% Incidents			% Incidents		
	All ASB 2011	ASB 9pm - 6am 2011	9pm - 6am 2011	All ASB 2012	ASB 9pm - 6am 2012	9pm - 6am 2012
Apr	137	71	51.82	89	56	62.92
May	113	67	59.29	75	32	42.67
Jun	93	48	51.61	84	47	55.95
Jul	111	66	59.46	112	63	56.25
Aug	148	80	54.05	116	66	56.90
Sep	94	53	56.38	102	46	45.10
Oct	113	67	59.29	84	33	39.29
Nov	101	44	43.56	75	35	46.67
Dec	108	76	70.37	116	71	61.21
<b>Total</b>	<b>1018</b>	<b>572</b>	<b>56.19</b>	<b>853</b>	<b>449</b>	<b>52.64</b>

Table 8

Hour	Apr-Dec 11	Apr-Dec 12
21:00 - 22:00	62	44
22:00 - 23:00	51	63
23:00 - 00:00	74	55
00:00 - 01:00	80	66
01:00 - 02:00	99	59
02:00 - 03:00	88	57
03:00 - 04:00	65	71
04:00 - 05:00	34	28
05:00 - 06:00	5	6
<b>Total</b>	<b>558</b>	<b>449</b>

Table 9

### **Weekend ASB and the NTE**

ASB occurring in the CIA over a weekend period in April to December 2012 had reduced by 24% in comparison to the same period in the previous year, from 467 incidents to 357 incidents. Despite this reduction incidents recorded between 3am and 6am have increased by 13% from 89 in April to December 2011 to 101 in April to December 2012 (Table 10).

Hour	Apr-Dec 11	Apr-Dec 12
21:00 - 21:59	38	24
22:00 - 22:59	46	41
23:00 - 23:59	56	43
00:00 - 00:59	70	48
01:00 - 01:59	88	48
02:00 - 02:59	80	52
03:00 - 03:59	56	69
04:00 - 04:59	29	27
05:00 - 05:59	4	5
<b>Total</b>	<b>467</b>	<b>357</b>

Table 10

## **Alcohol Related ASB and the NTE**

Alcohol related ASB recorded on all days between 9pm and 6am in the CIA reduced by 26% in the period April to December 2012 compared to the same period in the previous year. Nevertheless, alcohol related ASB in this area accounted for 40% of all alcohol related incidents recorded in Hartlepool during both April to December 2011 and April to December 2012 (Table 11).

April - Dec 2011				April - Dec 2012			
All Alcohol Related ASB	Alcohol Related ASB in the CIA	Alcohol Related ASB outside the CIA	% Alcohol Related ASB in the CIA	All Alcohol Related ASB	Alcohol Related ASB in the CIA	Alcohol Related ASB outside the CIA	% Alcohol Related ASB in the CIA
698	277	421	39.68	510	206	304	40.39

Table 11

## **Relevant Findings from the Safer Hartlepool Partnership Annual Strategic Assessment**

The most recent Strategic Assessment covers the period October 2011 to September 2012. This document identified that violence affects more victims in Hartlepool than any other offence type and that alcohol increases the vulnerability of those victims.

In the occurrence of violent crime, links to the NTE are evident with 25% of victims of violence suffering their injury between the hours of 9pm and 6am within the CIA. One quarter of these victims were aged between 18 and 24 years with 20% of offences committed at licensed premises.

Binge drinking and the occurrence of alcohol related crime, specifically violent crime are interlinked. This is evident in arrest data. During the reporting period (Oct 11 – Sept 12) there were 2,102 alcohol related arrests in Hartlepool, 21% of which were linked to violence.

It should be noted that the Licensing Authority does not believe that violent crime and anti-social behaviour should be regarded as an inevitable or acceptable consequence of a vibrant night time economy.

Consideration could be given to using the following example:

*Over the last three years, crowds at Hartlepool United Football Club have averaged between 3 and 6 thousand per match. Despite this number of individuals being in the same place for 2 hours, there have only been 2 arrests during this time.*

## **Summary of Key Findings**

- Early Morning Alcohol Restriction Orders (EMRO) enables licensing authorities to restrict the sale of alcohol in the whole or part of their area.



- The 2003 Licensing Act led to the de-regulation of licensing laws and the relaxation of closing times for licensed premises.
- Extended licensing hours for premises in Hartlepool commenced in November 2005.
- It was anticipated that extended licensing hours in Hartlepool would have a positive impact on the Night-Time Economy (NTE), leading to the safer dispersal of patrons and a reduction in crime and disorder flashpoints which were experienced at 2am when licensed premises closed.
- Since November 2005, the licensing changes have reconfigured the NTE in Hartlepool, particularly in terms of Policing, where it has been necessary to increase the level of resources dedicated to NTE due to the extended licensing hours and associated alcohol related crime and disorder.

### **Crime**

- In the financial year 2011/12, total recorded crime in Hartlepool had reduced by 39% compared to 2005/06.
- Crime recorded between the hours of 9pm and 6am had also reduced significantly 40% and 53% for the whole town and CIA respectively.
- The Police and Partnership have undertaken a range of initiatives and made best use of tools and powers introduced by the Violent Crime Reduction Act 2006 to prevent, deter and detect crime associated with the NTE.
- Despite an overall reduction in crime in Hartlepool, violence associated with the NTE continues to be of concern particularly in the CIA.
- During 2011/12 almost one third (32%) of violence associated with the NTE occurred within the CIA, with 8 in 10 offences occurring over the weekend period between the hours of midnight – 5am. A temporal shift in the distribution of violence offences in the CIA is evident with 21% of offences occurring between 3am – 6am during 2011/12, compared to 8% in 2005/06. However it is noted that offence levels remain at their highest from midnight to 3am.

### **Anti-social Behaviour**

- ASB in the CIA is experiencing a downward trend with a 16% reduction in April to December 2012 compared to April to December 2011, however;
- 17% of all ASB incidents recorded in Hartlepool from April to December 2012 occurred in the CIA.
- More than half of all recorded ASB in the CIA continues to occur between 9pm and 6am
- In the period April to December 2012, 24% of ASB in the CIA was recorded between 3am and 6am.

- ASB recorded between 3am and 6am during the weekend period increased by 13% in April to December 2012 compared to the same period in 2011.
- Data relating to Alcohol Related ASB identifies reductions in the CIA, however this data is subjective as it relies on the application of qualifiers.



## Hartlepool Intelligence Unit

# **Night time economy violence overview January 2011 – February 2013**

Maps in this document are based upon Ordnance Survey Material with the permission of Ordnance Survey on behalf of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Cleveland Police, PA100021138, 2013.

<b>Reference Number:</b>	<b>H1.SD.18.13</b>
<b>Prepared By:</b>	<b>Cleveland Police Analyst</b>
<b>Date:</b>	<b>10/04/2013</b>

This briefing document has been prepared for the purpose of reviewing NTE Violence, it has been completed at the request of T/Chief Inspector Rukin. It contains Intelligence in an abridged format and may contain 'Sensitive Material' as defined in the Attorney General's guidelines for the disclosure of "Unused Material" to the defence and therefore may be subject to the concept of public interest immunity.

No part of this document may be copied or disclosed to the defence without prior reference to T/Chief Inspector Rukin.

Approved \_\_\_\_\_

Date \_\_\_\_\_

## **Introduction**

The purpose of this document is to provide an overview of violent crime linked to the night time economy (NTE) in Hartlepool District. It covers the period between January 2011 and February 2013.

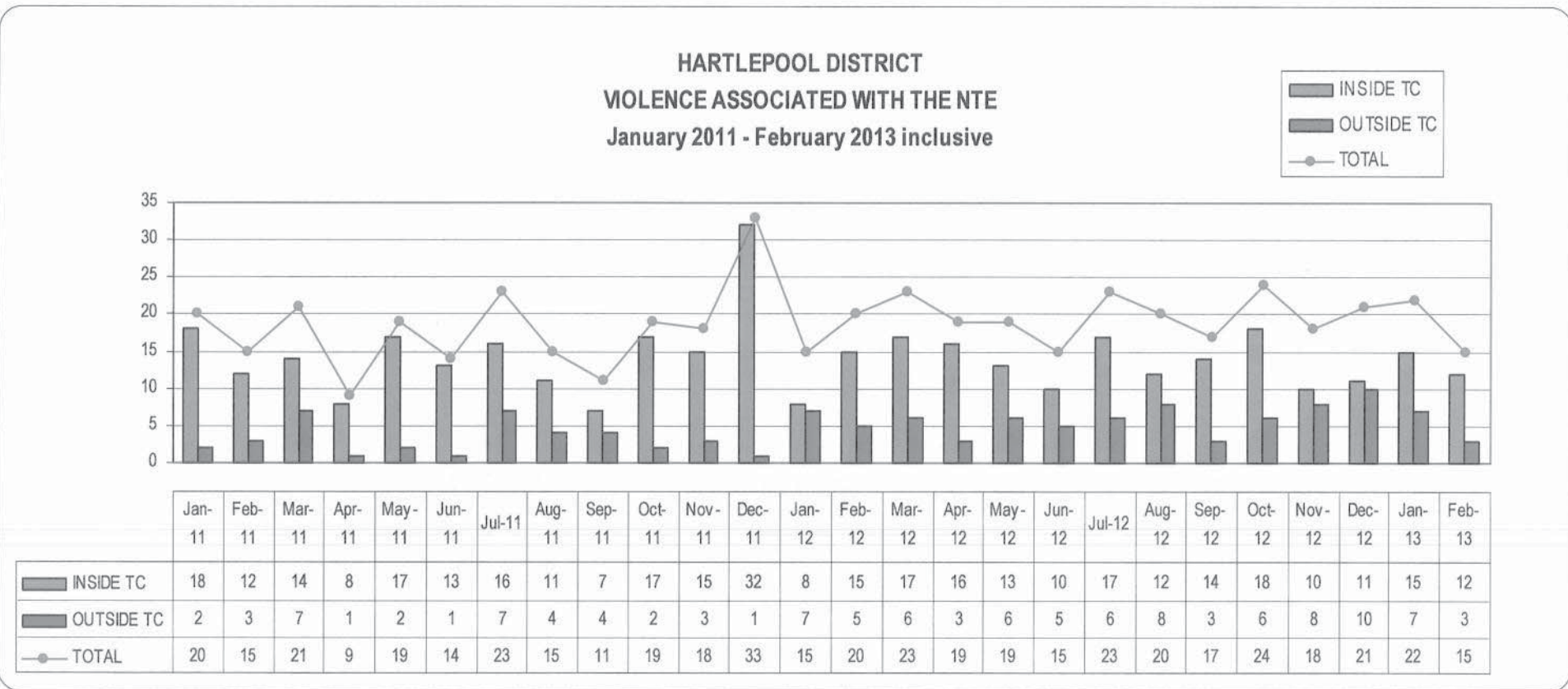
Violence linked to the NTE has been identified by researching all violence offences, identifying if they are linked to the night time economy regardless of day and time and included those offences that have been identified as committed at a licensed premise or which have a licensed premise name. Offences that have occurred within the Middleton Grange Shopping Centre have been removed prior to analysis.

This report has been compiled using a variety of data sources including Watson Xanalys, MapInfo and Excel.

This report is initially for police purposes and has therefore been given a GPMS classification of 'Restricted'. Should this document be required for a wider audience, authorisation should be sought from T/Chief Inspector Rukin.

## Summary

The chart presented below illustrates all violent offences linked to the NTE between January 2011 and February 2013. The blue columns represent offences within the town centre (TC) boundary whilst the purple columns refer to offences that occurred outside of the boundary.





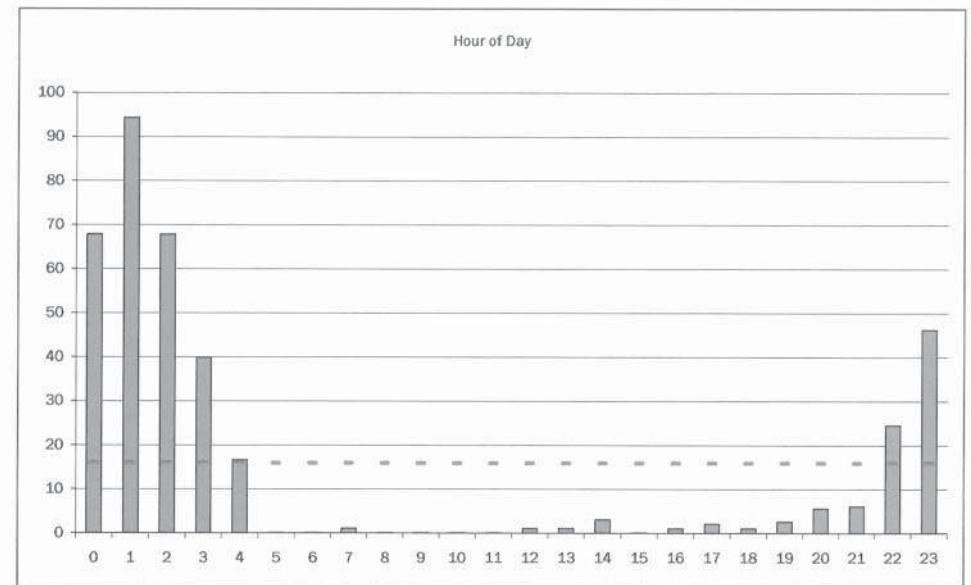
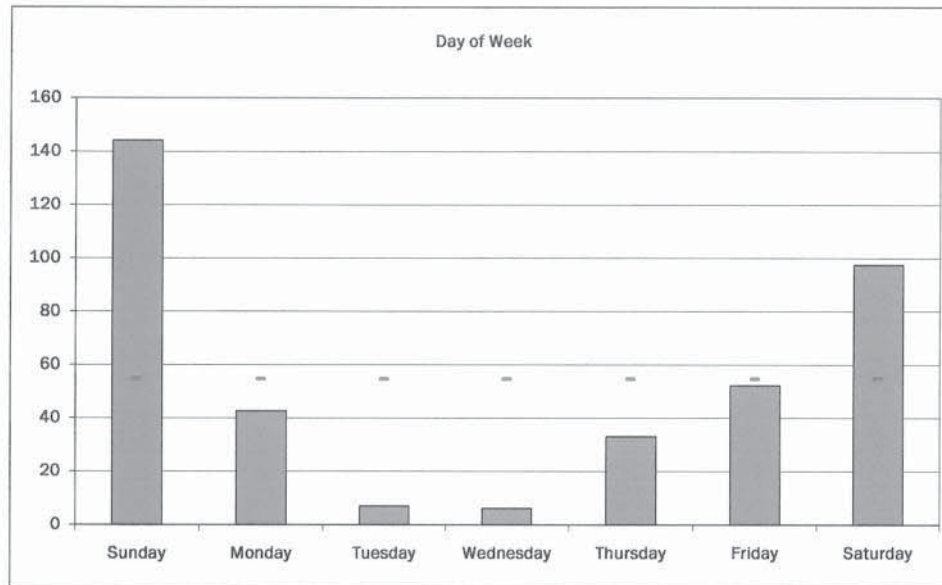
**RESTRICTED**

The map below illustrates the town centre boundary area.



**RESTRICTED**

As expected, violence offences linked to the NTE predominately occur on a weekend period, with an above average number of offences occurring on a Sunday, followed by a Saturday and Friday.



The table below provides the key times when offences have occurred and the % coverage.

Time period	Start time	End time	% coverage
2 hours	00:00	01:59	42%
4 hours	23:00	02:59	72%
6 hours	22:00	03:59	89%
8 hours	21:00	04:59	95%



**Appendix 1: Hartlepool Cumulative Impact Area**





Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT

## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003



A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

A responsible authority ☒

Name:

Louise Wallace  
Director of Public Health

Address:

Level 4  
Civic Centre  
Victoria Road  
Hartlepool

Postcode: TS24 8AY

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

Hartlepool

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

### **The prevention of crime and disorder**

I would support the introduction of the EMRO on the basis of the following evidence:

Evidence collected by Safer Hartlepool Partnership Strategic Assessment between 2007 & 2012 shows that it is reasonable to suggest that the majority of offences are linked to the night-time economy with temporal analysis indicating that offences predominantly occur over the weekend period between 2300 – 0400 hrs, along with both hotspot locations being situated within an area that is densely populated by licensed premises.

Almost two thirds of adult victims of non-domestic violence are males, increasing to 70% when the offence resulted in the victim suffering physical injury. Analysis has identified that alcohol increases the vulnerability of victims. Links to the night time economy are evident with 25% suffering their injury between the hours of 9pm and 6am within the Local Authority Cumulative Impact Area. One quarter of these victims were aged between 18 and 24 years with 20% of offences committed at licensed premises. Alcohol is associated with a range of crimes but plays a particular factor in violent crime and anti-social behaviour.

SHP Strategic Assessment

### **Public safety**

Data obtained from the Local Alcohol Profiles for England (LAPE) indicates that 19% of Hartlepool's population aged 16 and over is estimated to drink at above the recommended safe limits, at increasing risk levels or above.

- Almost 7% of the population, approximately 4,800 people, are drinking at higher risk levels, double the recommended safe levels or above.
- Over one quarter of the population, approximately 20,000 people, are binge drinkers.

Indicators regularly monitored via the Local Alcohol Profiles for England (LAPE) indicate that alcohol is having a greater adverse effect on health and community safety issues in Hartlepool, with the majority of measurements for Hartlepool being above the regional average.

The number of hospital admissions for alcohol-attributable conditions is a key indicator used across the country to measure progress in reducing alcohol-related harm. During 2010/11 Hartlepool experienced a large increase in its admission rate, however subsequent quarterly admission rates for 2011/12 show continuous reductions with the final rate being 7.3% lower than the previous year and represent the largest reduction in the North East.

The rate of Under 18s admitted to hospital with alcohol related conditions is of

concern with Hartlepool having the second highest admission rate in the Cleveland area.

It is acknowledged that price, availability and social attitudes all contribute to the alcohol agenda.

LAPE

### **The prevention of public nuisance**

Analysis of the 7316 incidents of Anti-Social Behaviour recorded by Cleveland police identifies that more than 1100 (16%) were classified as alcohol related; one quarter of these also involved young people. More than half of these incidents occurred in the Victoria and Headland & Harbour wards where 31% and 22% were recorded respectively. Most commonly, alcohol related incidents occurred over the weekend period (67%) with more than two thirds recorded during the hours of 6pm and 4am. In addition, almost 13,000 public safety/welfare incidents were recorded in the reporting period, of which 10% were alcohol related with temporal analysis reflective of alcohol related anti-social behaviour. The majority of these incidents were recorded in the South & central Neighbourhood area (64%) with more than a quarter occurring in the Victoria ward.

SHP Strategic Assessment

### **The protection of children from harm**

There are concerns about the consumption of alcohol and the behaviour of adults and how this impacts on children. It is evident that large volumes of alcohol are being consumed in the home or other domestic environments and is purchased from the off-trade.

There is good evidence that the factors which increase alcohol consumption are: low cost alcohol, the proximity and density of premises selling alcohol and the length of opening times. Together these factors render alcohol more affordable, more available and therefore easier to consume. Research also shows that children are impacted by the drinking behaviour of their parents and other adults in their community, this can cause both immediate and long term harms such as being exposed to domestic violence (related to alcohol), neglect and child abuse. We know that the drinking habits of parents and adults impacts on the future drinking habits of a young person, which can go on to affect their future health and life opportunities.

### **Part 3 – Declaration**

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

Louise Wallace, Director of Public Health, Hartlepool
---

Date

28 <sup>th</sup> March 2013
-----------------------------

### **Notes for Guidance**

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

A responsible authority



REGENERATION & NEIGHBOURHOODS  
DEPARTMENT  
26 MAR 2013

Name:

CONFIDENTIAL

Address:

CONFIDENTIAL

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

All the 13 premises which stay open till 4 am.

I Strongly Support the council  
in using an EMRO to restrict alcohol  
sales after 2am as soon as possible.

Please state clearly, in the relevant box below, the evidence on which you intend to  
rely in support of your representations and what the likely effect of the proposal to  
make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order  
on the promotion of the licensing objectives. Those making representations may  
provide evidence in relation to one or more of the licensing objectives.

## BENEFITS OF RESTRICTING ALCOHOL SALES AFTER 2 AM :-

### The prevention of crime and disorder

For example - fewer assaults  
in the town centre, fewer crimes of  
rape, vandalism + domestic violence.  
• saving of police time + money.  
• saving of time prosecuting offenders of  
criminal justice system

### Public safety

Time would be saved by  
ambulances + paramedics - who deal with  
• Drink-driving is a major hazard <sup>with binge drinking.</sup>  
causing death + permanent injury  
to innocent people.

### The prevention of public nuisance

- Yes - loud noise esp. of young  
binge drinkers at the weekends.  
- reduced aggression to A+E staff +  
police; taxi drivers

### The protection of children from harm

Yes - domestic violence + alcohol abuse  
lead to relationship breakdown, + neglect  
+ abuse of children as well as physical  
+ psychological injury.

PTO

REGENERATION & NEIGHBOURHOODS  
DEPARTMENT

26 MAR 2013

- I have worked all my life in the public sector helping families with problems.
- Further benefits from using EMRO's would be:-
- Reduced sickness absence from work or school.
- Reduced demand for NHS care ~~for~~ alcohol related disease, especially liver disease among young people.
- The government is turning a blind eye to binge drinking.
- Alcohol after 2am also damages students of all ages in school, college + university. Students cannot concentrate + are sleep deprived.
- Reduced pressure on A+E departments freeing up resources for other health emergencies.

Can Harlepool Council be innovative + take this bold step - even though it will reduce the profits of the alcohol industry?

Thank you for inviting feedback. Please do not publish this response - + I do not wish to provide further evidence. Please do not publish my name.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

21-3-2013

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT





Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☒

A responsible authority

☐

Name:

Charlotte Presser
-------------------

Address:

CONFIDENTIAL	

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

There won't be hopefully as many accidents or wastage of police time.  
The bars would gain better business closing early.

Public safety

Will be safer for the public and  
will be quieter for residents.

The prevention of public nuisance

Fewer calls for 999 and police etc.

The protection of children from harm

Children would be under better protection as the streets would be quieter. Less fights, hassle, people won't be as drunk.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

18 / 2 / 13

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☒

A responsible authority

☐

Name:

Seaton Carew resident.

Address:

Seaton Carew

Postcode TS25

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

HARTLEPOOL TOWN CENTRE AREA / CHURCH ST. / MARINA

REGENERATION & NEIGHBOURHOODS  
DEPARTMENT

13 MAR 2019

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

Agree with the proposal to restrict the sale of alcohol in the specified period.

Public disorder, crime & unsocial activities are common in this area and are as a direct result of drunk groups & individuals.

Public safety

Unsocial behaviour / drunk and disorderly behaviour poses a real threat to safety of others in the area, as well as those living in close proximity. The sale of alcohol up to 2am provides a reasonable solution & reduces

The prevention of public nuisance

as above.

REGENERATION & NEIGHBOURHOODS  
DEPARTMENT  
13 MAR 2013

The protection of children from harm

Despite the requirement for individuals to be 18 to drink / enter licensed establishments, there is clear evidence of underage people engaging in drinking. Restricting the hours of sale & hours pubs can open at least mitigates the harm to some extent.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

Seaton Carew resident.

Date

11-3-13

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

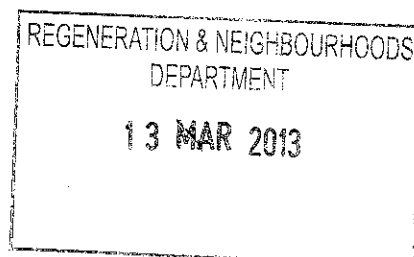
A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT



M. AMFRIGO

CONFIDENTIAL

I AGREE WITH THE 2 o'clock  
FINISH BECAUSE THE TRAFFIC  
WOULD BE LESS BECAUSE  
THERE WOULD HAVE TWO  
HOURS LESS TO DRINK.

CONFIDENTIAL

REGENERATION

DEPARTMENT

14 MAR 2013

14 MAR 2013



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☒

A responsible authority

☐

Name:

MICHAEL AMBRIGO

Address:

CONFIDENTIAL

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)



Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

Public safety

The prevention of public nuisance .

I AM A TAXI DRIVER IN  
HARGREPOLE AND THE AMOUNT OF TROUBLE  
AFTER 2 AM. MEANS THE POLICE ARE STRECHED  
AFTER THIS TIME SO I THINK IT SHOULD  
GO BACK TO 2 O'CLOCK AS SOON AS POSSIBLE

The protection of children from harm

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL	
--------------	--

Date

17.2.13
---------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority



A responsible authority



Name:

Sirous Alizadeh

Address:

Church Street Hartlepool.  
(Pizza hart)

Postcode TS24 7DE

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

Church Street. We need to close and stop servicing alcohol after 2 AM.

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

People start drinking early before going out and by late hours drinking most young people they got out of control.

Public safety

We can guarantee safety by taking this back 2 o'clock. As it's easier to control it for police. Long hours harder and long hours of crime in streets of Hartlepool.

The prevention of public nuisance

As I said it would help other people who want to have good time they have to deal with really drunk and aggressive people who are wasted with long hours drinking and bring problem to other businesses.

The protection of children from harm

We really have chance here to protect our children from this behaviour by reduce hours to 2am. As longest hours of serving alcohol make them drink more and make crime.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL	
--------------	--

Date

13, 3, 2013
-------------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

A responsible authority



Name:

Abraham Shakiba

Address:

Whitby St  
Hartlepool "Donnatellos"

Postcode TS24 7DF

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

I feel the longer opening times are causing more crime for longer periods of time.

The Police are busy enough and could be dealing with other crimes.

Public safety

The more people drink alcohol the more violent they get, which causes more fights + attacks on innocent people, therefore I agree to alcohol not been sold after 2AM

The prevention of public nuisance

Again longer drinking hours cause groups of people causing problems for other people and the police.

The protection of children from harm

Due to underage drinking, young people are drinking now until 3.30 AM! Making them runnable and sick. closing earlier would allow young people to get off the streets earlier.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

	CONFIDENTIAL	
--	--------------	--

Date

11,03,13
----------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT



Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☒

A responsible authority

☐

Name:

GARY CRANNEY
--------------

Address:

CONFIDENTIAL	

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)
--

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

The late drinking causes Anti Social behaviour  
\* nuisance's to neighbours, Fighting - Shouting

Public safety

Again Fighting and ~~shooting~~ shooting due to  
large Intoxication

The prevention of public nuisance

Damage + Vandalism to homes + Stores

The protection of children from harm

Abuse after to much alcohol to children  
or other family members

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL	
--------------	--

Date

174-2-13
----------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

A responsible authority



Name:

Majid Musa

Address:

34 Church Street  
Hartlepool «Mario takeaway»

Postcode TS24 7DG

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

MOST OF PEOPLE START DRINKING EARLY AND WITH THIS NEW LAW WE LET THEM TO CONTINUE DRINKING TILL 4AM WHICH I THINK IT WOULD CAUSE ALL SORT OF PROBLEMS.

Public safety

AND MORE DRINK OF ALCOHOL AS WE ALL KNOW MAKE MOST PEOPLE ~~W~~ VILENT SPECIALY YOUNGERS AND GO OUT TO GET DRUNK BY 4AM AND MAKE CRIME AND I THINK CLOSING 2AM TAKE THAT MUCH VILENT AWAY FROM STREETS OF HARTHEROOL.

The prevention of public nuisance

CAUSING LOADS PROBLEM FOR POLICE AND STOP POLICE TO WORK ON DIFFERENT CRIMES. COS POLICE IS BUSY ENOUGH WITHOUT LONG HOURS DRINKING PROBLEMS.

The protection of children from harm

WITH 4AM LAW DRINKING MOST OF YOUNG AGE GROUPS ARE INVOLVED IN ALL CRIMES. THIS GROUPS OF YOUNG PEOPLE CAUSING PROBLEM IF WE STOP AT 2AM WE SURELY PROTECT OUR CHILDREN. —

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

12.3.13

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☒

A responsible authority

☐

Name:

MARJORIE BARNOW

Address:

CONFIDENTIAL

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

/

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

LATE DRINKING CAN CAUSE ANTI SOCIAL  
BEHAVIOUR - NUISANCE TO NEIGHBOURS, NOISE ETC.

Public safety

FIGHTING DUE TO TOO MUCH ALCOHOL.

The prevention of public nuisance

NOISE, DAMAGE TO PROPERTIES ETC.

The protection of children from harm

ABUSIVE BEHAVIOUR TO OTHER FAMILY MEMBERS



### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL	
--------------	--

Date

18/2/13
---------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

JG&P John Gaunt  
& Partners

Licensing Solicitors  
0114 266 8664

# Response to Hartlepool Proposal to Introduce an EMRO



## Response to Hartlepool Proposal to Introduce An EMRO

### **Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003**

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. (Please read guidance note 1)

A responsible authority or any other person may make representation during the 42 day period from the day after the day on which the proposal is advertised

#### **Part 1 – Personal Details**

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☒

A responsible authority

☐

(a) Name: John Gaunt & Partners on behalf of Marston's Plc

Address: Omega Court, 372-374 Cemetery Road Sheffield S11 8FT

(b) Name: Marston's Plc

Address: Marston's House, Wolverhampton WV1 4JT

Status: An individual or body which is not a responsible authority.

Description: Major Regional Brewer and Pub Company operating Pubs nationally.

#### **Part 2 Representations**

*Please describe the early morning alcohol restriction order in relation to which you are making representations (Please read guidance note 2)*

Early morning Alcohol Restriction Order (EMRO) proposed to apply to the town centre area of Hartlepool incorporating, amongst others, Victoria Road and adjoining streets, Church Square and Church Street.

## Response to Hartlepool Proposal to Introduce An EMRO

*Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.*

*A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representation may provide evidence in relation to one or more of the licensing objectives.*

1. Marston's PLC is one of the major regional brewers operating public houses nationally. Marston's PLC operate a number of premises within the Hartlepool area and a list of those premises within the centre of Hartlepool are attached at Appendix 1.
2. Marston's PLC oppose the introduction of the EMRO for the reasons listed in this representation.
3. This representation is against the EMRO and is in response to the documents published by Hartlepool Borough Council ("Hartlepool") in relation to the proposal to introduce an EMRO in Hartlepool in an area described as the "designated area for special policy" in the Council's Licensing Policy and shown on a map included as an appendix in Hartlepool Borough Council Licensing Committee Report dated 17<sup>th</sup> December 2012.
4. Before addressing the licensing objectives there are general points to be made on behalf of our clients in regard to the consultation process itself and the Council's own Licensing Policy.

### **A. Consultation Process**

5. It is difficult to trace the public notice or the consultation through the Council's website.

It is submitted that the form of Notice does not comply sufficiently with the letter or spirit of the regulations which require the publication of the Notice on the website.

6. There is no formal consultation paper to accompany the public Notice, simply a reference to Council Minutes from December 2012. It is questionable that these minutes do in fact amount to a consultation since they are a record of a meeting rather than an explanation of the invitation to make representations to a proposal discussed by the Licensing Committee. We would submit that a more concise document setting out the evidence both for and against the proposal should have been prepared to enable appropriate responses from responsible authorities, Premises Licence holders and members of the public. The right to raise the issue of natural Justice at any hearing is reserved.

## **Response to Hartlepool Proposal to Introduce An EMRO**

---

*7. The period of consultation should therefore be extended/re-commenced once the necessary changes to the website and the necessary documentation have been made.*

### **B. Statement of Licensing Policy**

8. The Licensing Act, 2003 (as amended) requires that each licensing authority "must keep its policy under review and make such revisions to it, at such times, as it considers appropriate." The Licensing Act has changed significantly including the introduction of the powers to introduce EMROs between 12 midnight and 6am. The changes are so extensive it is submitted that all Councils, (Hartlepool included) should as part of the process for considering the adoption of an EMRO update and review their licensing policy which should inform the trade and others the policy that the Council will adopt in consideration of any proposal to introduce an EMRO.

9. Hartlepool's own policy recognises, in Paragraph 1.6 "that everyone has the right to respect for his/her home and private life and that every person is entitled to the peaceful enjoyment of his/her possessions (including a licence)."

10. Paragraph 4.9 states that "Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned." The justification for an EMRO now put forward flies in face of and is completely inconsistent with this policy statement.

### **C. European Law**

11. We note Hartlepool has included its commitment to the European Convention on Human Rights and the Human Rights Act 1998 in its Licensing Policy (Paragraphs 1.6 & 1.7). The intention to restrict the operating hours of the small number of premises within the Cumulative Impact Area is not compatible with these provisions given that these businesses have been granted their trading hours, generally have not been the subject of review, but where they have and the Licence retained, have not been subject to any reduction in hours and by admission within this consultation, have not been directly associated with any offence against the Licensing Act 2003 that would trigger such a Review.

## **Response to Hartlepool Proposal to Introduce An EMRO**

---

### **D. Cumulative Impact Zone**

12. Hartlepool adopted a Cumulative Impact Policy creating a presumption of refusal of applications. The Licensing Authority has not offered any evidence whether the adoption of this policy has been of benefit. It is however clear that there is unlikely to be any extension of sales opportunity beyond 2am in the area.

13. It is to be noted that the Hartlepool Borough Council Licensing Policy included a cumulative impact policy pre 2010 which was subsequently amended in 2010. It appears that the evidence relied on for the proposal to adopt an EMRO relies, at the latest, upon information created at the time of amendment of the cumulative impact policy.

14. It is submitted that insufficient evidence is produced to support an EMRO based on the historic data which does not address the question of whether the increased cumulative impact area requires an additional power (the EMRO) or not.

### **E. Response to the Consultation**

15. The Template of the form for making a representation states as follows:-

"A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives."

This implies that representations must be evidence based. This must surely be true for those that seek to impose an EMRO, but not so for those who wish to maintain the current position.

### **F. The Evidence**

16. The evidence relied upon in the Licensing Committee making its recommendation is based on the study commissioned from 'Evidence Based Solutions' (EBS) and a joint letter from the Chief Inspector and the Director of Public Health.

17. The EBS study, is dated 2009 and does not provide any data that is not four years out of date. The Chief Inspector does not offer any firm evidence of any deterioration of the crime and disorder situation within the town centre. The basis of the police request for an EMRO, is solely on Police funding difficulties. This is not an adequate, appropriate or sufficient reason for the adoption of an EMRO.

## **Response to Hartlepool Proposal to Introduce An EMRO**

---

18. Alcohol consumption and alcohol related crime levels have fallen significantly across the country and neither the police nor the health authority have offered any evidence to the contrary that would demonstrate that Hartlepool is any different in this respect.

19. The Chief Inspector in his joint letter provides no evidence of deterioration of the situation within the town centre since the imposition of the increased cumulative impact area in 2010.

20. It is the assertion of Marston's PLC that there is not the evidence to support the request made by the Chief Inspector/Director of Public Health for the implementation of an EMRO.

### **G. Recommencement of Consultation Process**

21. Paragraph 3.8 of the 17<sup>th</sup> December 2012 report to the Licensing Committee says "Before an EMRO could be adopted it would be necessary to consider any further evidence that is submitted during the consultation period."

22. It is submitted that if any further evidence is produced in support of the EMRO then the consultation process must be recommenced entirely to enable those affected/potentially affected or wishing to make representations or able to make representations to have the correct time and opportunity to comment, as they are entitled.

### **H. Police Funding**

23. As mentioned above by joint letter dated 4<sup>th</sup> December 2012 the Police seek the introduction of the EMRO. The Police in their letter indicate that the existing policing levels are "unsustainable" due to funding issues. This is not a valid ground for consideration as to implementation of an EMRO.

24. The following case will be referred to:-

Leeds United Football Club (Respondent) and the Chief Constable of West Yorkshire Police (Appellant)

This is a Court of Appeal case citation number [2013] EWCACIV115  
Case Number: A2/2012/2295.

## **Response to Hartlepool Proposal to Introduce An EMRO**

### **I. Negative impact on economy**

25. If hours are restricted in relation to licensed premises as detailed (or at all) it is submitted that there would be a negative impact on the night time economy in that the following types of activity will be restricted.

- (a) Late night refreshment operators.
- (b) Taxi services.
- (c) Other ancillary evening venues.
- (d) There will be a displacement of customers to other areas outside of the proposed EMRO area and outside of the Hartlepool area.

Evidence in respect of such matters will be provided at the hearing of this matter.

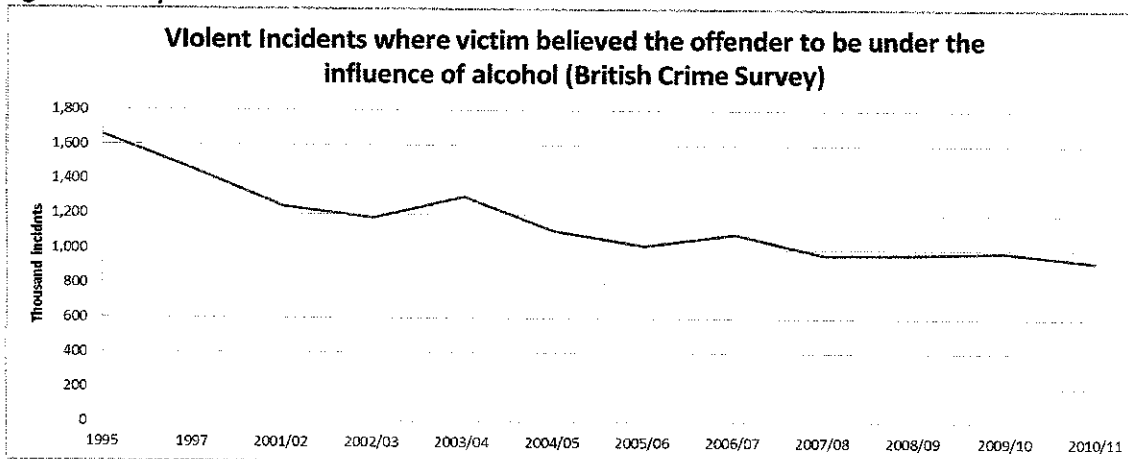
### **J. The prevention of crime and disorder**

26. We have examined the evidence contained in the report commissioned by the Licensing Committee from 'Evidence Led Solutions' (ELS) and make the following observations:

The report is now 4 years old and the economic climate has deteriorated further since that time leading to a further fall in alcohol consumption across the country (see paragraph 28).

As a result the Government itself acknowledges alcohol-related crime has fallen by a significant amount.

The Crime Survey for England & Wales reports that between 2003 and 2011 violent crime figures fell by 28.5%.





## **Response to Hartlepool Proposal to Introduce An EMRO**

---

27. The figures from ELS show a fall in crime from 2006/7 from 800 to 449 in 2008/9 – a 43% drop.

The report indicates that from 2008 up to and including part of 2010, 173 recorded offences were “flagged as occurring within a licensed premise in the town centre”.

No indication was given as to what action was taken against those premises by a Responsible Authority/Licensing Authority.

The report indicates that overall alcohol related crime fell by 24% in 2008/9 in the town centre.

Across Hartlepool as a whole the percentage of drop is smaller (16%).

This does not indicate a particular problem within the town centre.

We note that the Report comments that

“It is thought that the focus needed on the town centre by the police later into the night, means resources are being taken away from outlying, residential estates. This could mean that incidents occurring in these locations are not receiving as quick a response as they might do, if police attention did not have to be so heavily focused on the town centre.”

No evidence is offered in support of the contention.

28. We would re-iterate that in the letter of 4<sup>th</sup> December 2012 from the Chief Inspector in the joint letter with the Director of Health that Police funding reduction is a reason for introducing an EMRO.

That is not a valid ground for the implementation of an EMRO.

In the same letter the Director of Health offers no evidence that the introduction of an EMRO would prevent crime and disorder.

Health is not a licensing objective and cannot be offered in support of the measures proposed.

Alcohol consumption has fallen significantly in recent years and measures to contain consumption are being taken through the Government’s Alcohol Strategy. Alcohol consumption per capita has fallen by 3.3% in 2012 and 16% since consumption peaked in 2004.

The Licensing Committee is bound to judge the necessity of an EMRO on the basis of the Licensing objectives and as such the observations of the Director of Health are not relevant.

## **Response to Hartlepool Proposal to Introduce An EMRO**

---

### **K. Public Safety**

29. The Licensing Committee has made no comment in support of the introduction of the EMRO under the Public Safety Licensing objective or provided any evidence that it would promote public safety or be necessary or appropriate.

The ELS report looks at the effect on A&E admissions but offers no particular insight as to how the introduction of an EMRO would make any significant difference. The Report acknowledges that the data is unable to identify the time that assaults took place. Estimates of the role of alcohol in admissions are notoriously subjective unless sufficient efforts are made to ascertain the real level of involvement. The estimate of 90% alcohol related is not reliable and does not provide evidence that a restriction to 2am would reduce those admissions.

30. The Police Inspector introduces Public Safety by arguing that the rest of Hartlepool is at risk as police resources are concentrated on the town centre, maintaining that this has "an obvious impact on public and community safety". This is not evidence. We understand that all resources are limited and that sometimes difficult choices have to be made but as indicated elsewhere this is not sufficient justification for removing an amenity from the community, threatening employment and economic activity.

31. Similarly, the comments from the fire service within the EBS report are not relevant in this context.

The ELS Report and the Licensing Committee's own report indicate that a number of measures have been introduced to improve public safety. The introduction of plastic glasses as a licensing condition and the extension of CCTV are examples of such, unfortunately no evaluation of their efficacy is offered.

### **L. The Prevention of Public Nuisance**

32. No evidence or comment has been made in relation to public nuisance and we assume that this is not an issue and that the proposal to introduce an EMRO is not being made on the grounds of public nuisance.

### **M. The Protection of Children from Harm**

33. There is no suggestion that the premises contained within the area are in any way a threat to children. No evidence of sales to or persistent sales to children has been presented. We

## Response to Hartlepool Proposal to Introduce An EMRO

therefore assume that as with the other licensing objectives where no evidence has been offered the creation of an EMRO is not to be associated with the proposal.

34. We hereby reserve the right to bring evidence to support the points raised herein to any future hearing.

### **PART 3 - APPENDICES**

Reference to the documents within the Appendices will be made at any hearing.

Appendix 1 – Premises owned by Marston's PLC

Appendix 2 – Alcohol reduction plan 2012/2013.

Appendix 3 – Schedule of relevant Licence Reviews initiated by the Police Services December 2010.

CONFIDENTIAL

Signed: ....

John Gaunt & Partners, 372-374 Cemetery Road, Sheffield, S11 8FT

Dated: 22 March 2013

## **Response to Hartlepool Proposal to Introduce An EMRO**

### **APPENDIX 1**

(as referred to in representation in response to the Hartlepool Proposal to Introduce and EMRO)

<b>Premises Name</b>	<b>Address 1</b>	<b>Address 2</b>	<b>Post Code</b>
Blacksmiths Arms)	Stranton	Hartlepool	TS24 7NU
Causeway	Stranton	Hartlepool	TS24 7QT
Greenside	Stockton Road	Hartlepool	TS25 5BQ
Jacksons Wharf	The Highlight	Hartlepool Marina	TS24 0XN
King Oswy	King Oswy Drive	Hartlepool	TS24 9LU
Lighthouse	Church Street	Hartlepool	TS24 7DN
Mill House Inn	Rium Terrace	Hartlepool	TS24 8AS
Nursery	Hopps Street	Hartlepool	TS26 8RA
Rossmere	Owton Manor Lane	Hartlepool	TS25 3AX
Saxon	Easington Road	Hartlepool	TS24 9QU
Shakespeare	Catcote Road	Hartlepool	TS25 4HG
Spotted Cow	The Green	Elwick	TS27 3EF
<b>Total</b>	<b>12</b>		

## **Response to Hartlepool Proposal to Introduce An EMRO**

---

### **APPENDIX 2**

(as referred to in representation in response to the Hartlepool Proposal to Introduce and EMRO)

See Attached Document

## APPENDIX 2



---

# Alcohol Harm Reduction Action Plan 2012/13

## Section 1: PREVENTION – Promote sensible drinking and decrease irresponsible consumption

### Objectives

- Promote alcohol education in all schools, youth service, further and higher education.
- Promote a culture of responsible drinking and modify dangerous drinking patterns
- Disseminate consistent and sensible drinking and health promotion messages targeted at groups (e.g. A&E, GP surgeries, licensed premises and the workplace)
- Increase knowledge and understanding of alcohol issues and alcohol related harms to both the public and a trained workforce.

### Delivery Plan:

Key milestones	By when	By whom
1. Develop an integrated communication strategy to provide a programme of events and campaigns to educate the general public and increase knowledge of services and support available.	June 2012	SHP DAAT and commissioned provider.
2. Provide an annual multi agency training programme for front line services to understand, identify and refer individuals into appropriate treatment services and support	May 2012	Multi agency coordinated by SHP DAAT.
3. Extend and encourage front line services (particularly GP's, Social Care, and Probation) to undertake brief intervention e-learning. Consult and offer to voluntary sector as appropriate.	Ongoing	SHP DAAT & QIPP workers
4. Work with Pharmacists focussing on Healthy Living Pharmacies to extend service delivery and ensure posters and literature is available in all outlets.	May 2012 & September 2012	Commissioned Provider
5. Agree and ensure delivery of age appropriate messages to children and young people through the 'Risky Behaviour' programme, incorporating alcohol, sex education, teenage pregnancy, safety.	Rolling programme	Schools, Children and Youth services

6. Publicise and encourage take up of new family service and mutual aid groups i.e. Alcoholics Anonymous		
7. Provide Peer mentoring and Alcohol Champion training to increase community education, advice and referral	September 2012	SHP DAAT
8. Provide ongoing information and promote support for minimum pricing campaign	April 2012 ongoing	SHP DAAT
9. Work with leisure and entertainment industry to promote responsible drinking e.g. challenge cost of soft drinks	Ongoing	Public Protection and Licensing
10. Continue work with employers to develop effective alcohol workforce policies.	Ongoing	SHP DAAT and Health Trainers
11. Develop intelligence led approaches to interventions – increase Partnership understanding of the issue of substance misuse and its cross cutting links with health, social care and offending violent crime in Hartlepool.	September 2012 & January 2013	SHP Community Analysts & DAAT Data Managers

**Other Comments/Updates:** New alcohol support services commissioned from 1<sup>st</sup> April that have responsibility for promoting harm reduction messages and campaigns particularly in targeted areas and with specific groups. SHP Commissioning staff to work closely to ensure effective programme and with balance monitor data relating to impact of social marketing



**Section 2: TREATMENT** – Ensure services are provided for harmful, hazardous and dependant drinkers, their families and carers

**Objectives**

- Develop efficient, early brief intervention and programmes
- Provide a coordinated, stepped programme of treatment services that are effective, appropriate and accessible with adequate capacity to meet demand and in line with Models of care for alcohol misuse.

**Delivery Plan:**

**Key milestones**

	By when	By whom
1. New services commissioned from 1 <sup>st</sup> April. Ensure effective transition and delivery in accordance with contractual performance management.	April 2012 onwards	SHP DAAT
2. Review and publicise clear guidelines and pathways for referral routes. Arrange multi agency training and workforce development events	May 2012 & September 2012	SHP DAAT and providers
3. Establish greater individual and corporate responsibilities for identifying, screening, providing brief intervention advice and referral into appropriate services. Agree and embed common screening tools such as AUDIT and outcome tools e.g. STARS across all services	June 2012 & Quarterly training	SHP DAAT coordinating Stakeholders
4. Negotiate process for multi agency care coordination across primary care and specialist services i.e. involvement by GP, mental health, social care and specialist services	September 2012	SHP DAAT & QIPP
5. Strengthen information sharing and improve monitoring and reporting responses in line with requirements determined by NDTMS, NTA, Public Health England, SHP and Health and Wellbeing Board	June 2012 and ongoing	Stakeholders
6. Integrate and strengthen alcohol service with social care services focusing on Hidden Harm and Think Family responses.	September 2012	SHP DAAT and Social Care leads
7. Ensure all young people leaving specialist services are engaged with the integrated youth service	Ongoing	YP Substance Misuse service
8. Build a business case identifying available funding and options for alignment and pooling of resources utilising a Total place exercise or costing toolkits. Report and discuss with	June 2012 &	SHP DAAT & Public Health

stakeholders as appropriate e.g. NHS Tees, GP Clinical Commissioning, Hartlepool Borough Council, Health and Wellbeing Board, etc.	ongoing	
9. Negotiate and agree investment arrangements for Tier 4 services (i.e. detoxification and rehabilitation). Consider pilot of personalised budgets	December 2012	SH DAAT & Social Care leads
10. Alcohol Services to increase screening and work collaboratively in cases of Domestic Violence	June 2012	SHP DAAT, Providers and Community Safety lead
11. Re-negotiate Tees contract for alcohol arrest referral scheme and brief interventions in custody. Negotiate handover to Police Crime Commissioner.	Post November 2012	SHP DAAT

**Other Comments/Updates:**

Increase in service delivery commissioned from 1<sup>st</sup> April. Transition of caseloads to new provider priority April – June. Promotion of services and new pathways required across whole model as there will be changes to venues, timing of services and additional services available.  
GP Clinical Commissioning Group working closely with SHPDAAT to improve links between alcohol services and primary care. PCT QIPP initiative working in hospitals, social care and GP practice to improve pathways and report available after July 2012.

**Section 3: CONTROL – Promote public protection through law, enforcement and policy**

**Objectives**

- Reduce rate of alcohol-related crime and disorder, antisocial behaviour and domestic abuse
- Promote responsible management of licensed premises through effective implementation of the Licensing Act 2003 and best practice initiatives
- Further develop effective data collection systems in relation to the impact alcohol has on crime and health and link to an effective performance management system to promote quality standards
- Reduce the negative impact that alcohol has on children, younger people and the family

**Delivery Plan:**

Key milestones	By when	By whom
1. Crime data to be reviewed in order to recognise any patterns, hotspots, types and increases in occurrences to inform enforcement and licensing activity	Standing Business item for SHP Reducing Violence sub group	SHP Community Research Analyst
2. Develop anti violence campaigns in response to specific local issues and events to raise public awareness as to the dangers and consequences of excessive drinking. Deliver regular public safety messages	Standing Business item for SHP Reducing Violence sub group	SHP Public Confidence Group supported by Police and HBC media departments
3. Develop and deliver an ongoing programme of key public messages, relating to sexual violence and violence in public places, particularly related to the use of alcohol	Standing Business item for SHP Reducing Violence sub group	SHP Public Confidence Group supported by Police and HBC media departments
4. Undertake work to promote positive news stories and manage negative headlines	Standing Business item for SHP Reducing Violence sub group	SHP Public Confidence Group supported by Police and HBC media departments
5. Reduce opportunities for alcohol-related violent behaviour in public places. . Improve the design and management of public places for example increased policing, improved lighting and CCTV	Standing Business item for SHP Reducing Violence sub group	Community Safety Manager
6. Robust identification and enforcement of repeat offenders and problematic licensed premises – making full use of the tools and powers available through Violent crime reduction Act 2006, Licensing Act and other relevant legislation	March 2013	Community Safety Manager and Probation Trust
7. Monitor sale of alcohol through regular under age test sales, to young people and prosecute those retailers who fail to heed warnings and advice	Ongoing	Licensing and Police
8. Continue to encourage and expand Pub watch, Best Bar None and similar schemes to raise quality standards with an aspiration of moving towards a Purple Flag status	Ongoing	Licensing and Neighbourhood Management

9. Review problem premises and as necessary impose special conditions or revocation of licence	Monitor quarterly	Licensing and Police
--	-------------------	----------------------

**Other Comments/Updates:**

The majority of the control actions are included in the Reducing Violence Sub Group action Plan

END OF ALCOHOL HARM REDUCTION ACTION PLAN

## **Response to Hartlepool Proposal to Introduce An EMRO**

---

### **APPENDIX 3**

(as referred to in representation in response to the Hartlepool Proposal to Introduce and EMRO)

#### **Relevant Reviews Since December 2010**

1. 2<sup>nd</sup> October 2012 – Showroom, Victoria Road
2. 6<sup>th</sup> January 2012 – The Loft, 56 Church Street
3. 21<sup>st</sup> April 2011 – Yates, Victoria Road
4. 18<sup>th</sup> April 2011 – Rockies, 23 Church Street
5. 20<sup>th</sup> December 2010 – Shades, Church Street

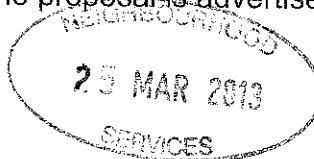
Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.



### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority



A responsible authority



Name:

MICHAEL WALKER

Address:

CONFIDENTIAL	OWNER OF LITTLE BLACK BOOK WHITBY STREET HARTLEPOOL
	TS24 7AD

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

HARTLEPOOL TOWN CENTRE

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

SEE ATTACHED LETTER

Public safety

SEE ATTACHED LETTER

The prevention of public nuisance

SEE ATTACHED LETTER.

The protection of children from harm

SEE ATTACHED LETTER.

## Early Morning Alcohol Restriction Orders.

I am writing to lodge an objection to the proposed Early Morning Alcohol Restriction Orders proposed for Hartlepool Town Centre.

I operate a late night town centre bar which employs upto 20 part time staff either directly or through an agency. Should this proposal go ahead all 20 of these jobs are potentially at risk. Consequently many of the individuals concerned are also opposed to this proposal and have lodged similar objections for the same reasons.

I would point out that although this proposal has been introduced as an attempt to reduce both crime and public health issues, the real driving factor is actually cost. Were the Police and Health Service not under such tight budget restrictions at the moment I very much doubt such a proposal would have been forthcoming and the Police in particular have made it clear that the cost of policing the night time economy is their motivation for supporting this proposal at this time. Not that this in any way lessens the strength of the argument for the proposal – I'm just pointing out that to only be allowed to object to the proposal under the licensing objective headings as outlined on the councils form is extremely difficult when none of these factors were the primary reason for the proposal.

I also believe that the Impact Study and Public Consultation Questionnaire relied on so heavily when making this proposal are extremely misleading.

- 1). For a start the Impact Study is dated 2009 and concentrates on the differences between then and 2005. The economy and the pub trade have both moved on considerably since then and any study relied upon to make such drastic changes MUST be current to have any value at all.
- 2) Regardless of the date of the report the crime figures on page 32, table 3.4 actually shows that crime has dropped since later opening was allowed rather than increased rather undermining the whole argument for the proposal.
- 3). I have no idea which of the late night licensees were interviewed that the study claims would prefer closing to be brought back to 2am but as the vast majority of current late night licensees have indicated that they are opposed to the proposal I suspect those interviewed have now moved on and their comments are therefore irrelevant.
- 4). Even the customers interviewed about early closing weren't actually those out "late" (i.e. the study interviewed people out before midnight but only observed those out later) so to attach such a high significance to their opinion seems a nonsense. Surely if this study was to have any credibility then at least some of the people actually out after midnight had to have been interviewed.
- 5). With regards to the council questionnaire; I would point out that the question asked to the public during that process was whether the council should "adopt a policy that prevents the supply of alcohol in the town centre area between 0300 and 0600 hours?". No mention whatsoever was made of 2am closing so I'm not really sure how any part of this consultation document can be regarded as relevant to a totally different proposal.

With that in mind my objections to the proposal within the terms of the consultation are as follows;



## **The Prevention of Crime and Disorder.**

1) There is no evidence whatsoever that bringing closing time back to 2am rather than 3 or 4am will reduce crime. Anecdotal evidence from those who used to go out in the town pre-2005 all indicates that crime rates were much higher when pubs previously closed at 2am and that what incidents there were, were heavily concentrated around closing time leaving the emergency services completely overwhelmed with everything happening at once. The general perception is that the number of incidents each night has dropped markedly and that they are now more evenly dispersed than previously, which was after all the objective of allowing pubs and clubs to stay open later. This is supported by both the crime figures provided in the Impact Study of 2009 and the figures to the year ending August 2012 linked to this study. The Impact Study figures alone show town centre incidents have dropped by 24% from 2005 to 2009 (page 32, table 3.4). I don't have access to current figures but judging by the articles published in the Hartlepool Mail this year the number of offences appears to have continued to reduce further showing what a great job the local police and licensees are doing to manage the situation.

2) The North East of England in general and Hartlepool in particular is an unemployment black spot. There is a direct link between high levels of unemployment and crime. The late night bars in the town employ dozens if not hundreds of people. Late night bars cater for a specific market and provide unique music and entertainment choices for which there is only a demand late at night. It's important to note that these bars aren't open late because it suits them to do so, they are open late because that's when customers want their services – no other reason. Closing these bars one or two hours early would have a catastrophic effect on their turnover and consequently profitability which would undoubtedly lead to a number of closures and unemployment. Surely with the economic climate as it is this isn't the time to be risking peoples jobs.

3) Customer conduct in late night pubs is controlled by door staff. Door staff like most other people get paid by the hour. Generally speaking they are only needed from 11pm or midnight so that is when their shifts tend to begin. At the moment they get 4, 5 or 6 hours work making it worth their while doing the job. If closing time gets brought forward to 2am there simply won't be enough hours in their shift to make doing the job viable. Either that or the pubs will have to pay so much for their services that they won't be able to afford to employ them. The knock on effect being that Hartlepool won't have enough door staff to cover it's pubs meaning that few, if any will be able to open and those that do will be inadequately covered.

4) We now live in a 24 hour society. Not just with our drinking habits but with our lives as a whole and socialising in particular. In the event that the pubs do close at 2am people aren't just going to go home and go to bed. Many will give their trade to other towns open later to the detriment of Hartlepool. Others will continue socialising at private parties and in their own homes spread right across the borough. At the moment the majority of late night revellers are centred around the Victoria Road and Church Street parts of town, all within yards of the police station and in an environment fit for this particular purpose. They couldn't be better placed if you spent

years planning it. I can't see how dispersing people away from this ideal centralised spot to the housing estates where they will cause a greater nuisance, all much further away from the Police Station, is going to help anyone. It's only going to stretch the limited police resource even further.

#### **Public Safety.**

One of the reasons for this proposal is to cut the health problems caused by excessive drinking. A valid concern that I don't think anyone would argue with. I'm not really sure how closing pubs at 2am would help this though. Late night pub prices are generally the most expensive sources of alcohol people will come across. Pubs also have to authorise the sale of each individual drink and shouldn't be selling to customers who are clearly drunk. Supermarkets on the other hand sell drink ridiculously cheaply and are able to sell it by the case meaning they have absolutely no control over how much an individual customer actually consumes. I can't see how removing the most expensive drink and pushing people in the direction of a far cheaper more easily accessed product can have anything other than a negative effect on public health.

#### **Prevention of Public Nuisance.**

A Bit of a repeat of an earlier comment but, if people aren't drinking in the town centre where there are few residential properties, they are going to be socialising at home. Far better to have people drinking in venues specifically designed for this purpose than have them drinking far more cheaper supermarket drink at home annoying their neighbours.

As I have stated at the start of this communication, I am completely against this proposal. I do not believe it will have the effect it is hoped it will have and the reasoning behind the proposal is badly flawed. It is an attempt to resolve 1 problem without looking at the overall picture and considering the full implications of that action. Now isn't the right time for gambling 100's of peoples jobs on the off chance that crime might decrease when history and what little evidence there is shows that the opposite is far more likely to happen.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

21.3.13

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Ian Harrison  
Principal Trading Standards & Licensing Officer  
Hartlepool Borough Council  
Bryon Hanson House  
Lynn Street  
Hartlepool  
TS24 7BT

Date: 28 March 2013  
Our ref: JS/PAW/P42116-5  
Doc Ref: 2144365012

Your ref: CONFIDENTIAL

E-mail:

Direct line:

Dear Sirs

## **RE Proposed Early Morning Restriction Order**

We act on behalf of the Association of Licensed Multiple Retailers. The ALMR is the only national trade body dedicated to representing pub, bar and casual dining operators. Between them, their members account for almost all of the managed pubs and bars in England and Wales - totalling over 13,500 outlets between them and employing 325,000 people (two thirds of all employed in this sector) - and they are the only Trade Body representing nightclubs. Some of the ALMR's members lie within the proposed EMRO area, however this letter, and the accompanying Representation, are submitted on behalf of the ALMR in its own right.

As made clear by our representative Mr Grimsey at the informal meeting held at the Civic Centre, Victoria Road on Friday 22<sup>nd</sup> February 2013, the ALMR is extremely concerned about the negative impact that the proposed EMRO will have upon licensed businesses in Hartlepool Town Centre. As the Statutory Guidance points out (paragraph 16.8) a Licensing Authority must consider the potential burden that would be imposed on Premises Licence Holders as well as the potential benefits in terms of promoting the licensing objectives. Neither of these criteria have been adequately addressed based upon the present evidence.

This letter contains comments on the technical aspects of introducing an EMRO undertaken by Hartlepool Borough Council, some general observations, and also a number of questions and requests for further evidence. Given the Licensing Authority's obligation to consider the wider picture as referred to in the Guidance above, we request that this letter forms part of our client's Representation and is considered by the Licensing Committee.

## **Technical Questions/Process**

1. The public notice is very imprecise, stating that statistics show a significant level of alcohol related crime in the Victoria Road and Church Street areas whereas the proposed EMRO will apply to the general Town Centre area. There is no evidential justification for applying an EMRO to a wider area based upon evidence of crime on two specific streets.

2. Compulsory Purchase Orders, Alcohol Free Zones and road closures, for example, require the geographical extent of the proposed area to be delineated with great specificity. The public notice describes the proposed EMRO area as "the general Town Centre area of Hartlepool incorporating, amongst others, Victoria Road and adjoining streets, Church Square and Church Street and adjoining streets". This is insufficient detail to provide in a hard copy notice. Whilst there is a hyperlink to the Town Centre area, it requires individuals – including members of the public – to have Internet access and to be sufficiently concerned by the general description to make the necessary enquiries. A map of the area would be easy to include in the public notice.
3. Please provide a copy of the newspaper advertisement as required by Regulation 4(b)(i) of the Licensing Act 2003 (Early Morning Restriction Orders) Regulations 2012.
4. Please provide details of the form, content, location/s and duration of the physical notices that the Licensing Authority is required to display.
5. Please also confirm what further steps have been taken to publicise the proposal in order to draw it to the wider attention of any other persons who are likely to have an interest in it, in accordance with the Statutory Guidance.
6. Please provide a list of all those "Affected Persons" to whom the Licensing Authority wrote in accordance with Regulation 4(b)(ii). In each case, please:-
  - i. Confirm that the letter was sent to the relevant Premises Licence Holder and not the Designated Premises Supervisor, tenant or simply to the premises (where the premises is not the usual business address or registered office of the Premises Licence Holder).
  - ii. Please confirm that a similar notice was sent to any relevant premises users in relation to TENs to which the proposed EMRO would apply.
7. Please confirm what documents or evidence, if any, accompanied the Notices referred to above.
8. Please confirm which Responsible Authorities and neighbouring Licensing Authorities were informed of the proposal to make an EMRO, when they were informed, and how.

#### Evidence

9. The evidence accompanying the Agenda Report of 17<sup>th</sup> December 2012 at which the Licensing Committee made a decision to proceed with its proposal for an EMRO consists primarily of a report on the night time economy published in December 2009. The Guidance at paragraph 16.6 states that there should be "sufficient evidence to demonstrate that its [the Licensing Authority's] decision is appropriate for the promotion of the licensing objectives". It then states "this requirement should be considered in the same manner as other licensing decisions, such as the

determination of applications for the grant of a Premises Licence". We are aware of few, if any, cases in which evidence that is over 3 years old (and not updated like for like) has been used in Licensing Sub Committee hearings for a single premises, let alone a whole Town Centre. The dangers of this approach are obvious – it does not take account of the dynamic nature of the night time economy, changes in people's drinking habits, the closure or opening of premises in the intervening years or the efforts that licensees themselves have made more recently to address any problems. Such deficiencies in the evidence cannot be made good merely by additional observations by the Licensing Officer in his Agenda Report.

Moreover, the NTE report itself highlights the dynamism of the sector, and how much it has changed over the 5 years (2005 to 2009) that were the subject of the study. Surely it is unwise to rely on a report which is so out of date when the report itself acknowledges that there is so much change in the sector?

10. The inclusion of the 2010 Consultation in respect of the "Special Policy" area does not make clear who the Respondents were (one assumes Licensees).

The 2010 Consultation document makes it clear that the period of 03:00 to 06:00, and not 02:00 to 06:00 was considered appropriate for the Special Policy. What evidence did the Licensing Committee consider at the meeting of 17<sup>th</sup> December 2012 to suggest that commencing the EMRO at 02:00 rather than 03:00 was more appropriate for the promotion of the licensing objectives other than the letter from the Police dated 6<sup>th</sup> December 2012?

11. The language of the Agenda Report is strongly suggestive that a proposal for an EMRO is a fait accompli. Phrases such as "recognising that an EMRO is needed because of the Cumulative Impact of a large number of licensed premises ..." (3.19) and "if members determine that an EMRO should apply for, say, one year, it would be necessary to begin the entire process again in order to reintroduce it" are examples. Has the decision already been made, and the Licensing Authority simply going through the motions in order to bring that decision into effect? The lack of up to date evidence suggests that this may well be the case.

The only evidence that could be considered recent are the letter from the Police and the Director of Public Health dated 4<sup>th</sup> December 2012 – which hardly constitutes evidence at all, and is a request for action based upon insufficient funds - and the document entitled "Hartlepool's Night Time Economy. Violence July – 28<sup>th</sup> August 2012" which consists of only 2 pages of statistics. It contains no detail of the times of the violent incidents, and therefore it is impossible to say from this evidence alone whether these incidents occurred before or after 02:00. The evidence also fails to look at days of the week when crimes take place, which is important as the area includes a shopping centre with the likelihood of daytime crimes. Neither does it clarify which of the offences of violence were alcohol – related, noting only that of the 40 offences of violence in July and August 2012, 4 were domestic related offences. If domestic incidents are included in the statistics, what confidence can there be that the figures are actually linked to the night time economy at all? The figures for July and August 2012 are a snap shot – to the extent that they can be trusted at all, they show no trends in crime, neither are they compared to any national set of criteria in

order to provide an objective indication of the seriousness or otherwise of the situation. No methodology for the benefit of the Licensing Committee has been provided by the Police, for example explaining how these data are obtained, whether an "offence of violence" infers someone has been charged/convicted etc. Neither has there been anything more than a cursory analysis of the incidents within the Town Centre itself – it may be that a street or streets or indeed two or three nearby premises are particularly prone to violence.

The lack of up to date and specific evidence makes such analysis by the Licensing Committee impossible. This in turn makes the proposed EMRO area very large, but without the appropriate evidence to justify its extent. More specific and up to date evidence may have suggested that an EMRO could be much more narrowly drawn, perhaps even limited to two or three premises (as permitted by the Licensing Act 2003).

12. There is no evidence of how many Reviews of licensed premises within the Town Centre area have been taken by the Police or other Authorities since 2005. The Review process is a much fairer tool than an EMRO, as it allows an analysis of incidents which are specifically linked to an individual premises. Such incidents, as a matter of law, do not necessarily have to be those occurring only inside a premises, but also in the immediate vicinity outside (or indeed further afield) so long as there is some causal connection between the incident and the licensed premises concerned. The Agenda Report (paragraph 2.11) suggests that the Review process is ineffective against premises unless specific problems can be linked to that premises. However, the only bar to using the Review process effectively is the quality of the Police evidence. Licensed premises in Town Centres all around the Country regularly have their hours cut back at Reviews brought by the Police when the evidence is sufficient to justify such a decision. The evidence suggests that there are just 8 outlets which account for the majority of the offences. Given this, have the Review and Summary Review procedures – surely a fairer option - been used effectively against these premises?
13. Best Bar None (BBN), BIDs and Purple Flag are two of the voluntary schemes making a real positive difference to people's experience of the high street but face being undermined by punitive licensing policies like EMROs. We note that no such schemes are in place in Hartlepool. Independently audited research into the impact of a BBN scheme in Durham City Centre found that, over three years it resulted in a 28% increase in trade; 40% increase in footfall (biggest increase during the 6-8pm transition) ; 16-24 year olds stay for longer during the day and 40+ and families are returning in the evening – the changing demographic makes it self-policing. As a result of investment by the trade in management standards and a positive partnership between trade, police and local authority, there has been an 87% reduction in violent crime and the city centre is now policed by only two officers at the busiest trading standards. This model achieves Hartlepool's objectives without a punitive intervention in the trade – which is what an EMRO which removes legally granted hours represents – and the potential unforeseen consequences for the local economy, social and cultural life.

In summary:

- The evidence to support the proposal for an EMRO is in the main several years out of date.
- The recent evidence supplied by the Police is non- specific and does not provide any justification for the proposed start or end times of the EMRO.
- Other fairer and more targeted options have not been considered or fully utilised.

The ALMR supports any reasonable attempts to resolve the issues within the night time economy, particularly where such initiatives involve partnership working such as BIDs and Best Bar None.

CONFIDENTIAL

/ Poppleston Allen





Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT  
**Representations about a proposal to make an early morning alcohol restriction order under  
section 172A of the Licensing Act 2003**

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order.

(Please read guidance note 1)

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

**Part 1 – Personal Details**

I am: (Please tick as appropriate)

A individual or body which is not a responsible authority.



A responsible authority



Name:

Association of Licensed Multiple Retailers.

The ALMR is the only national trade body dedicated to representing pub, bar and casual dining operators. Between them, our members account for almost all of the managed pubs and bars in England and Wales - totalling over 13,500 outlets between them and employing 325,000 people (two thirds of all employed in this sector) -and we are the only Trade Body representing nightclubs.

Responsible authority (if relevant):

--

Address:

ALMR  
9B Walpole Court  
Ealing Studios  
London

Postcode: W5 5ED

**Part 2 - Representations**

Please describe the early morning alcohol restriction order in relation to which you are making representations. (Please read guidance note 2)

Description of area (postal addresses, ordnance survey map reference or description)

Hartlepool Town Centre

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

#### The prevention of crime and disorder

1. There is simply insufficient evidence to justify the introduction of an EMRO. The Statutory Guidance at paragraph 16.2 states quite clearly that EMROs are designed to address recurring problems such as high levels of alcohol – related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol – related anti-social behaviour which are not directly attributable to specific premises. These criteria have simply not been met.
2. The evidence accompanying the Agenda Report of 17<sup>th</sup> December 2012 at which the Licensing Committee made a decision to proceed with its proposal for an EMRO consists primarily of a report on the night time economy published in December 2009. The Guidance at paragraph 16.6 states that there should be “sufficient evidence to demonstrate that its [the Licensing Authority’s] decision is appropriate for the promotion of the licensing objectives”. It then states “this requirement should be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of a Premises Licence”. We are aware of few, if any, cases in which evidence that is over 3 years old (and not updated like for like) has been used in Licensing Sub Committee hearings for a single premises, let alone a whole Town Centre. The dangers of this approach are obvious – it does not take account of the dynamic nature of the night time economy, changes in people’s drinking habits, the closure or opening of premises in the intervening years or the efforts that licensees themselves have made more recently to address any problems. Such deficiencies in the evidence cannot be made good merely by additional observations by the Licensing Officer in his Agenda Report.

Moreover, the NTE report itself highlights the dynamism of the sector, and how much it has changed over the 5 years (2005 to 2009) that was the subject of the study. Surely it is unwise to rely on a report which is so out of date when the report itself acknowledges that there is so much change in the sector?

3. Displacement – as noted in the Agenda Report at paragraph 3.28, if Hartlepool returned to a terminal hour of 02:00 many potential customers may choose to travel out of Hartlepool to an area with later opening hours. Page 29 of the 2009 Report highlights that the vast majority of Hartlepool customers are Hartlepool residents, and therefore not coming from outside the town. There is therefore a clear demand from within Hartlepool for late night venues, with no alternative options in Hartlepool itself. With this in mind, there are three specific displacement issues, namely, displacement of local residents from Hartlepool altogether, displacement on to the streets and in other parts of the town, and displacement to home (we note the reference to domestic violence figures in the Police’s evidence). All these scenarios move an issue which is contained and containable within a specific area/s to ones that are not.

In respect of Hartlepool residents leaving town for their night out, those customers would still be returning to Hartlepool (either the Town Centre or directly home) at times which no longer would be within the gift of the Licensing Authority, as it will be the bars’ closing times outside Hartlepool which dictate when Hartlepool customers return home. This in itself could have a negative effect on Hartlepool Town Centre, with potentially

large unpredictable numbers of people arriving back in Hartlepool, perhaps to go to a late night takeaway (which will not be affected by the EMRO) or to catch a taxi or public transport. You could replace one problem within your control with another outside it.

Figures from the Centre for Public Health, Liverpool John Moores University, suggest that those who drink at home are two and half times more likely to have been in a fight in the last 12 months, and pre-loading is more strongly associated with being involved in nightlife violence than the total amount of alcohol drunk.

EMROs will restrict the abilities of licensed premises to trade whilst the Levy will impose costly expenses on businesses regardless of their contribution to late-night crime and disorder. The measures will cost the industry over £28 million pa. The Government anticipates that these costs will be passed on and that consumers will see higher prices as a result. This will widen the price differential between on and off trade and act as a further disincentive to drink in a supervised environment. EMROs and the Levy are also at odds to plans to encourage the development of partnership working initiatives such as Best Bar None, BIDs and Pubwatch.

4. The only evidence that could be considered recent are the letter from the Police and the Director of Public Health dated 4<sup>th</sup> December 2012 – which hardly constitutes evidence at all, and is a request for action based upon insufficient funds - and the document entitled “Hartlepool’s Night Time Economy. Violence July – 28<sup>th</sup> August 2012” which consists of only 2 pages of statistics. It contains no detail of the times of the violent incidents, and therefore it is impossible to say from this evidence alone whether these incidents occurred before or after 02:00. The evidence also fails to look at days of the week when crimes take place, which is important as the area includes a shopping centre with the likelihood of daytime crimes. Neither does it clarify which of the offences of violence were alcohol – related, noting only that of the 40 offences of violence in July and August 2012, 4 were domestic related offences. If domestic incidents are included in the statistics, what confidence can there be that the figures are actually linked to the night time economy at all? The figures for July and August 2012 are a snap shot – to the extent that they can be trusted at all, they show no trends in crime, neither are they compared to any national set of criteria in order to provide an objective indication of the seriousness or otherwise of the situation. No methodology for the benefit of the Licensing Committee has been provided by the Police, for example explaining how these data are obtained, whether an “offence of violence” infers someone has been charged/convicted etc. Neither has there been anything more than a cursory analysis of the incidents within the Town Centre itself – it may be that a street or streets or indeed two or three nearby premises are particularly prone to violence.
5. The letter from the Police and the Director of Public Health makes no direct reference to alcohol – related crime and disorder, neither does it refer to the appropriate licensing objective. The sole justification for requesting the Licensing Committee consider the implementation of an Early Morning Restriction Order is one based upon lack of Police resources and the unsustainability of supporting positive partnership working with operators in the night time economy and other stakeholders.
6. There is a lack of evidence of the deterioration/worsening of the levels of alcohol – related incidents to justify such significant intervention as an EMRO.
7. Again, as noted in the Agenda Report, forcing every late night licensed premises to stop selling alcohol at 02:00 would inevitably create a “surge” of customers on to the street at the same time creating flashpoints at taxi ranks and takeaways. The gradual dispersal of customers from premises is one of the more successful aspects of the flexibility of the Licensing Act and this would be removed completely with the introduction of an EMRO. The analysis of the level of offending in the Town Centre and the Hartlepool area generally are set out in pages 31 and 32 of the 2009 Report which states “since 2007/08

the number of offences in both areas has declined, but declined more quickly in the Town Centre". Indeed, there were a total of 59 offences committed in the Town Centre between the hours of 11pm and 2am in 2004/2005 compared to a total of 63 offences between 11pm and 4am in 2009, a period of 2 hours longer (page 33 of the Report). Proposing a universal finish time for alcohol of 02:00 will create a spike in offending around that 2am cut off time. In 2004/2005 (with uniform terminal hours for alcohol sales of 23:00 for pubs and 02:00 for night clubs) there were 505 night time economy related offences in the Town Centre compared with 178 in the period September 2011 to August 2012 (with the flexible hours introduced by the Licensing Act 2003) - based upon the Police's recent evidence. This is a substantial reduction, and it should also be noted that the figures from the 2009 Report explicitly exclude domestic incidents whereas the 2012 figures do not, so the figure is likely to be lower still.

8. Linked to number 7 above, and bearing in mind that an EMRO cannot prevent a premises from remaining open or providing other licensable activities beyond the imposed terminal hour for alcohol, some operators may seek to circumvent the EMRO by encouraging their customers to buy large quantities of alcohol close to the terminal hour, in effect "stacking up" their drinks. This would encourage the very opposite of what the EMRO intends, namely to reduce the amount of alcohol consumed late at night and any associated crime and disorder.
9. The imposition of an EMRO will undoubtedly have a significant negative effect economic impact on local businesses, and not limited only to the late night trade. There are 88 pubs and bars in Hartlepool, with a total employment of 1,366 and a GVA of £14m. Intervention in this market will not be limited to the small number of operators with late licences but on those businesses that support them.
10. There is no evidence to suggest that bringing forward the terminal hour en masse will encourage individuals to start their evening earlier; this is an unsubstantiated aspiration by the Police. The suggestion in their letter of 4<sup>th</sup> December 2012 that later opening hours "have encouraged the public to stay at home longer before beginning their night out – drinking more, cheaper alcohol before leaving their homes" is fallacious. Pre-loading is a more recent and purely economic phenomenon – it is not linked to later opening hours. A research study undertaken by the Centre for Public Health at Liverpool John Moores University which received widespread media attention found that males were 2½ times more likely to be involved in a fight if they had drunk at home and females were twice as likely to be sexually molested. Reducing the period when individuals can drink in a controlled environment is likely to increase the prevalence of pre-loading and its associated problems. The danger, therefore, is that the same amount of alcohol consumption will be concentrated into a narrower timeframe, with more alcohol consumed at home.
11. The consequences for door staff have not been fully considered. Many door staff can only survive financially by working at least 4 or more hours per night. If, as a result of an EMRO, they are only needed from midnight until 02:00 then some local door companies may go out of business and/or lose staff. The availability (particularly at short notice) of fully trained and badged door staff is a crucial element in the managing of the night time economy. If premises cannot find sufficient door staff on a particular evening then they may have to close (in order to avoid breaching a licence condition, for example) or operate with less than the necessary security staff. Combined with the points above, and the lack of Police support, this could prove an explosive mix.
12. Regarding the statistics set out in the document entitled "Hartlepool's Night Time Economy. Violence July – 28<sup>th</sup> August 2012", we repeat the observations made in our accompanying letter, but specifically:

- i. The only two comparable months are August 2011 and August 2012. There appears only to be a difference of one "violent incident" between those two months. This is hardly a serious deterioration.
  - ii. Are the Police (who presumably compile these statistics) stating that a total of 12 "violent incidents" in August 2012 is so serious as to merit an EMRO? Using the Home Office's breakdown of offences, approximately 55% of those 12 violent incidents inside the Town Centre would be assaults with injury, the rest being assaults without injury/public fear, alarm or distress. Is 7 assaults with injury in a month in a Town the size of Hartlepool a sufficiently large enough figure to justify an EMRO? In our experience many large night clubs have that level of incidents in a single month.
  - iii. The table does not state whether "inside TC" (i.e. Town Centre) equates with the EMRO area. If it does not, then the statistics may present a distorted picture.
  - iv. No detail is given of how many incidents are alcohol related or occur between 02:00 and 06:00.
  - v. The table gives insufficient detail of the incidents involved to make a considered judgement about where they occurred, at what time, and how serious they were – all vital points to consider for an EMRO, and the very least one would expect by way of evidence if one was dealing with an application for, or a Review of, a single premises.
  - vi. An EMRO does not need to apply 7 days a week and as there is no evidence indicating that problems occur every night of the week it would be an inappropriate and disproportionate measure.
13. The inclusion of the 2010 Consultation in respect of the "Special Policy" area does not make clear who the Respondents were (one assumes Licensees). The 2010 Consultation document makes it clear that the period of 03:00 to 06:00, and not 02:00 to 06:00 was considered appropriate for the Special Policy. What evidence did the Licensing Committee consider at the meeting of 17<sup>th</sup> December 2012 to suggest that commencing the EMRO at 02:00 rather than 03:00 was more appropriate for the promotion of the licensing objectives other than the letter from the Police dated 6<sup>th</sup> December 2012?
14. There is no evidence of how many Reviews of licensed premises within the Town Centre area have been taken by the Police or other Authorities since 2005. The Review process is a much fairer tool than an EMRO, as it allows an analysis of incidents which are specifically linked to an individual premises. Such incidents, as a matter of law, do not necessarily have to be those occurring only inside a premises, but also in the immediate vicinity outside (or indeed further afield) so long as there is some causal connection between the incident and the licensed premises concerned. The Agenda Report (paragraph 2.11) suggests that the Review process is ineffective against premises unless specific problems can be linked to that premises. However, the only bar to using the Review process effectively is the quality of the Police evidence. Licensed premises in Town Centres all around the Country regularly have their hours cut back at Reviews brought by the Police when the evidence is sufficient to justify such a decision. The evidence suggests that there are just 8 outlets which account for the majority of the offences. Given this, have the Review and Summary Review procedures – surely a fairer option - been used effectively against these premises?

As there is no evidence specifically dealing with the issue of public safety we assume there are no concerns with regard to this Licensing Objective; otherwise please see comments under Crime & Disorder.

The prevention of public nuisance

As there is no evidence specifically dealing with the issue of public nuisance we assume there are no concerns with regard to this Licensing Objective; otherwise please see comments under Crime & Disorder.

The protection of children from harm

Please see comments under Crime & Disorder

### Part 3 Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief

CONFIDENTIAL

Signature

(HARRISON ALLEN)

Date:

28 March 2013

### Notes for Guidance

A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of The licensing objectives.

It is possible that a licensing authority may propose to make more than one early morning alcohol restriction order ("EMRO") in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations, unless the authority and each person who has made such a representation agree that a hearing is unnecessary.



**To form part of our representation to the Hartlepool Early Morning Restriction Order proposed The Town Centre area of Hartlepool, incorporating Victoria Road and adjoining streets, Church Square and Church Street and adjoining streets to prohibit the sale of alcohol after 2:00 am.**

Punch Taverns is one of the UK's largest leased pub companies with a portfolio of around 4225 leased pubs nationwide, ranging from pub restaurants to traditional drink led locals. Our aim is to become the UK's highest quality, most trusted and best value leased Pub Company. Our premises are operated by thousands of enterprising individuals - our Partners - who are running their own pub businesses in our premises.

In 2005 we took the decision to hold the Premises Licence for our estate. Although we do not undertake licensable activities in our leased pubs, the holding of the Premises Licence imposes upon our business a significant obligation in terms of licensing regulation and compliance.

Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fundraising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards.

As Portman Group signatories and supporters of Drinkaware we do not condone irresponsible, promotions and pricing of alcohol, and we have actively supported the 'Why let good times go bad?' campaign to tackle excessive drinking amongst 18 to 25 year olds.

Responsible retailing forms a key part of our partner training, and in the last eighteen months many of our Partners have completed our responsible retailing training. We also provide Risk Management manual to our partners, which give clear guidance on current legislation and best practice, backed up by the support of our Risk and Compliance Teams, who provide specialist advice and guidance. We also support the BBPA's Customer Unit Awareness Campaign, part of the Association's contribution to the Government's Alcohol Responsibility Deal by making information and publicity available to our Partners.

To further support our Partners, we launched "The Punch Buying Club" offering our partners an online 24/7 service allowing partners to access all possible assistance to help run their business, this includes online training, regional workshops, legislative updates and best practice messages, Risk Management material such as mandatory signage and many other such materials.

All of our Business Relationship Managers are trained to a minimum of BII level 4 in Multiple Retail Management, which consists of eight modules including communication, negotiating, business knowledge and marketing. We believe a well trained, talented and high performing team will help our Partners reach their potential and ensure their premises are well run.

We also have a number of other specialist employees to ensure that our Partners are provided with the best knowledge throughout their relationship with Punch Taverns; our recently filled Regional Launch Managers are in place to give our Partners the best start to ensure they understand everything for running a safe, legal and compliant business.

We believe that Punch Taverns is in a uniquely qualified position to make a valuable submission as, not only do our 4225 premises cover every Local Authority area in England and Wales, but we also have significant experience and knowledge of the Licensing Act 2003, the Police Reform and Social Responsibility Act 2011 and associated relevant legislation.

We fully support the view that premises should be well run and promote the four licensing objectives. We do not however, support the view that those or indeed any premises should be obliged to reduce the hours they may sell alcohol by virtue of their location. The Licensing Act 2003 and associated relevant legislation contain sufficient safeguards and means of dealing with premises that cause or contribute to crime and disorder or in some other way fail to promote the licensing objectives. It is these measures that should be employed against problematic premises rather than the use of a blanket restriction on the hours premises may sell alcohol.

It should not be forgotten that many premises that are permitted to supply alcohol beyond 02.00 will have conditions on their premises licences requiring the employment of door staff, the installation and use of a CCTV system and other such conditions, which result in a one off or ongoing cost to the premises in terms of compliance. These premises, may well decide that they will seek to remove conditions that were imposed as a consequence of securing permission to sell alcohol after 02.00, if an early morning reduction order is imposed.





## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☒

A responsible authority

☐

Name:

Punch Taverns Plc

Address:

Jubilee House,  
Second Avenue,  
Burton upon Trent,  
Staffordshire

Postcode DE14 2WF

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)  
The Town Centre area of Hartlepool, incorporating Victoria Road and adjoining streets, Church Square and Church Street and adjoining streets.

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

#### **The prevention of crime and disorder**

Punch Taverns Plc are the premises licence holder for Jacksons, Tower Street, Hartlepool, TS24 7HH.

The premises obtained its premises licence pursuant to the Licensing Act 2003 on the 25/08/05. In that licence the premises is permitted to undertake licensable activities, including the supply of alcohol for the following hours:

Sunday to Thursday 11.00 - 24.00

Friday to Saturday 11.00 - 02.00

In addition to the foregoing, the premises was granted permission to undertake the permitted licensable activities for - an additional hour on Friday, Saturday, Sunday and Monday of Bank Holiday weekends, Christmas Eve and Boxing Day, that is to 03.00 on the Fridays and Saturdays preceding a bank holiday and when Christmas Eve or Boxing Day falls on a Friday or Saturday.

Since the premises commenced trading the permitted hours detailed above (from the 24/11/05) the premises licence holder has not been contacted by the Police or indeed any other Responsible Authority regarding issues of crime and disorder alleged to be associated with the premises.

It is the Premises Licence holder's submission that the premises are well run and managed and that the making of an EMRO as proposed or at all is not appropriate and/or proportionate in all the circumstances. If the EMRO is made as proposed, the premises will be prevented from supplying alcohol beyond 02.00.

It is submitted in support of the proposal to adopt the EMRO that crime and disorder statistics show a significant level of alcohol related crime in the area where it is proposed the EMRO will apply. We are not able to confirm or deny this submission as the crime statistics provided are simply said to relate to the Hartlepool District, Night Time Economy and the period August 2011 - 28 August 2012. Whilst there is no standard definition for what constitutes the Night Time Economy, it is generally taken to be economic activity which occurs between the hours of 6.00pm and 6.00am and involves the sale of alcohol. If that is the definition used in the crime statistics complied, then statistics for a period of 8 hours (6.00pm - 02.00am) are being taken into account, when they should not be. The failure to state the times the incidents occurred makes it impossible to state which incidents, if any, occurred after 02.00am.

Further it seems that the crime statistics used covers Hartlepool District and not just the area proposed to be covered by the EMRO.

If the alcohol related crime is indeed associated with licensed premises within the proposed area to be affected by the EMRO, it is submitted that other measures should be considered such as:

- Changing or altering the terms of the Cumulative Impact Area that currently applies to the proposed area;
- Reviewing the premises licences of specific problem premises;
- Creating or expanding business led best practice schemes in the proposed area to be affected;
- Using other mechanisms/ measures as detailed in paragraph 13.39 of the Amended Guidance issued under Section 182 of the Licensing Act 2003.

**Public safety**

Since the premises commenced trading the permitted hours detailed above (from the 24/11/05) the premises licence holder has not been contacted by any Responsible Authority regarding issues of public safety alleged to be associated with the premises.

It is the Premises Licence holder's submission that the premises are well run and managed and that the making of an EMRO as proposed or at all is not necessary, appropriate or proportionate in all the circumstances.

**The prevention of public nuisance**

Since the premises commenced trading the permitted hours detailed above (from the 24/11/05) the premises licence holder has not been contacted by any Responsible Authority regarding issues of The Prevention of Public Nuisance alleged to be associated with the premises.

It is the Premises Licence holder's submission that the premises are well run and managed and that the making of an EMRO as proposed or at all is not necessary, appropriate or proportionate in all the circumstances.

**The protection of children from harm**

Since the premises commenced trading the permitted hours detailed above (from the 24/11/05) the premises licence holder has not been contacted by any other Responsible Authority regarding issues of The Protection of Children from Harm alleged to be associated with the premises.

It is the Premises Licence holder's submission that the premises are well run and managed and that the making of an EMRO as proposed or at all is not necessary, appropriate or proportionate in all the circumstances.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

22<sup>nd</sup> March 2013

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT  
**Representations about a proposal to make an early morning alcohol restriction order under  
 section 172A of the Licensing Act 2003**

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order.  
 (Please read guidance note 1)

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

**Part 1 – Personal Details**

**I am: (Please tick as appropriate)**

An individual or body which is not a responsible authority.



A responsible authority



**Name:**

Stonegate Pub Company Limited

**Responsible authority (if relevant):**

**Address:**

Porter Tun House  
 500 Capability Green  
 LUTON  
 Bedfordshire

**Postcode:** LU1 3LS

**Part 2 - Representations**

Please describe the early morning alcohol restriction order in relation to which you are making representations. (Please read guidance note 2)

**Description of area (postal addresses, ordnance survey map reference or description)**

Hartlepool Town Centre

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

**The prevention of crime and disorder**

The Stonegate Pub Company Ltd is the largest privately held managed pub operator in the UK and which employs over 10,000 people. The company has 540 pubs, one of our brands is Yates's which operates in the area under consideration within Hartlepool for the EMRO. Whilst our pub will not be directly affected by your proposal to introduce an EMRO into Hartlepool, there are a significant number of issues and unforeseen consequences that flow from the introduction of an EMRO which are as yet unknown and which may indirectly affect our business. Stonegate are a member of the ALMR and therefore we support and endorse the views expressed in their full representation which you will already have received. We have specific concerns around displacement of customers who may choose to travel out of Hartlepool for their entertainment. We would also have concerns over the dispersal of customers if all sites serving alcohol were forced to cease at 02.00 – the gradual dispersal of customers achieved through the flexibility of terminal hours would be immediately negated.

We particularly wish to emphasise the benefits of many voluntary schemes operated elsewhere, including BIDs and Best Bar None, which we would prefer to see considered as measures before implementation of an EMRO.

**Part 3 - Declaration**

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed:

CONFIDENTIAL

RJ Hawkesworth  
Head of Risk Management  
Stonegate Pub Company Limited

Date:

28. March 2013

# Tatesgate Leisure Ltd

Tatesgate Leisure Ltd  
Idols  
35 Church Street  
Hartlepool  
TS25 7DG

25/03/2013

To whom it may concern,

As your representation form only covers the licensing objectives I have also included this cover letter to give further views on the proposed EMRO.

The EMRO would in fact lose my business only 2 hours a week, but the implications of this could be very damaging, leading to possible job losses.

I manage two trouble free bars and feel I am being penalised for the unprofessionalism of other premises.

The licensed trade is already going through a tough time due to the current economic crisis. Taking trading hours away from already struggling premises will undoubtedly force closures and job losses.

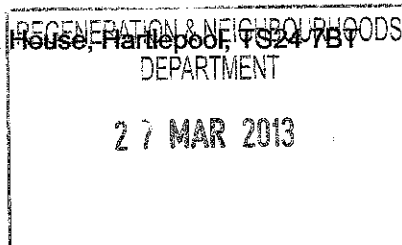
It has been suggested that customers will simply come to the premises in the area earlier if they have to go home earlier, but this is a presumption and one which cannot be guaranteed.

Yours Sincerely

CONFIDENTIAL

John Gate

Licensee and Proprietor  
Idols and Odd Bar  
Church Street  
Hartlepool



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☐

A responsible authority

☐

Name:

John Gate  
(Licencee at Idols and Odd Bar, Church street)

Address:

CONFIDENTIAL

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

Church street



Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

**The prevention of crime and disorder**

The EMRO is not going to stop or reduce crime and disorder. The issues will just be moved to an earlier time (2AM).

I work in Church Street every weekend and there is not a sudden surge of violence at a specific time, incidents can happen at any time.

The evidence I rely on is from personal experience, as I have been a licensee for 20 years.

**Public safety**

Public safety will be compromised as there will be a lot of revellers on the streets at once, rather than home time being staggered (as it currently is).

There will not be enough taxi's to clear the area quickly and people may put themselves in danger.

**The prevention of public nuisance**

The EMRO may increase public nuisance and noise due to the amount of people on the streets at once.

There will also be an increase in after hours 'house parties', which could lead to anti-social behaviour right across the town.

**The protection of children from harm**

N/A

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL	
--------------	--

Date

25/03/2013
------------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

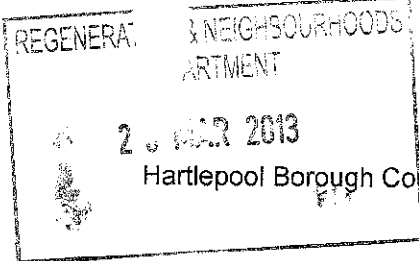
A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT



26 MAR 2013



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority



A responsible authority



Name:

C. R. SEWELL.

Address:

Po	CONFIDENTIAL	

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

HARTLEPOOL TOWN CENTRE

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

MORE PEOPLE ON STREET AT CLOSING TIME.  
MORE TROUBLE ON ESTATES WITH LATER DRINKING  
AT HOME AND OUTDOORS IN SUMMER TIME.  
CHEAP DRINK MORE AVAILABLE AT HOME.  
DRINKING & DRIVING TO AREAS STILL OPEN  
TILL LATE & LATER OUT OF TOWN.

Public safety

ALL DRINKERS ON STREETS @ 2AM  
DUE TO THE LATE CULTURE DRINKING WE HAVE  
CREATED & CHEAP DRINK FROM SUPERMARKETS  
DRINKING WILL CONTINUE ON THE STREETS  
AND IN PRIVATE HOMES UNSUPERVISED.

The prevention of public nuisance

THIS ACTION WILL CREATE MORE PUBLIC  
NUISANCE IN OUTLYING ESTATES AND RESIDENTIAL  
AREAS ACROSS TOWN. MINI BUSES & TAXIS  
RETURNING TO TOWN WITH DRUNKS EVEN  
LATER THAN THE CURRENT ACTIVITY

The protection of children from harm

CHEAP DRINK MORE AVAILABLE IN  
HOMES & MORE LATE NITE DRINKING  
IN RESIDENTIAL AREAS THAN AT PRESENT.  
RESTRICTIONS IN PUBS ENCOURAGES MORE  
HOME DRINKING, ROWDINESS & VIOLENCE.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL	
--------------	--

Date

25/03/2013
------------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority



A responsible authority



Name:

JD Wetherspoon PLC

Address:

Wetherspoon House  
Reeds Crescent  
Watford  
Herts.

Postcode WD24 4QL

### Part 2 -Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses ordnance survey map reference or description)

An Early Morning Restriction Order (EMRO) proposed to apply to the town centre area of Hartlepool incorporating, amongst others, Victoria Road and adjoining Streets, Church Square and Church Street. This area is that described as the "designated area for special policy" as it

appears in the Council's Statement of Licensing Policy.

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

JD Wetherspoon makes this representation as the owner of 2 licensed premises within the proposed EMRO area.

The Ward Jackson, 3-9 Church Square, Hartlepool.  
The King John's Tavern, 1 South Rd, Hartlepool.

The King John's Tavern is not directly impacted by the proposed EMRO in so far that that the premises licence does not authorise sale of alcohol beyond 0200.

The Ward Jackson is directly impacted as sale of alcohol is authorised until 0300 on Christmas Eve, Boxing Day and St David's Day, St Patrick's Day, St. Georges Day and St. Andrews day where those days fall on a Friday or Saturday and until 0900 the following day on New Year's Eve.

The company operates 871 premises in the United Kingdom as a whole.

The company does not support the proposal for an EMRO for the reasons set out below.

Before addressing the EMRO proposal in relation to the 4 licensing objectives below, we wish to make the following general observations.

### **Consultation Process**

We have concerns as to the transparency and legality of the consultation process.

1. The proposal is almost impossible to trace on the Council's Website. It should be prominently visible on the relevant Licensing Section so that those wishing to make representations, both for and against, can do so easily.
2. The format of the proposal is not easy to understand as it is not presented as a separate consultation but as recycled consideration of the request by Cleveland Police and the Director of Public Health as carried out by the licensing committee. It is arguable that this does not meet the consultation requirements as indicated in the s182 Guidance. In particular no "short summary" of the evidence is provided.



3. The consultation response form that respondents are requested to complete asks them to provide clearly the evidence on which they intend to rely in support of representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives. The amended s182 guidance at Para. 16.13 to 16.15 does not require representations to be supported by evidence. The only evidential requirement that the Guidance stipulates is one for the licensing authority who should be satisfied that it has "sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives". This request for evidence particularly handicaps those opposing an EMRO given that no evidence of its effectiveness or otherwise yet exists.

### **Evidence Base**

The licensing authority seeks to meet the above evidential requirements of the s182 Guidance through the following:

1. Licensing Committee Agenda dated 17.12.12 + appendices
2. Initial request for EMRO consideration from Cleveland Police and the Director of Public Health.
3. A two page report showing Late Night Economy violent incidents between July 2012 and August 2012.

For several reasons, we consider his evidence base insufficient as the grounds for a decision which could have far reaching implications on the town in general and individual operators in particular.

1. The bulk of the evidence in support of the introduction of an EMRO the licensing committee were asked to consider consisted of a research study by the Safer Hartlepool Partnership published in December 2009. Para 2.16 of the Agenda Report invited members to consider that the report still has relevance to the "significant issues" that "remain of concern" despite the acknowledgment in the same paragraph that "there may have been "a number of changes" to the Night Time Economy("NTE"). These changes are not documented and there seems a presumption that the members would be aware of these changes.

It is submitted that a report some 3 and a half years old which does not deal with acknowledged changes to the NTE in the interim period cannot provide sufficient evidence for the licensing authority to decide upon the appropriateness of an EMRO to promote the licensing objectives.

The reference to "significant issues" that "remain of concern" is not to the best of our understanding supported by relevant up to date evidence anywhere in the consultation. It is also significant that the report records a decline in the number of NTE offences between 2004 and 2009. At the very least we would expect to see evidence from 2009 to date as to whether that trend is continuing particularly against the trend of declining alcohol consumption and alcohol related crime in the same period on a national basis.

2. The letter from the Safer Hartlepool Partnership proposing consideration of an EMRO is lacking in detail and contains no evidence in support of the assertions made in it as to increasing vulnerability and susceptibility of other areas of the town to crime and the increased tendency of members of the public to stay at home longer to drink more, cheaper alcohol before going out.

No evidence is provided as to crime figures, historic or otherwise, in the town centre during the proposed EMRO period to justify the proposal at all or its implementation at 0200.

The main justification in this letter for the EMRO is that the costs of tackling the problems of crime and disorder in the NTE are unsustainable. This is not a ground for the introduction of an EMRO any more than it would be for curtailing other legitimate economic activity which required policing.

The health considerations for the EMRO must of course be disregarded as health is not a licensing objective and EMRO can only be introduced on the basis that there is evidence it is appropriate to promote the licensing objectives.

3. The document headed "Hartlepool's Night Time Economy – Violence July – 28<sup>th</sup> August 2012" provides more up to date figures but again they are not current.

The document only provides details over a 1 year period. There is not a marked increase in violent incidents during this period.

It is not clear whether any of the incidents are alcohol related and when the incidents took place or on what day.

### **Insufficient Consideration of Alternative Measures**

The S182 Guidance states as follows:

"An EMRO is a powerful tool which will prevent licensed premises in the area to which the EMRO relates from supplying alcohol during the times at which the EMRO applies. The licensing authority should consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO"

It is not clear from the proposal documents that these other measures have been considered at all. Reference is made at Para 3.2 of the Agenda Report to a series of initiatives, including liaison with the trade. No comment is made as to the success or otherwise of these measures and in the absence of relevant crime figures, consultees cannot draw their own conclusions. The impression given from the letter from Safer Hartlepool is that the measures which are in place are effective but cannot be sustained due to economic pressures. If this is the case, then a full exploration as to how those financial pressures can be addressed should take place before the implementation of an EMRO is considered further in order to meet the s182 Guidance.

### **Conclusion**

As a general principle JD Wetherspoon believe that even where there is clear evidence of problems in the late night economy, they are best addressed via a combination of responsible retailing by operators, partnership working between all stakeholders and targeted enforcement against those operators who do not meet the licensing objectives rather than the use of an EMRO. As the s182 guidance states it is a powerful tool but at the same time indiscriminate as it fails to recognise the difference between those operators prompting the licensing objectives in any one area and those that do not. If the tool is to be deployed then it should be done so where there is clear evidence that it is required and where other alternatives have been explored. Neither applies to Hartlepool and we submit

**The prevention of crime and disorder**

For the reasons set about above, we do not consider that sufficient evidence has been provided to satisfy the requirement that the EMRO is appropriate for the promotion of the licensing objective of the prevention of crime and disorder.

The evidence that is provided is too historic for any reasonable consideration of the appropriateness or otherwise of an EMRO in the town.

**Public safety**

We can see nor reference to public safety considerations in the discussions of the licensing committee and presume therefore that promotion of this licensing objective is not a basis for the EMRO proposal.

We note that it is raised as an issue in the letter from Safer Hartlepool in the context of police resources being deployed away from other areas of the town to concentrate on the NTE which has "an obvious impact on public and community safety".

This impact is not evidenced and e would submit that if it was to be proved, it is too causally remote from the sale of alcohol in the proposed EMRO area for it to be a relevant consideration.

**The prevention of public nuisance**

We can see no reference to public nuisance considerations in the discussions of the licensing committee and presume therefore that promotion of this licensing objective is not a basis for the EMRO proposal

**The protection of children from harm**

We can see no reference to the protection of children from harm considerations in the discussions of the licensing committee and presume therefore that promotion of this licensing objective is not a basis for the EMRO proposal

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

	CONFIDENTIAL	
--	--------------	--

Date

28.3.13.
----------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.
2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority



A responsible authority



Name:

Rachel Carrie Hughes.

Address:

CONFIDENTIAL	

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

Hartlepool Town centre.

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

See attached letter

Public safety

See attached letter

The prevention of public nuisance

See attached letter

The protection of children from harm

See attached letter

## Early Morning Alcohol Restriction Orders.

I am writing to lodge an objection to the proposed Early Morning Alcohol Restriction Orders proposed for Hartlepool Town Centre.

I work in a late night bar which employs upto 20 part time staff either directly or through an agency. Should this proposal go ahead all 20 of these jobs, including my own, are potentially at risk. Consequently my colleagues and I have given the matter some considerable thought and put together our detailed objection to this proposal which we will submit individually. Apologies for the repetitive nature of these objections.

I would point out that although this proposal has been introduced as an attempt to reduce both crime and public health issues, the real driving factor is actually cost. Were the Police and Health Service not under such tight budget restrictions at the moment I very much doubt such a proposal would have been forthcoming and the Police in particular have made it clear that the cost of policing the night time economy is their motivation for supporting this proposal at this time. Not that this in any way lessens the strength of the argument for the proposal -- I'm just pointing out that to only be allowed to object to the proposal under the licensing objective headings as outlined on the councils form is extremely difficult when none of these factors were the primary reason for the proposal.

I also believe that the Impact Study and Public Consultation Questionnaire relied on so heavily when making this proposal are extremely misleading.

- 1). For a start the Impact Study is dated 2009 and concentrates on the differences between then and 2005. The economy and the pub trade have both moved on considerably since then and any study relied upon to make such drastic changes MUST be current to have any value at all.
- 2) Regardless of the date of the report the crime figures on page 32, table 3.4 actually shows that crime has dropped since later opening was allowed rather than increased rather undermining the whole argument for the proposal.
- 3). I have no idea which of the late night licensees were interviewed that the study claims would prefer closing to be brought back to 2am but as the vast majority of current late night licensees have indicated that they are opposed to the proposal I suspect those interviewed have now moved on and their comments are therefore irrelevant.
- 4). Even the customers interviewed about early closing weren't actually those out "late" (i.e. the study interviewed people out before midnight but only observed those out later) so to attach such a high significance to their opinion seems a nonsense. Surely if this study was to have any credibility then at least some of the people actually out after midnight had to have been interviewed.
- 5). With regards to the council questionnaire; I would point out that the question asked to the public during that process was whether the council should "adopt a policy that prevents the supply of alcohol in the town centre area between 0300 and 0600 hours?". No mention whatsoever was made of 2am closing so I'm not really sure how any part of this consultation document can be regarded as relevant to a totally different proposal.



With that in mind my objections to the proposal within the terms of the consultation are as follows;

### **The Prevention of Crime and Disorder.**

- 1) There is no evidence whatsoever that bringing closing time back to 2am rather than 3 or 4am will reduce crime. Anecdotal evidence from those who used to go out in the town pre-2005 all indicates that crime rates were much higher when pubs previously closed at 2am and that what incidents there were, were heavily concentrated around closing time leaving the emergency services completely overwhelmed with everything happening at once. The general perception is that the number of incidents each night has dropped markedly and that they are now more evenly dispersed than previously, which was after all the objective of allowing pubs and clubs to stay open later. This is supported by both the crime figures provided in the Impact Study of 2009 and the figures to the year ending August 2012 linked to this study. The Impact Study figures alone show town centre incidents have dropped by 24% from 2005 to 2009 (page 32, table 3.4). I don't have access to current figures but judging by the articles published in the Hartlepool Mail this year the number of offences appears to have continued to reduce further showing what a great job the local police and licensees are doing to manage the situation.
- 2) The North East of England in general and Hartlepool in particular is an unemployment black spot. There is a direct link between high levels of unemployment and crime. The late night bars in the town employ dozens if not hundreds of people. Late night bars cater for a specific market and provide unique music and entertainment choices for which there is only a demand late at night. It's important to note that these bars aren't open late because it suits them to do so, they are open late because that's when customers want their services – no other reason. Closing these bars one or two hours early would have a catastrophic effect on their turnover and consequently profitability which would undoubtedly lead to a number of closures and unemployment. Surely with the economic climate as it is this isn't the time to be risking peoples jobs.
- 3) Customer conduct in late night pubs is controlled by door staff. Door staff like most other people get paid by the hour. Generally speaking they are only needed from 11pm or midnight so that is when their shifts tend to begin. At the moment they get 4, 5 or 6 hours work making it worth their while doing the job. If closing time gets brought forward to 2am there simply won't be enough hours in their shift to make doing the job viable. Either that or the pubs will have to pay so much for their services that they won't be able to afford to employ them. The knock on effect being that Hartlepool won't have enough door staff to cover it's pubs meaning that few, if any will be able to open and those that do will be inadequately covered.
- 4) We now live in a 24 hour society. Not just with our drinking habits but with our lives as a whole and socialising in particular. In the event that the pubs do close at 2am people aren't just going to go home and go to bed. Many will give their trade to other towns open later to the detriment of Hartlepool. Others will continue socialising at private parties and in their own homes spread right across the borough. At the moment the majority of late night revellers are centred around the Victoria Road and

Church Street parts of town, all within yards of the police station and in an environment fit for this particular purpose. They couldn't be better placed if you spent years planning it. I can't see how dispersing people away from this ideal centralised spot to the housing estates where they will cause a greater nuisance, all much further away from the Police Station, is going to help anyone. It's only going to stretch the limited police resource even further.

#### **Public Safety.**

One of the reasons for this proposal is to cut the health problems caused by excessive drinking. A valid concern that I don't think anyone would argue with. I'm not really sure how closing pubs at 2am would help this though. Late night pub prices are generally the most expensive sources of alcohol people will come across. Pubs also have to authorise the sale of each individual drink and shouldn't be selling to customers who are clearly drunk. Supermarkets on the other hand sell drink ridiculously cheaply and are able to sell it by the case meaning they have absolutely no control over how much an individual customer actually consumes. I can't see how removing the most expensive drink and pushing people in the direction of a far cheaper more easily accessed product can have anything other than a negative effect on public health.

#### **Prevention of Public Nuisance.**

A Bit of a repeat of an earlier comment but, if people aren't drinking in the town centre where there are few residential properties, they are going to be socialising at home. Far better to have people drinking in venues specifically designed for this purpose than have them drinking far more cheaper supermarket drink at home annoying their neighbours.

As I have stated at the start of this communication, I am completely against this proposal. I do not believe it will have the effect it is hoped it will have and the reasoning behind the proposal is badly flawed. It is an attempt to resolve 1 problem without looking at the overall picture and considering the full implications of that action. Now isn't the right time for gambling 100's of peoples jobs on the off chance that crime might decrease when history and what little evidence there is shows that the opposite is far more likely to happen.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

23.3.2013.

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☒

A responsible authority

☐

Name:

Samantha Cheney

Address:

CONFIDENTIAL

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

HARTLEPOOL TOWN CENTRE

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

See attached letter

Public safety

See attached letter

The prevention of public nuisance

See attached letter

The protection of children from harm

See attached letter

## Early Morning Alcohol Restriction Orders.

I am writing to lodge an objection to the proposed Early Morning Alcohol Restriction Orders proposed for Hartlepool Town Centre.

I work in a late night bar which employs upto 20 part time staff either directly or through an agency. Should this proposal go ahead all 20 of these jobs, including my own, are potentially at risk. Consequently my colleagues and I have given the matter some considerable thought and put together our detailed objection to this proposal which we will submit individually. Apologies for the repetitive nature of these objections.

I would point out that although this proposal has been introduced as an attempt to reduce both crime and public health issues, the real driving factor is actually cost. Were the Police and Health Service not under such tight budget restrictions at the moment I very much doubt such a proposal would have been forthcoming and the Police in particular have made it clear that the cost of policing the night time economy is their motivation for supporting this proposal at this time. Not that this in any way lessens the strength of the argument for the proposal – I'm just pointing out that to only be allowed to object to the proposal under the licensing objective headings as outlined on the councils form is extremely difficult when none of these factors were the primary reason for the proposal.

I also believe that the Impact Study and Public Consultation Questionnaire relied on so heavily when making this proposal are extremely misleading.

- 1). For a start the Impact Study is dated 2009 and concentrates on the differences between then and 2005. The economy and the pub trade have both moved on considerably since then and any study relied upon to make such drastic changes MUST be current to have any value at all.
- 2) Regardless of the date of the report the crime figures on page 32, table 3.4 actually shows that crime has dropped since later opening was allowed rather than increased rather undermining the whole argument for the proposal.
- 3). I have no idea which of the late night licensees were interviewed that the study claims would prefer closing to be brought back to 2am but as the vast majority of current late night licensees have indicated that they are opposed to the proposal I suspect those interviewed have now moved on and their comments are therefore irrelevant.
- 4). Even the customers interviewed about early closing weren't actually those out "late" (i.e. the study interviewed people out before midnight but only observed those out later) so to attach such a high significance to their opinion seems a nonsense. Surely if this study was to have any credibility then at least some of the people actually out after midnight had to have been interviewed.
- 5). With regards to the council questionnaire; I would point out that the question asked to the public during that process was whether the council should "adopt a policy that prevents the supply of alcohol in the town centre area between 0300 and 0600 hours?". No mention whatsoever was made of 2am closing so I'm not really sure how any part of this consultation document can be regarded as relevant to a totally different proposal.

With that in mind my objections to the proposal within the terms of the consultation are as follows;

### **The Prevention of Crime and Disorder.**

1) There is no evidence whatsoever that bringing closing time back to 2am rather than 3 or 4am will reduce crime. Anecdotal evidence from those who used to go out in the town pre-2005 all indicates that crime rates were much higher when pubs previously closed at 2am and that what incidents there were, were heavily concentrated around closing time leaving the emergency services completely overwhelmed with everything happening at once. The general perception is that the number of incidents each night has dropped markedly and that they are now more evenly dispersed than previously, which was after all the objective of allowing pubs and clubs to stay open later. This is supported by both the crime figures provided in the Impact Study of 2009 and the figures to the year ending August 2012 linked to this study. The Impact Study figures alone show town centre incidents have dropped by 24% from 2005 to 2009 (page 32, table 3.4). I don't have access to current figures but judging by the articles published in the Hartlepool Mail this year the number of offences appears to have continued to reduce further showing what a great job the local police and licensees are doing to manage the situation.

2) The North East of England in general and Hartlepool in particular is an unemployment black spot. There is a direct link between high levels of unemployment and crime. The late night bars in the town employ dozens if not hundreds of people. Late night bars cater for a specific market and provide unique music and entertainment choices for which there is only a demand late at night. It's important to note that these bars aren't open late because it suits them to do so, they are open late because that's when customers want their services – no other reason. Closing these bars one or two hours early would have a catastrophic effect on their turnover and consequently profitability which would undoubtedly lead to a number of closures and unemployment. Surely with the economic climate as it is this isn't the time to be risking peoples jobs.

3) Customer conduct in late night pubs is controlled by door staff. Door staff like most other people get paid by the hour. Generally speaking they are only needed from 11pm or midnight so that is when their shifts tend to begin. At the moment they get 4, 5 or 6 hours work making it worth their while doing the job. If closing time gets brought forward to 2am there simply won't be enough hours in their shift to make doing the job viable. Either that or the pubs will have to pay so much for their services that they won't be able to afford to employ them. The knock on effect being that Hartlepool won't have enough door staff to cover it's pubs meaning that few, if any will be able to open and those that do will be inadequately covered.

4) We now live in a 24 hour society. Not just with our drinking habits but with our lives as a whole and socialising in particular. In the event that the pubs do close at 2am people aren't just going to go home and go to bed. Many will give their trade to other towns open later to the detriment of Hartlepool. Others will continue socialising at private parties and in their own homes spread right across the borough. At the moment the majority of late night revellers are centred around the Victoria Road and

Church Street parts of town, all within yards of the police station and in an environment fit for this particular purpose. They couldn't be better placed if you spent years planning it. I can't see how dispersing people away from this ideal centralised spot to the housing estates where they will cause a greater nuisance, all much further away from the Police Station, is going to help anyone. It's only going to stretch the limited police resource even further.

#### **Public Safety.**

One of the reasons for this proposal is to cut the health problems caused by excessive drinking. A valid concern that I don't think anyone would argue with. I'm not really sure how closing pubs at 2am would help this though. Late night pub prices are generally the most expensive sources of alcohol people will come across. Pubs also have to authorise the sale of each individual drink and shouldn't be selling to customers who are clearly drunk. Supermarkets on the other hand sell drink ridiculously cheaply and are able to sell it by the case meaning they have absolutely no control over how much an individual customer actually consumes. I can't see how removing the most expensive drink and pushing people in the direction of a far cheaper more easily accessed product can have anything other than a negative effect on public health.

#### **Prevention of Public Nuisance.**

A Bit of a repeat of an earlier comment but, if people aren't drinking in the town centre where there are few residential properties, they are going to be socialising at home. Far better to have people drinking in venues specifically designed for this purpose than have them drinking far more cheaper supermarket drink at home annoying their neighbours.

As I have stated at the start of this communication, I am completely against this proposal. I do not believe it will have the effect it is hoped it will have and the reasoning behind the proposal is badly flawed. It is an attempt to resolve 1 problem without looking at the overall picture and considering the full implications of that action. Now isn't the right time for gambling 100's of peoples jobs on the off chance that crime might decrease when history and what little evidence there is shows that the opposite is far more likely to happen.



### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

	CONFIDENTIAL	
--	--------------	--

Date

21/3/2013
-----------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority



A responsible authority



Name:

NEIL BELLERBY

Address:

CONFIDENTIAL	EMPLOYED LITTLE BLAKE ROAD WHITBY STREET HARTLEPOOL.
	TS24 7AD

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

HARTLEPOOL TOWN CENTRE.

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

SEE ATTACHED LETTER

Public safety

SEE ATTACHED LETTER.

The prevention of public nuisance

SEE ATTACHED LETTER

The protection of children from harm

SEE ATTACHED LETTER

## Early Morning Alcohol Restriction Orders.

I am writing to lodge an objection to the proposed Early Morning Alcohol Restriction Orders proposed for Hartlepool Town Centre.

I work in a late night bar which employs upto 20 part time staff either directly or through an agency. Should this proposal go ahead all 20 of these jobs, including my own, are potentially at risk. Consequently my colleagues and I have given the matter some considerable thought and put together our detailed objection to this proposal which we will submit individually. Apologies for the repetitive nature of these objections.

I would point out that although this proposal has been introduced as an attempt to reduce both crime and public health issues, the real driving factor is actually cost. Were the Police and Health Service not under such tight budget restrictions at the moment I very much doubt such a proposal would have been forthcoming and the Police in particular have made it clear that the cost of policing the night time economy is their motivation for supporting this proposal at this time. Not that this in any way lessens the strength of the argument for the proposal – I'm just pointing out that to only be allowed to object to the proposal under the licensing objective headings as outlined on the councils form is extremely difficult when none of these factors were the primary reason for the proposal.

I also believe that the Impact Study and Public Consultation Questionnaire relied on so heavily when making this proposal are extremely misleading.

- 1). For a start the Impact Study is dated 2009 and concentrates on the differences between then and 2005. The economy and the pub trade have both moved on considerably since then and any study relied upon to make such drastic changes MUST be current to have any value at all.
- 2) Regardless of the date of the report the crime figures on page 32, table 3.4 actually shows that crime has dropped since later opening was allowed rather than increased rather undermining the whole argument for the proposal.
- 3). I have no idea which of the late night licensees were interviewed that the study claims would prefer closing to be brought back to 2am but as the vast majority of current late night licensees have indicated that they are opposed to the proposal I suspect those interviewed have now moved on and their comments are therefore irrelevant.
- 4). Even the customers interviewed about early closing weren't actually those out "late" (i.e. the study interviewed people out before midnight but only observed those out later) so to attach such a high significance to their opinion seems a nonsense. Surely if this study was to have any credibility then at least some of the people actually out after midnight had to have been interviewed.
- 5). With regards to the council questionnaire; I would point out that the question asked to the public during that process was whether the council should "adopt a policy that prevents the supply of alcohol in the town centre area between 0300 and 0600 hours?". No mention whatsoever was made of 2am closing so I'm not really sure how any part of this consultation document can be regarded as relevant to a totally different proposal.

With that in mind my objections to the proposal within the terms of the consultation are as follows;

### **The Prevention of Crime and Disorder.**

1) There is no evidence whatsoever that bringing closing time back to 2am rather than 3 or 4am will reduce crime. Anecdotal evidence from those who used to go out in the town pre-2005 all indicates that crime rates were much higher when pubs previously closed at 2am and that what incidents there were, were heavily concentrated around closing time leaving the emergency services completely overwhelmed with everything happening at once. The general perception is that the number of incidents each night has dropped markedly and that they are now more evenly dispersed than previously, which was after all the objective of allowing pubs and clubs to stay open later. This is supported by both the crime figures provided in the Impact Study of 2009 and the figures to the year ending August 2012 linked to this study. The Impact Study figures alone show town centre incidents have dropped by 24% from 2005 to 2009 (page 32, table 3.4). I don't have access to current figures but judging by the articles published in the Hartlepool Mail this year the number of offences appears to have continued to reduce further showing what a great job the local police and licensees are doing to manage the situation.

2) The North East of England in general and Hartlepool in particular is an unemployment black spot. There is a direct link between high levels of unemployment and crime. The late night bars in the town employ dozens if not hundreds of people. Late night bars cater for a specific market and provide unique music and entertainment choices for which there is only a demand late at night. It's important to note that these bars aren't open late because it suits them to do so, they are open late because that's when customers want their services – no other reason. Closing these bars one or two hours early would have a catastrophic effect on their turnover and consequently profitability which would undoubtedly lead to a number of closures and unemployment. Surely with the economic climate as it is this isn't the time to be risking peoples jobs.

3) Customer conduct in late night pubs is controlled by door staff. Door staff like most other people get paid by the hour. Generally speaking they are only needed from 11pm or midnight so that is when their shifts tend to begin. At the moment they get 4, 5 or 6 hours work making it worth their while doing the job. If closing time gets brought forward to 2am there simply won't be enough hours in their shift to make doing the job viable. Either that or the pubs will have to pay so much for their services that they won't be able to afford to employ them. The knock on effect being that Hartlepool won't have enough door staff to cover it's pubs meaning that few, if any will be able to open and those that do will be inadequately covered.

4) We now live in a 24 hour society. Not just with our drinking habits but with our lives as a whole and socialising in particular. In the event that the pubs do close at 2am people aren't just going to go home and go to bed. Many will give their trade to other towns open later to the detriment of Hartlepool. Others will continue socialising at private parties and in their own homes spread right across the borough. At the moment the majority of late night revellers are centred around the Victoria Road and

Church Street parts of town, all within yards of the police station and in an environment fit for this particular purpose. They couldn't be better placed if you spent years planning it. I can't see how dispersing people away from this ideal centralised spot to the housing estates where they will cause a greater nuisance, all much further away from the Police Station, is going to help anyone. It's only going to stretch the limited police resource even further.

#### **Public Safety.**

One of the reasons for this proposal is to cut the health problems caused by excessive drinking. A valid concern that I don't think anyone would argue with. I'm not really sure how closing pubs at 2am would help this though. Late night pub prices are generally the most expensive sources of alcohol people will come across. Pubs also have to authorise the sale of each individual drink and shouldn't be selling to customers who are clearly drunk. Supermarkets on the other hand sell drink ridiculously cheaply and are able to sell it by the case meaning they have absolutely no control over how much an individual customer actually consumes. I can't see how removing the most expensive drink and pushing people in the direction of a far cheaper more easily accessed product can have anything other than a negative effect on public health.

#### **Prevention of Public Nuisance.**

A Bit of a repeat of an earlier comment but, if people aren't drinking in the town centre where there are few residential properties, they are going to be socialising at home. Far better to have people drinking in venues specifically designed for this purpose than have them drinking far more cheaper supermarket drink at home annoying their neighbours.

As I have stated at the start of this communication, I am completely against this proposal. I do not believe it will have the effect it is hoped it will have and the reasoning behind the proposal is badly flawed. It is an attempt to resolve 1 problem without looking at the overall picture and considering the full implications of that action. Now isn't the right time for gambling 100's of peoples jobs on the off chance that crime might decrease when history and what little evidence there is shows that the opposite is far more likely to happen.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

	CONFIDENTIAL	
--	--------------	--

Date

23	3	2013
----	---	------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT

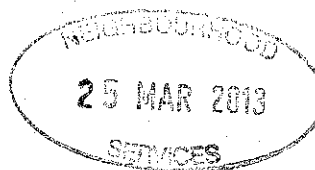


## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details



I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority



A responsible authority



Name:

NATASHA HOLDSWORTH

Address:

CONFIDENTIAL	

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

HARTLEPOOL TOWN CENTRE



Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

SEE ATTACHED

Public safety

SEE ATTACHED

The prevention of public nuisance

SEE ATTACHED

The protection of children from harm

SEE ATTACHED

## Early Morning Alcohol Restriction Orders.

I am writing to lodge an objection to the proposed Early Morning Alcohol Restriction Orders proposed for Hartlepool Town Centre.

I work in a late night bar which employs upto 20 part time staff either directly or through an agency. Should this proposal go ahead all 20 of these jobs, including my own, are potentially at risk. Consequently my colleagues and I have given the matter some considerable thought and put together our detailed objection to this proposal which we will submit individually. Apologies for the repetitive nature of these objections.

I would point out that although this proposal has been introduced as an attempt to reduce both crime and public health issues, the real driving factor is actually cost. Were the Police and Health Service not under such tight budget restrictions at the moment I very much doubt such a proposal would have been forthcoming and the Police in particular have made it clear that the cost of policing the night time economy is their motivation for supporting this proposal at this time. Not that this in any way lessens the strength of the argument for the proposal – I'm just pointing out that to only be allowed to object to the proposal under the licensing objective headings as outlined on the councils form is extremely difficult when none of these factors were the primary reason for the proposal.

I also believe that the Impact Study and Public Consultation Questionnaire relied on so heavily when making this proposal are extremely misleading.

- 1). For a start the Impact Study is dated 2009 and concentrates on the differences between then and 2005. The economy and the pub trade have both moved on considerably since then and any study relied upon to make such drastic changes MUST be current to have any value at all.
- 2) Regardless of the date of the report the crime figures on page 32, table 3.4 actually shows that crime has dropped since later opening was allowed rather than increased rather undermining the whole argument for the proposal.
- 3). I have no idea which of the late night licensees were interviewed that the study claims would prefer closing to be brought back to 2am but as the vast majority of current late night licensees have indicated that they are opposed to the proposal I suspect those interviewed have now moved on and their comments are therefore irrelevant.
- 4). Even the customers interviewed about early closing weren't actually those out "late" (i.e. the study interviewed people out before midnight but only observed those out later) so to attach such a high significance to their opinion seems a nonsense. Surely if this study was to have any credibility then at least some of the people actually out after midnight had to have been interviewed.
- 5). With regards to the council questionnaire; I would point out that the question asked to the public during that process was whether the council should "adopt a policy that prevents the supply of alcohol in the town centre area between 0300 and 0600 hours?". No mention whatsoever was made of 2am closing so I'm not really sure how any part of this consultation document can be regarded as relevant to a totally different proposal.

With that in mind my objections to the proposal within the terms of the consultation are as follows;

### **The Prevention of Crime and Disorder.**

1) There is no evidence whatsoever that bringing closing time back to 2am rather than 3 or 4am will reduce crime. Anecdotal evidence from those who used to go out in the town pre-2005 all indicates that crime rates were much higher when pubs previously closed at 2am and that what incidents there were, were heavily concentrated around closing time leaving the emergency services completely overwhelmed with everything happening at once. The general perception is that the number of incidents each night has dropped markedly and that they are now more evenly dispersed than previously, which was after all the objective of allowing pubs and clubs to stay open later. This is supported by both the crime figures provided in the Impact Study of 2009 and the figures to the year ending August 2012 linked to this study. The Impact Study figures alone show town centre incidents have dropped by 24% from 2005 to 2009 (page 32, table 3.4). I don't have access to current figures but judging by the articles published in the Hartlepool Mail this year the number of offences appears to have continued to reduce further showing what a great job the local police and licensees are doing to manage the situation.

2) The North East of England in general and Hartlepool in particular is an unemployment black spot. There is a direct link between high levels of unemployment and crime. The late night bars in the town employ dozens if not hundreds of people. Late night bars cater for a specific market and provide unique music and entertainment choices for which there is only a demand late at night. It's important to note that these bars aren't open late because it suits them to do so, they are open late because that's when customers want their services – no other reason. Closing these bars one or two hours early would have a catastrophic effect on their turnover and consequently profitability which would undoubtedly lead to a number of closures and unemployment. Surely with the economic climate as it is this isn't the time to be risking peoples jobs.

3) Customer conduct in late night pubs is controlled by door staff. Door staff like most other people get paid by the hour. Generally speaking they are only needed from 11pm or midnight so that is when their shifts tend to begin. At the moment they get 4, 5 or 6 hours work making it worth their while doing the job. If closing time gets brought forward to 2am there simply won't be enough hours in their shift to make doing the job viable. Either that or the pubs will have to pay so much for their services that they won't be able to afford to employ them. The knock on effect being that Hartlepool won't have enough door staff to cover it's pubs meaning that few, if any will be able to open and those that do will be inadequately covered.

4) We now live in a 24 hour society. Not just with our drinking habits but with our lives as a whole and socialising in particular. In the event that the pubs do close at 2am people aren't just going to go home and go to bed. Many will give their trade to other towns open later to the detriment of Hartlepool. Others will continue socialising at private parties and in their own homes spread right across the borough. At the moment the majority of late night revellers are centred around the Victoria Road and

Church Street parts of town, all within yards of the police station and in an environment fit for this particular purpose. They couldn't be better placed if you spent years planning it. I can't see how dispersing people away from this ideal centralised spot to the housing estates where they will cause a greater nuisance, all much further away from the Police Station, is going to help anyone. It's only going to stretch the limited police resource even further.

#### **Public Safety.**

One of the reasons for this proposal is to cut the health problems caused by excessive drinking. A valid concern that I don't think anyone would argue with. I'm not really sure how closing pubs at 2am would help this though. Late night pub prices are generally the most expensive sources of alcohol people will come across. Pubs also have to authorise the sale of each individual drink and shouldn't be selling to customers who are clearly drunk. Supermarkets on the other hand sell drink ridiculously cheaply and are able to sell it by the case meaning they have absolutely no control over how much an individual customer actually consumes. I can't see how removing the most expensive drink and pushing people in the direction of a far cheaper more easily accessed product can have anything other than a negative effect on public health.

#### **Prevention of Public Nuisance.**

A Bit of a repeat of an earlier comment but, if people aren't drinking in the town centre where there are few residential properties, they are going to be socialising at home. Far better to have people drinking in venues specifically designed for this purpose than have them drinking far more cheaper supermarket drink at home annoying their neighbours.

As I have stated at the start of this communication, I am completely against this proposal. I do not believe it will have the effect it is hoped it will have and the reasoning behind the proposal is badly flawed. It is an attempt to resolve 1 problem without looking at the overall picture and considering the full implications of that action. Now isn't the right time for gambling 100's of peoples jobs on the off chance that crime might decrease when history and what little evidence there is shows that the opposite is far more likely to happen.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

	CONFIDENTIAL	
--	--------------	--

Date

23/3/13.
----------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

*A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. (Please read guidance note 1)*

*A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised*

### Part 1 – Personal Details

I am (please tick as appropriate)

An individual or body which is not a responsible body

☒

A responsible authority

☐

Name:

British Beer & Pub Association

(Leading trade body representing Britain's brewers and pub companies. Our members account for some 96% of beer brewed in Britain today, and own more than half of the nation's pubs – a number of which operate in the Hartlepool area. A full list of our members can be found at <http://www.beerandpub.com/membership/our-members>)

Address:

Brewers' Hall, Aldermanbury Square, London EC2V 7HR



## Part 2 - Representations

*Please describe the early morning alcohol restriction order in relation to which you are making representations (Please read guidance note 2)*

Early Morning Alcohol Restriction Order (EMRO) proposed to apply to the town centre area of Hartlepool incorporating, amongst others, Victoria Road and adjoining streets, Church Square and Church Street.

*Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.*

*A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.*

### The prevention of crime and disorder

As stated in the Section 182 Guidance, EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

Reviewing the evidence presented by Hartlepool for the introduction of an EMRO on the prevention of crime and disorder objective, the above criteria set out in the guidance has not (in our view) been adhered to.

### Evidential base for EMRO

The evidence presented on the Hartlepool Borough Council website<sup>1</sup> consists of:

- Initial representation from Cleveland Police and the Director of Public Health asking for the Council to consider the introduction of an EMRO (4 December 2012);
- Two-page document displaying crime and disorder statistics for the Victoria Road and Church street areas of Hartlepool Town Centre (17 December 2012);

<sup>1</sup>[www.hartlepool.gov.uk/info/200063/licences\\_and\\_street\\_trading/1811/early\\_morning\\_alcohol\\_restriction\\_orders\\_emros](http://www.hartlepool.gov.uk/info/200063/licences_and_street_trading/1811/early_morning_alcohol_restriction_orders_emros)

- The report of the Licensing Committee meeting whereby the decision was made to consult on an EMRO, incorporating further reasoning as to why the introduction of such a measure is justified (17 December 2012).

Taking each point above in turn, the initial representation letter from Cleveland Police and the Director of Public Health<sup>2</sup> was the catalyst for the Council to consider the introduction of an EMRO. The letter notes that successful partnership working between enforcement agencies and the licensed trade had been in place for a number of years and 'crime and anti-social behaviour has been tackled by an array of tactics supported by the...Night Time Economy Operations Group'. However, the letter goes on to state that due to the current 'austere times' and a lack of funding for such partnership schemes new approaches have to be looked at. In effect, the reason given to introduce an EMRO is that due to the lack of police funding for partnership schemes, the night-time economy should be shut down at a set time so the police do not need to expend resources on policing it. The letter gives no specific evidence of recent high-level anti social behaviour (other than general statements about nationwide concerns). No reason in the letter is given as to why the cut-off time of 2am is selected and no link is made in the letter to any of the licensing objectives.

With regard to the crime and disorder statistics (Victoria Road and Church Street) presented as evidence, this shows the number of violent incidents associated with the NTE in Hartlepool between August 2011 and August 2012. Over this period 246 incidents are reported, 189 of which are in the town centre area. What is not clear from the data is the time of night these incidents occurred, with no link to the proposed 2am cut-off time and therefore cannot show that the introduction of an EMRO from this point will reduce these figures or not. The concern here would be that without such a base to measure the success of an EMRO at reducing these figures, it could be used as evidence in future to 'dial back' the hour at which the EMRO applies. The trend across the country shows a decline in both alcohol consumption and alcohol related violence. There is no supporting data presented in this case to show alcohol related crime in Hartlepool is increasing overall after 2am.

The bulk of the points made in support of the EMRO are made in the Licensing Committee report of 17 December 2012, in which the committee agree to implement an EMRO from 2am in the town centre area (subject, according to the minutes, to a specific meeting on this issue which either did not occur, or the notes of which have not been made public). The report of the meeting makes reference (Appendix I) to a report by the Safer Hartlepool partnership that looks at the town's NTE published in December 2009 which showed the number of NTE offences in the town centre had declined in Hartlepool by 24% between 2004 and the publication of the report in 2009. Committee members are invited to look at this report with the suggestion it may hold relevance despite being three years old at this point.

<sup>2</sup> Ibid, Licensing Committee Report (17 December 2012) Appendix II



The Committee report also states that there is an average of approximately 20 violent incident associated with the NTE in the town centre each month. However, this is contradicted by the figures given as evidence in the additional statistics (discussed above) showing a lower average of 15 offences. The paper also notes that a wide range of measures have been introduced in recent years in the NTE such as taxi marshals, 'town pastors', management of the public space and working with the Hartlepool Licensees Association.

However, the evidential basis for the introduction of the EMRO is limited to the report from 2009 (which as stated shows a decline in alcohol related crime and is potentially out of date on other issues) and the representation letter from Cleveland Police and the Director of Public Health – which as noted above do not provide any firm evidence for an introduction of an EMRO aside from non-specific statements about 'unacceptable' levels of A&E admissions and the fact the police do not have funding for partnership working going forward and so the town centre should effectively be shut down at a specified point to protect police resources.

In conclusion, we are of the opinion the evidence base presented does not support the introduction of an EMRO. As mentioned above, the Section 182 guidance states that 'the licensing authority should be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives'. There is little mention made of the licensing objectives or how an EMRO applied from 2am would specifically affect their promotion in Hartlepool.

The licensing committee report also makes reference to potential risks associated with the introduction of an EMRO, including:

- Displacement to other areas. We would agree with this point, as any EMRO will not decrease demand, but instead move this demand elsewhere. This may be a move to other towns or even towards drinking at home after on-trade options are curtailed by an EMRO.
- A surge of people leaving premises at the same time, as happened prior to the 2003 Act potentially placing pressure on taxi marshals, etc.
- Economic impact on licensed premises. Businesses with a core late night trade will in effect be losing a large part of their attraction and custom. Given the current economic challenges facing the late night sector, such a restriction on trading could well make the business unviable leading to both economic impacts (loss of business rate revenue) and job losses. Whilst people may begin their evening earlier if they knew an EMRO was in place, this is not guaranteed and business cannot rely on this when looking at revising their operations with the threat of an EMRO. Businesses which have been granted their hours following legitimate applications (and have operated with no problems whatsoever) which have been approved by the licensing authority will be penalised, seemingly without any opportunity to challenge the restrictions on hours.



**Public safety**

Reference is made to increasing alcohol-related A&E admissions in the initial call for an EMRO from the Director of Public Health, however no supporting data or evidence is presented to support this assertion.

**The prevention of public nuisance**

No mention is made of how the EMRO will affect this objective, therefore we assume this is not relevant.

**The protection of children from harm**

See above regarding prevention of public nuisance.

***Part 3 – Declaration***

*I believe that the facts and matters described above are true to the best of my knowledge and belief.*

***Signed:***

CONFIDENTIAL

Jim Cathcart, Policy Manager, BBPA

***Date:***

*27<sup>th</sup> March 2013*



#### **Notes for Guidance**

- 1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.*
  - 2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.*
- A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.*

DRAFT v1

**Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003**

*A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. (Please read guidance note 1)*

*A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised*

**Part 1 – Personal Details**

*Name:* Camerons Brewery Ltd

*Address:* Lion Brewery, Hartlepool, TS24 7QS

*Status:* Local Business

*Description:* Brewery based in Hartlepool since 1865. We employ over 100 staff at the brewery as well as providing employment for local contractors and business. Our products are supplied to various outlets which will be affected by the proposed changes.

**Part 2 - Representations**

*Please describe the early morning alcohol restriction order in relation to which you are making representations (Please read guidance note 2)*

Early Morning Alcohol Restriction Order (EMRO) proposed to apply to the town centre area of Hartlepool incorporating, amongst others, Victoria Road and adjoining streets, Church Square and Church Street.

*Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.*

*A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.*

### **The prevention of crime and disorder**

As stated in the Section 182 Guidance, EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

Reviewing the evidence presented by Hartlepool for the introduction of an EMRO on the prevention of crime and disorder objective, the above criteria set out in the guidance has not (in our view) been adhered to.

### **Evidential base for EMRO**

The evidence presented on the Hartlepool Borough Council website<sup>1</sup> consists of:

- Initial representation from Cleveland Police and the Director of Public Health asking for the Council to consider the introduction of an EMRO (4 December 2012);
- Two-page document displaying crime and disorder statistics for the Victoria Road and Church street areas of Hartlepool Town Centre (17 December 2012);
- The report of the Licensing Committee meeting whereby the decision was made to consult on an EMRO, incorporating further reasoning as to why the introduction of such a measure is justified (17 December 2012).

Taking each point above in turn, the initial representation letter from Cleveland Police and the Director of Public Health<sup>2</sup> was the catalyst for the Council to consider the introduction of an EMRO. The letter notes that successful partnership working between enforcement agencies and the licensed trade had been in place for a number of years and 'crime and anti-social behaviour has been tackled by an array of tactics supported by the...Night Time Economy Operations Group'. However, the letter goes on to state that due to the current 'austere times' and a lack of funding for such partnership schemes new approaches have to be looked at. In effect, the reason given to introduce an EMRO is that due to the lack of police funding for partnership schemes the night-time economy should be shut down at a set time so the police do not need to expend resources on policing it. The letter gives no specific evidence of recent high-level anti social behaviour (other than general statements about nationwide concerns). No reason in the letter is given as to why the cut-off time of 2am is selected and no link is made in the letter to any of the licensing objectives.

<sup>1</sup>

[www.hartlepool.gov.uk/info/200063/licences\\_and\\_street\\_trading/1811/early\\_morning\\_alcohol\\_restriction\\_order\\_s\\_emros](http://www.hartlepool.gov.uk/info/200063/licences_and_street_trading/1811/early_morning_alcohol_restriction_order_s_emros)

<sup>2</sup> Ibid, Licensing Committee Report (17 December 2012) Appendix II

With regard to the crime and disorder statistics (Victoria Road and Church Street) presented as evidence, this shows the number of violent incidents associated with the NTE in Hartlepool between August 2011 and August 2012. Over this period 246 incidents are reported, 189 of which are in the town centre area. What is not clear from the data is the time of night these incidents occurred, making no link to the proposed 2am cut-off time and therefore cannot show that the introduction of an EMRO from this point will reduce these figures or not. The concern here would be that without such a base to measure the success of an EMRO at reducing these figures, it could be used as evidence in future to 'dial back' the hour at which the EMRO applies. The trend across the country shows a decline in both alcohol consumption and alcohol related violence. There is no supporting data presented in this case to show alcohol related crime in Hartlepool is increasing overall after 2am.

The bulk of the points made in support of the EMRO are made in the licensing committee report of 17 December 2012, in which the committee agree to implement an EMRO from 2am in the town centre area (subject, according to the minutes, of a specific meeting on this issue which either did not occur or the notes of which have not been made public). The report of the meeting makes reference (Appendix I) to a report by the Safer Hartlepool partnership that looks at the town's NTE published in December 2009 which showed the number of NTE offences in the town centre had declined in Hartlepool by 24% between 2004 and the publication of the report in 2009. Committee members are invited to look at this report with the suggestion it may hold relevance despite being three years old at this point.

The Committee report also states that there is an average of approximately 20 violent incident associated with the NTE in the town centre each month. However, this is contradicted by the figures given as evidence in the additional statistics (discussed above) showing a lower average of 15 offences. The paper also notes that a wide range of measures have been introduced in recent years in the NTE such as taxi marshals, 'town pastors', management of the public space and working with the Hartlepool Licensees Association.

However, the evidential basis for the introduction of the EMRO is limited to the report from 2009 (which as stated shows a decline in alcohol related crime and is potentially out of date on other issues) and the representation letter from Cleveland Police and the Director of Public Health – which as noted above do not provide any firm evidence for an introduction of an EMRO aside from non-specific statements about 'unacceptable' levels of A&E admissions and the fact the police do not have funding for partnership working going forward and so the town centre should effectively be shut down at a specified point to protect police resources.

In conclusion, we are of the opinion the evidence base presented does not support the introduction of an EMRO. As mentioned above, the Section 182 guidance states that 'the licensing authority should be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives'. There is little mention made of the licensing objectives or how an EMRO applied from 2am would specifically affect their promotion in Hartlepool.

The licensing committee report also makes reference to potential risks associated with the introduction of an EMRO, including:

- Displacement to other areas. We would agree with this point, as any EMRO will not decrease demand but instead move this demand elsewhere. This may be a move to other towns or even towards drinking at home after on-trade options are curtailed by an EMRO.
- A surge of people leaving premises at the same time, as happened prior to the 2003 Act potentially placing pressure on taxi marshals, etc. .
- Economic impact on licensed premises. Businesses with a core late night trade will in effect be losing a large part of their attraction and custom. Given the current economic challenges facing the late night sector, such a restriction on trading could well make the business unviable leading to both economic (business rates) and job losses. Whilst people may begin their evening earlier if they knew an EMRO was in place, this is not guaranteed and business cannot rely on this when looking at revising their operations with the threat of an EMRO. Businesses which have been granted their hours following legitimate applications (and have operated with no problems whatsoever) which have been approved by the licensing authority will be penalised, seemingly without any opportunity to challenge the restrictions on hours.

#### **Public safety**

Reference is made to increasing alcohol-related A&E admissions in the initial call for an EMRO from the Director of Public Health, however no supporting data or evidence is presented to support this assertion.

#### **The prevention of public nuisance**

No mention is made of how the EMRO will affect this objective; therefore we assume this is not relevant.

#### **The protection of children from harm**

See above regarding prevention of public nuisance.

**Part 3 – Declaration**

*I believe that the facts and matters described above are true to the best of my knowledge and belief.*

Signed  
Date

CONFIDENTIAL

27/03/2013

**Notes for Guidance**

- 1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.*
- 2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.*  
*A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.*



Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. (Please read guidance note 1)

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am (Please tick as appropriate)

An individual or body which is not a responsible authority ☐

A responsible authority ☒

Name:

*I am not for this EMRO*

*DARAB REZAI*

Address:

*13-17 Whitby street  
Hartlepool*

Postcode

*TS 24 7AD*

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations (Please read guidance note 2)

Description of area (postal addresses, ordnance survey map reference or description)

*Whitby street TS24 7AD*

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

AS A LICENSE holder I take part in Bar from 1 bar from all which has been extended to taxis & take away therefore by being able to operate properly we could overcome the crime & disorder.

Public safety

AS we are running a very tight and secure team we are extending our safety to the surrounding area

The prevention of public nuisance

AS a club we always encourage the people to go home safe and quiet and with operating a large club we discourage a lot of street parties.

The protection of children from harm

by people coming out and drinking they would not drink at home where the children are present.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL	
--------------	--

Date

18/3/28
---------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority



A responsible authority



Name:

Richard Mark Coates

Address:

110 Hill carter Hotel  
Church Street  
Hartlepool

Postcode

TS24 7DH

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

Town Centre EMRO (2am)

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

We do not agree with the introduction of an EMRO at 2am -

#### The prevention of crime and disorder

Currently 4am licences allow for the staggering of people exiting premises and making their way home. Changing to 2am closures will create a situation where all premises close at the same time creating a situation where many people will be on the streets at the same time, which could cause crime and disorder.

#### Public safety

As with above a high volume of people on the streets at 2am will potentially result in disorder, namely fighting which used to occur prior to 2005 when similar laws were in place, this would put the general public at risk.

#### The prevention of public nuisance

As with above a high volume of people on the streets at 2am will cause high levels of noise which would be a public nuisance. I believe introducing an EMRO at 2am will be counter to all 3 above licencing objectives.

#### The protection of children from harm

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

<input type="checkbox"/>	CONFIDENTIAL	
--------------------------	--------------	--

Date

27-03-2013
------------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

28th March 2013

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
TS24 7BT

Ref: Town Centre EMRO

Dear Sir

In relation to the above, we would like to record our written objections. The proposed 2am EMRO for the Town Centre area is a real threat to our business. The changes made to the licensing act in 2003 and the following changes to opening times of the town centre premises completely changed the night time economy. This together with the introduction of loss leading alcohol sales by supermarkets has shifted the revenue window for premises operating in the town centre later and later.

As a business we employ 30+ local people, and have contributed to the local economy since 1997. We currently pay some of the highest rates in the town and yet our business is under threat by past and future measures that Hartlepool Borough Council has made, or may take. The Church Street road closures implemented between July 2010 – July 2012 seriously affected our ability to operate and had huge financial consequences for our business.

If an EMRO at 2am is introduced our business will lose 2 of the remaining 3 hours of worthwhile trading, this could have the potential to put the whole of our hotel out of business, thus putting more than 30 local people out of work, and leaving a building that is more than 100 years old empty on one of Hartlepool's main streets. It is for these reasons we object to the introduction of the 2am EMRO in the strongest possible terms.

Yours sincerely

Mark Coates  
**General Manager**

*For and on behalf of Tees Leisure Ltd*

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT

HILA OBJECTS TO THE 2:00am EMRO



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☐

A responsible authority

☒

Name:

HARTLEPOOL LICENCING ASSOCIATION (HILA)

Address:

ON BEHALF OF ALL THE LICENCES WHO ARE  
TRADING IN VARIOUS AREAS OF THE TOWN CENTRE.

Postcode AS ABOVE

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

THE WHOLE TOWN CENTRE AREA, WHICH THE  
MEMBERS ARE OPERATING.



Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

#### The prevention of crime and disorder

THERE IS NO EVIDENCE THAT CLOSING EARLIER WOULD REDUCE THE CRIME AND DISORDER AS PEOPLE MOST LIKELY FOLLOW UP WITH PRIVATE AND UNORGANISED PARTIES WHICH WOULD TRANSFER CRIME AND DISORDER TO THE HOUSING AREA. THE 2:00AM EMRO WOULD HAVE A CATASTROPHIC EFFECT ON THE FOOD AND DRINK INDUSTRY. IT WOULD MAKE A LOT OF PEOPLE UNEMPLOYED. ALSO, IT WOULD MAKE IT IMPOSSIBLE TO OPERATE AND FUNCTION PROPERLY AS A FULLY LICENCED PREMISES. THE SUPERMARKET CHEAP DRINK MAY BE THE CAUSE OF CRIME AND DISORDER.

#### Public safety

BY BRINGING THE 2:00AM EMRO THE SECURITY FIRMS HAVE POINTED OUT THAT THEY WOULD NOT BE ABLE TO THE OUTLETS AS THEY ARE VERY FEW HOURS, AS A RESULT THE SECURITY OF THE PUBLIC WOULD BE COMPROMISED.

AS THE LICENCED PREMISES ARE REGISTERED AND HAVE DOOR SECURITY THEY WOULD BE THE BEST ORGANISED ESTABLISHMENT FOR THE PUBLIC TO HOLD ANY PARTIES OR LATE NIGHT SOCIALISING. THE 2:00AM EMRO ENCOURAGES ILLEGAL PARTIES, WHERE THERE IS NO DRUG CHECKS OR AGE VERIFICATION.

#### The prevention of public nuisance

THE 2:00AM EMRO WOULD INCREASE THE PUBLIC NUISANCE AS IT WOULD ENCOURAGE THE PEOPLE TO HOLD PRIVATE AND UNORGANISED PARTIES IN THEIR HOUSES, GARDENS, INDUSTRIAL UNITS, FARMS, WHERE IT WOULD BE NOT CONTROLLED WHATSOEVER, ON THE LIMIT OF ALCOHOL, AGE AND ABUSE OF DRUGS.

THIS MAY CAUSE A LOT OF PROBLEMS ON VARIOUS PARTS OF THE TOWN AND HOUSING AREAS AS A RESULT OF MAYBE EXCESSIVE WORK FOR THE POLICE, NHS AND PUBLIC SAFETY AUTHORITIES.

#### The protection of children from harm

THE 2:00AM EMRO WOULD ENCOURAGE PEOPLE TO BUY CHEAP DRINK FROM SUPERMARKETS AND NOT COMING OUT, BY DRINKING AT HOME, IT WOULD INCREASE THE HARM AND RISK TO THE CHILDREN AS THEY WOULD BE OBSERVING THE ADULTS ENGAGING IN MAYBE EXCESSIVE DRINKING AND MAYBE LACKING THE SUPERVISION THEY REQUIRE.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CHAIRMAN OF THE HLA - DARAB REZAI  
CONFIDENTIAL

Date

28-3-13

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

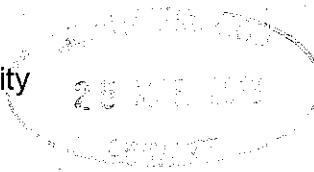
A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

A responsible authority



Name:

Lucy King
-----------

Address:

CONFIDENTIAL	

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description) Hartlepool town centre.
---

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

*See attached letter*

Public safety

*See attached letter*

The prevention of public nuisance

*See attached letter*

The protection of children from harm

*See attached letter*

## Early Morning Alcohol Restriction Orders.

I am writing to lodge an objection to the proposed Early Morning Alcohol Restriction Orders proposed for Hartlepool Town Centre.

I work in a late night bar which employs upto 20 part time staff either directly or through an agency. Should this proposal go ahead all 20 of these jobs, including my own, are potentially at risk. Consequently my colleagues and I have given the matter some considerable thought and put together our detailed objection to this proposal which we will submit individually. Apologies for the repetitive nature of these objections.

I would point out that although this proposal has been introduced as an attempt to reduce both crime and public health issues, the real driving factor is actually cost. Were the Police and Health Service not under such tight budget restrictions at the moment I very much doubt such a proposal would have been forthcoming and the Police in particular have made it clear that the cost of policing the night time economy is their motivation for supporting this proposal at this time. Not that this in any way lessens the strength of the argument for the proposal – I'm just pointing out that to only be allowed to object to the proposal under the licensing objective headings as outlined on the councils form is extremely difficult when none of these factors were the primary reason for the proposal.

I also believe that the Impact Study and Public Consultation Questionnaire relied on so heavily when making this proposal are extremely misleading.

- 1). For a start the Impact Study is dated 2009 and concentrates on the differences between then and 2005. The economy and the pub trade have both moved on considerably since then and any study relied upon to make such drastic changes MUST be current to have any value at all.
- 2) Regardless of the date of the report the crime figures on page 32, table 3.4 actually shows that crime has dropped since later opening was allowed rather than increased rather undermining the whole argument for the proposal.
- 3). I have no idea which of the late night licensees were interviewed that the study claims would prefer closing to be brought back to 2am but as the vast majority of current late night licensees have indicated that they are opposed to the proposal I suspect those interviewed have now moved on and their comments are therefore irrelevant.
- 4). Even the customers interviewed about early closing weren't actually those out "late" (i.e. the study interviewed people out before midnight but only observed those out later) so to attach such a high significance to their opinion seems a nonsense. Surely if this study was to have any credibility then at least some of the people actually out after midnight had to have been interviewed.
- 5). With regards to the council questionnaire; I would point out that the question asked to the public during that process was whether the council should "adopt a policy that prevents the supply of alcohol in the town centre area between 0300 and 0600 hours?". No mention whatsoever was made of 2am closing so I'm not really sure how any part of this consultation document can be regarded as relevant to a totally different proposal.

With that in mind my objections to the proposal within the terms of the consultation are as follows;

### **The Prevention of Crime and Disorder.**

1) There is no evidence whatsoever that bringing closing time back to 2am rather than 3 or 4am will reduce crime. Anecdotal evidence from those who used to go out in the town pre-2005 all indicates that crime rates were much higher when pubs previously closed at 2am and that what incidents there were, were heavily concentrated around closing time leaving the emergency services completely overwhelmed with everything happening at once. The general perception is that the number of incidents each night has dropped markedly and that they are now more evenly dispersed than previously, which was after all the objective of allowing pubs and clubs to stay open later. This is supported by both the crime figures provided in the Impact Study of 2009 and the figures to the year ending August 2012 linked to this study. The Impact Study figures alone show town centre incidents have dropped by 24% from 2005 to 2009 (page 32, table 3.4). I don't have access to current figures but judging by the articles published in the Hartlepool Mail this year the number of offences appears to have continued to reduce further showing what a great job the local police and licensees are doing to manage the situation.

2) The North East of England in general and Hartlepool in particular is an unemployment black spot. There is a direct link between high levels of unemployment and crime. The late night bars in the town employ dozens if not hundreds of people. Late night bars cater for a specific market and provide unique music and entertainment choices for which there is only a demand late at night. It's important to note that these bars aren't open late because it suits them to do so, they are open late because that's when customers want their services – no other reason. Closing these bars one or two hours early would have a catastrophic effect on their turnover and consequently profitability which would undoubtedly lead to a number of closures and unemployment. Surely with the economic climate as it is this isn't the time to be risking peoples jobs.

3) Customer conduct in late night pubs is controlled by door staff. Door staff like most other people get paid by the hour. Generally speaking they are only needed from 11pm or midnight so that is when their shifts tend to begin. At the moment they get 4, 5 or 6 hours work making it worth their while doing the job. If closing time gets brought forward to 2am there simply won't be enough hours in their shift to make doing the job viable. Either that or the pubs will have to pay so much for their services that they won't be able to afford to employ them. The knock on effect being that Hartlepool won't have enough door staff to cover it's pubs meaning that few, if any will be able to open and those that do will be inadequately covered.

4) We now live in a 24 hour society. Not just with our drinking habits but with our lives as a whole and socialising in particular. In the event that the pubs do close at 2am people aren't just going to go home and go to bed. Many will give their trade to other towns open later to the detriment of Hartlepool. Others will continue socialising at private parties and in their own homes spread right across the borough. At the moment the majority of late night revellers are centred around the Victoria Road and

Church Street parts of town, all within yards of the police station and in an environment fit for this particular purpose. They couldn't be better placed if you spent years planning it. I can't see how dispersing people away from this ideal centralised spot to the housing estates where they will cause a greater nuisance, all much further away from the Police Station, is going to help anyone. It's only going to stretch the limited police resource even further.

#### **Public Safety.**

One of the reasons for this proposal is to cut the health problems caused by excessive drinking. A valid concern that I don't think anyone would argue with. I'm not really sure how closing pubs at 2am would help this though. Late night pub prices are generally the most expensive sources of alcohol people will come across. Pubs also have to authorise the sale of each individual drink and shouldn't be selling to customers who are clearly drunk. Supermarkets on the other hand sell drink ridiculously cheaply and are able to sell it by the case meaning they have absolutely no control over how much an individual customer actually consumes. I can't see how removing the most expensive drink and pushing people in the direction of a far cheaper more easily accessed product can have anything other than a negative effect on public health.

#### **Prevention of Public Nuisance.**

A Bit of a repeat of an earlier comment but, if people aren't drinking in the town centre where there are few residential properties, they are going to be socialising at home. Far better to have people drinking in venues specifically designed for this purpose than have them drinking far more cheaper supermarket drink at home annoying their neighbours.

As I have stated at the start of this communication, I am completely against this proposal. I do not believe it will have the effect it is hoped it will have and the reasoning behind the proposal is badly flawed. It is an attempt to resolve 1 problem without looking at the overall picture and considering the full implications of that action. Now isn't the right time for gambling 100's of peoples jobs on the off chance that crime might decrease when history and what little evidence there is shows that the opposite is far more likely to happen.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

23.3.13

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT



Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

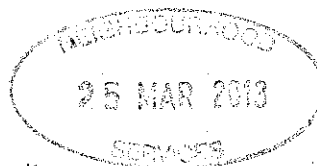
A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

A responsible authority


☒  
☐

Name:

STACEY RICHMOND
-----------------

Address:

CONFIDENTIAL	EMPLOYED AT LITTLE BLACK BOOK WHITBY STREET HARTLEPOOL TS24 7AD.
Postcode	

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

<p>Description of area (postal addresses, ordnance survey map reference or description)</p> <p>HARTLEPOOL TOWN CENTER.</p>
--

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

SEE ATTACHED LETTER

Public safety

SEE ATTACHED LETTER

The prevention of public nuisance

SEE ATTACHED LETTER

The protection of children from harm

SEE ATTACHED LETTER.

## Early Morning Alcohol Restriction Orders.

I am writing to lodge an objection to the proposed Early Morning Alcohol Restriction Orders proposed for Hartlepool Town Centre.

I work in a late night bar which employs upto 20 part time staff either directly or through an agency. Should this proposal go ahead all 20 of these jobs, including my own, are potentially at risk. Consequently my colleagues and I have given the matter some considerable thought and put together our detailed objection to this proposal which we will submit individually. Apologies for the repetitive nature of these objections.

I would point out that although this proposal has been introduced as an attempt to reduce both crime and public health issues, the real driving factor is actually cost. Were the Police and Health Service not under such tight budget restrictions at the moment I very much doubt such a proposal would have been forthcoming and the Police in particular have made it clear that the cost of policing the night time economy is their motivation for supporting this proposal at this time. Not that this in any way lessens the strength of the argument for the proposal – I'm just pointing out that to only be allowed to object to the proposal under the licensing objective headings as outlined on the councils form is extremely difficult when none of these factors were the primary reason for the proposal.

I also believe that the Impact Study and Public Consultation Questionnaire relied on so heavily when making this proposal are extremely misleading.

- 1). For a start the Impact Study is dated 2009 and concentrates on the differences between then and 2005. The economy and the pub trade have both moved on considerably since then and any study relied upon to make such drastic changes MUST be current to have any value at all.
- 2) Regardless of the date of the report the crime figures on page 32, table 3.4 actually shows that crime has dropped since later opening was allowed rather than increased rather undermining the whole argument for the proposal.
- 3). I have no idea which of the late night licensees were interviewed that the study claims would prefer closing to be brought back to 2am but as the vast majority of current late night licensees have indicated that they are opposed to the proposal I suspect those interviewed have now moved on and their comments are therefore irrelevant.
- 4). Even the customers interviewed about early closing weren't actually those out "late" (i.e. the study interviewed people out before midnight but only observed those out later) so to attach such a high significance to their opinion seems a nonsense. Surely if this study was to have any credibility then at least some of the people actually out after midnight had to have been interviewed.
- 5). With regards to the council questionnaire: I would point out that the question asked to the public during that process was whether the council should "adopt a policy that prevents the supply of alcohol in the town centre area between 0300 and 0600 hours?". No mention whatsoever was made of 2am closing so I'm not really sure how any part of this consultation document can be regarded as relevant to a totally different proposal.

With that in mind my objections to the proposal within the terms of the consultation are as follows;

### **The Prevention of Crime and Disorder.**

1) There is no evidence whatsoever that bringing closing time back to 2am rather than 3 or 4am will reduce crime. Anecdotal evidence from those who used to go out in the town pre-2005 all indicates that crime rates were much higher when pubs previously closed at 2am and that what incidents there were, were heavily concentrated around closing time leaving the emergency services completely overwhelmed with everything happening at once. The general perception is that the number of incidents each night has dropped markedly and that they are now more evenly dispersed than previously, which was after all the objective of allowing pubs and clubs to stay open later. This is supported by both the crime figures provided in the Impact Study of 2009 and the figures to the year ending August 2012 linked to this study. The Impact Study figures alone show town centre incidents have dropped by 24% from 2005 to 2009 (page 32, table 3.4). I don't have access to current figures but judging by the articles published in the Hartlepool Mail this year the number of offences appears to have continued to reduce further showing what a great job the local police and licensees are doing to manage the situation.

2) The North East of England in general and Hartlepool in particular is an unemployment black spot. There is a direct link between high levels of unemployment and crime. The late night bars in the town employ dozens if not hundreds of people. Late night bars cater for a specific market and provide unique music and entertainment choices for which there is only a demand late at night. It's important to note that these bars aren't open late because it suits them to do so, they are open late because that's when customers want their services – no other reason. Closing these bars one or two hours early would have a catastrophic effect on their turnover and consequently profitability which would undoubtedly lead to a number of closures and unemployment. Surely with the economic climate as it is this isn't the time to be risking peoples jobs.

3) Customer conduct in late night pubs is controlled by door staff. Door staff like most other people get paid by the hour. Generally speaking they are only needed from 11pm or midnight so that is when their shifts tend to begin. At the moment they get 4, 5 or 6 hours work making it worth their while doing the job. If closing time gets brought forward to 2am there simply won't be enough hours in their shift to make doing the job viable. Either that or the pubs will have to pay so much for their services that they won't be able to afford to employ them. The knock on effect being that Hartlepool won't have enough door staff to cover it's pubs meaning that few, if any will be able to open and those that do will be inadequately covered.

4) We now live in a 24 hour society. Not just with our drinking habits but with our lives as a whole and socialising in particular. In the event that the pubs do close at 2am people aren't just going to go home and go to bed. Many will give their trade to other towns open later to the detriment of Hartlepool. Others will continue socialising at private parties and in their own homes spread right across the borough. At the moment the majority of late night revellers are centred around the Victoria Road and

Church Street parts of town, all within yards of the police station and in an environment fit for this particular purpose. They couldn't be better placed if you spent years planning it. I can't see how dispersing people away from this ideal centralised spot to the housing estates where they will cause a greater nuisance, all much further away from the Police Station, is going to help anyone. It's only going to stretch the limited police resource even further.

#### **Public Safety.**

One of the reasons for this proposal is to cut the health problems caused by excessive drinking. A valid concern that I don't think anyone would argue with. I'm not really sure how closing pubs at 2am would help this though. Late night pub prices are generally the most expensive sources of alcohol people will come across. Pubs also have to authorise the sale of each individual drink and shouldn't be selling to customers who are clearly drunk. Supermarkets on the other hand sell drink ridiculously cheaply and are able to sell it by the case meaning they have absolutely no control over how much an individual customer actually consumes. I can't see how removing the most expensive drink and pushing people in the direction of a far cheaper more easily accessed product can have anything other than a negative effect on public health.

#### **Prevention of Public Nuisance.**

A Bit of a repeat of an earlier comment but, if people aren't drinking in the town centre where there are few residential properties, they are going to be socialising at home. Far better to have people drinking in venues specifically designed for this purpose than have them drinking far more cheaper supermarket drink at home annoying their neighbours.

As I have stated at the start of this communication, I am completely against this proposal. I do not believe it will have the effect it is hoped it will have and the reasoning behind the proposal is badly flawed. It is an attempt to resolve 1 problem without looking at the overall picture and considering the full implications of that action. Now isn't the right time for gambling 100's of peoples jobs on the off chance that crime might decrease when history and what little evidence there is shows that the opposite is far more likely to happen.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

23.03.13

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT.



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

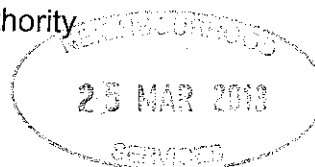
### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☒

A responsible authority

☐


Name:

SEAN BYERS

Address:

CONFIDENTIAL	

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

Hartlepool Town Centre

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

SEE ATTACHED LETTER

Public safety

SEE ATTACHED LETTER

The prevention of public nuisance

SEE ATTACHED LETTER

The protection of children from harm

SEE ATTACHED LETTER



## Early Morning Alcohol Restriction Orders.

I am writing to lodge an objection to the proposed Early Morning Alcohol Restriction Orders proposed for Hartlepool Town Centre.

I work in a late night bar which employs upto 20 part time staff either directly or through an agency. Should this proposal go ahead all 20 of these jobs, including my own, are potentially at risk. Consequently my colleagues and I have given the matter some considerable thought and put together our detailed objection to this proposal which we will submit individually. Apologies for the repetitive nature of these objections.

I would point out that although this proposal has been introduced as an attempt to reduce both crime and public health issues, the real driving factor is actually cost. Were the Police and Health Service not under such tight budget restrictions at the moment I very much doubt such a proposal would have been forthcoming and the Police in particular have made it clear that the cost of policing the night time economy is their motivation for supporting this proposal at this time. Not that this in any way lessens the strength of the argument for the proposal – I'm just pointing out that to only be allowed to object to the proposal under the licensing objective headings as outlined on the councils form is extremely difficult when none of these factors were the primary reason for the proposal.

I also believe that the Impact Study and Public Consultation Questionnaire relied on so heavily when making this proposal are extremely misleading.

- 1). For a start the Impact Study is dated 2009 and concentrates on the differences between then and 2005. The economy and the pub trade have both moved on considerably since then and any study relied upon to make such drastic changes MUST be current to have any value at all.
- 2) Regardless of the date of the report the crime figures on page 32, table 3.4 actually shows that crime has dropped since later opening was allowed rather than increased rather undermining the whole argument for the proposal.
- 3). I have no idea which of the late night licensees were interviewed that the study claims would prefer closing to be brought back to 2am but as the vast majority of current late night licensees have indicated that they are opposed to the proposal I suspect those interviewed have now moved on and their comments are therefore irrelevant.
- 4). Even the customers interviewed about early closing weren't actually those out "late" (i.e. the study interviewed people out before midnight but only observed those out later) so to attach such a high significance to their opinion seems a nonsense. Surely if this study was to have any credibility then at least some of the people actually out after midnight had to have been interviewed.
- 5). With regards to the council questionnaire; I would point out that the question asked to the public during that process was whether the council should "adopt a policy that prevents the supply of alcohol in the town centre area between 0300 and 0600 hours?". No mention whatsoever was made of 2am closing so I'm not really sure how any part of this consultation document can be regarded as relevant to a totally different proposal.

With that in mind my objections to the proposal within the terms of the consultation are as follows;

### **The Prevention of Crime and Disorder.**

- 1) There is no evidence whatsoever that bringing closing time back to 2am rather than 3 or 4am will reduce crime. Anecdotal evidence from those who used to go out in the town pre-2005 all indicates that crime rates were much higher when pubs previously closed at 2am and that what incidents there were, were heavily concentrated around closing time leaving the emergency services completely overwhelmed with everything happening at once. The general perception is that the number of incidents each night has dropped markedly and that they are now more evenly dispersed than previously, which was after all the objective of allowing pubs and clubs to stay open later. This is supported by both the crime figures provided in the Impact Study of 2009 and the figures to the year ending August 2012 linked to this study. The Impact Study figures alone show town centre incidents have dropped by 24% from 2005 to 2009 (page 32, table 3.4). I don't have access to current figures but judging by the articles published in the Hartlepool Mail this year the number of offences appears to have continued to reduce further showing what a great job the local police and licensees are doing to manage the situation.
- 2) The North East of England in general and Hartlepool in particular is an unemployment black spot. There is a direct link between high levels of unemployment and crime. The late night bars in the town employ dozens if not hundreds of people. Late night bars cater for a specific market and provide unique music and entertainment choices for which there is only a demand late at night. It's important to note that these bars aren't open late because it suits them to do so, they are open late because that's when customers want their services – no other reason. Closing these bars one or two hours early would have a catastrophic effect on their turnover and consequently profitability which would undoubtedly lead to a number of closures and unemployment. Surely with the economic climate as it is this isn't the time to be risking peoples jobs.
- 3) Customer conduct in late night pubs is controlled by door staff. Door staff like most other people get paid by the hour. Generally speaking they are only needed from 11pm or midnight so that is when their shifts tend to begin. At the moment they get 4, 5 or 6 hours work making it worth their while doing the job. If closing time gets brought forward to 2am there simply won't be enough hours in their shift to make doing the job viable. Either that or the pubs will have to pay so much for their services that they won't be able to afford to employ them. The knock on effect being that Hartlepool won't have enough door staff to cover it's pubs meaning that few, if any will be able to open and those that do will be inadequately covered.
- 4) We now live in a 24 hour society. Not just with our drinking habits but with our lives as a whole and socialising in particular. In the event that the pubs do close at 2am people aren't just going to go home and go to bed. Many will give their trade to other towns open later to the detriment of Hartlepool. Others will continue socialising at private parties and in their own homes spread right across the borough. At the moment the majority of late night revellers are centred around the Victoria Road and

Church Street parts of town, all within yards of the police station and in an environment fit for this particular purpose. They couldn't be better placed if you spent years planning it. I can't see how dispersing people away from this ideal centralised spot to the housing estates where they will cause a greater nuisance, all much further away from the Police Station, is going to help anyone. It's only going to stretch the limited police resource even further.

#### **Public Safety.**

One of the reasons for this proposal is to cut the health problems caused by excessive drinking. A valid concern that I don't think anyone would argue with. I'm not really sure how closing pubs at 2am would help this though. Late night pub prices are generally the most expensive sources of alcohol people will come across. Pubs also have to authorise the sale of each individual drink and shouldn't be selling to customers who are clearly drunk. Supermarkets on the other hand sell drink ridiculously cheaply and are able to sell it by the case meaning they have absolutely no control over how much an individual customer actually consumes. I can't see how removing the most expensive drink and pushing people in the direction of a far cheaper more easily accessed product can have anything other than a negative effect on public health.

#### **Prevention of Public Nuisance.**

A Bit of a repeat of an earlier comment but, if people aren't drinking in the town centre where there are few residential properties, they are going to be socialising at home. Far better to have people drinking in venues specifically designed for this purpose than have them drinking far more cheaper supermarket drink at home annoying their neighbours.

As I have stated at the start of this communication, I am completely against this proposal. I do not believe it will have the effect it is hoped it will have and the reasoning behind the proposal is badly flawed. It is an attempt to resolve 1 problem without looking at the overall picture and considering the full implications of that action. Now isn't the right time for gambling 100's of peoples jobs on the off chance that crime might decrease when history and what little evidence there is shows that the opposite is far more likely to happen.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

23.3.13

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority



A responsible authority



Name:

SARAH BARKER

Address:

CONFIDENTIAL	

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

HARTLEPOOL TOWN CENTRE

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

SEE ATTACHED LETTER

Public safety

SEE ATTACHED LETTER

The prevention of public nuisance

SEE ATTACHED LETTER

The protection of children from harm

SEE ATTACHED LETTER

## Early Morning Alcohol Restriction Orders.

I am writing to lodge an objection to the proposed Early Morning Alcohol Restriction Orders proposed for Hartlepool Town Centre.

I work in a late night bar which employs upto 20 part time staff either directly or through an agency. Should this proposal go ahead all 20 of these jobs, including my own, are potentially at risk. Consequently my colleagues and I have given the matter some considerable thought and put together our detailed objection to this proposal which we will submit individually. Apologies for the repetitive nature of these objections.

I would point out that although this proposal has been introduced as an attempt to reduce both crime and public health issues, the real driving factor is actually cost. Were the Police and Health Service not under such tight budget restrictions at the moment I very much doubt such a proposal would have been forthcoming and the Police in particular have made it clear that the cost of policing the night time economy is their motivation for supporting this proposal at this time. Not that this in any way lessens the strength of the argument for the proposal – I'm just pointing out that to only be allowed to object to the proposal under the licensing objective headings as outlined on the councils form is extremely difficult when none of these factors were the primary reason for the proposal.

I also believe that the Impact Study and Public Consultation Questionnaire relied on so heavily when making this proposal are extremely misleading.

- 1). For a start the Impact Study is dated 2009 and concentrates on the differences between then and 2005. The economy and the pub trade have both moved on considerably since then and any study relied upon to make such drastic changes MUST be current to have any value at all.
- 2) Regardless of the date of the report the crime figures on page 32, table 3.4 actually shows that crime has dropped since later opening was allowed rather than increased rather undermining the whole argument for the proposal.
- 3). I have no idea which of the late night licensees were interviewed that the study claims would prefer closing to be brought back to 2am but as the vast majority of current late night licensees have indicated that they are opposed to the proposal I suspect those interviewed have now moved on and their comments are therefore irrelevant.
- 4). Even the customers interviewed about early closing weren't actually those out "late" (i.e. the study interviewed people out before midnight but only observed those out later) so to attach such a high significance to their opinion seems a nonsense. Surely if this study was to have any credibility then at least some of the people actually out after midnight had to have been interviewed.
- 5). With regards to the council questionnaire; I would point out that the question asked to the public during that process was whether the council should "adopt a policy that prevents the supply of alcohol in the town centre area between 0300 and 0600 hours?". No mention whatsoever was made of 2am closing so I'm not really sure how any part of this consultation document can be regarded as relevant to a totally different proposal.

With that in mind my objections to the proposal within the terms of the consultation are as follows:

### **The Prevention of Crime and Disorder.**

1) There is no evidence whatsoever that bringing closing time back to 2am rather than 3 or 4am will reduce crime. Anecdotal evidence from those who used to go out in the town pre-2005 all indicates that crime rates were much higher when pubs previously closed at 2am and that what incidents there were, were heavily concentrated around closing time leaving the emergency services completely overwhelmed with everything happening at once. The general perception is that the number of incidents each night has dropped markedly and that they are now more evenly dispersed than previously, which was after all the objective of allowing pubs and clubs to stay open later. This is supported by both the crime figures provided in the Impact Study of 2009 and the figures to the year ending August 2012 linked to this study. The Impact Study figures alone show town centre incidents have dropped by 24% from 2005 to 2009 (page 32, table 3.4). I don't have access to current figures but judging by the articles published in the Hartlepool Mail this year the number of offences appears to have continued to reduce further showing what a great job the local police and licensees are doing to manage the situation.

2) The North East of England in general and Hartlepool in particular is an unemployment black spot. There is a direct link between high levels of unemployment and crime. The late night bars in the town employ dozens if not hundreds of people. Late night bars cater for a specific market and provide unique music and entertainment choices for which there is only a demand late at night. It's important to note that these bars aren't open late because it suits them to do so, they are open late because that's when customers want their services – no other reason. Closing these bars one or two hours early would have a catastrophic effect on their turnover and consequently profitability which would undoubtedly lead to a number of closures and unemployment. Surely with the economic climate as it is this isn't the time to be risking peoples jobs.

3) Customer conduct in late night pubs is controlled by door staff. Door staff like most other people get paid by the hour. Generally speaking they are only needed from 11pm or midnight so that is when their shifts tend to begin. At the moment they get 4, 5 or 6 hours work making it worth their while doing the job. If closing time gets brought forward to 2am there simply won't be enough hours in their shift to make doing the job viable. Either that or the pubs will have to pay so much for their services that they won't be able to afford to employ them. The knock on effect being that Hartlepool won't have enough door staff to cover it's pubs meaning that few, if any will be able to open and those that do will be inadequately covered.

4) We now live in a 24 hour society. Not just with our drinking habits but with our lives as a whole and socialising in particular. In the event that the pubs do close at 2am people aren't just going to go home and go to bed. Many will give their trade to other towns open later to the detriment of Hartlepool. Others will continue socialising at private parties and in their own homes spread right across the borough. At the moment the majority of late night revellers are centred around the Victoria Road and



Church Street parts of town, all within yards of the police station and in an environment fit for this particular purpose. They couldn't be better placed if you spent years planning it. I can't see how dispersing people away from this ideal centralised spot to the housing estates where they will cause a greater nuisance, all much further away from the Police Station, is going to help anyone. It's only going to stretch the limited police resource even further.

#### **Public Safety.**

One of the reasons for this proposal is to cut the health problems caused by excessive drinking. A valid concern that I don't think anyone would argue with. I'm not really sure how closing pubs at 2am would help this though. Late night pub prices are generally the most expensive sources of alcohol people will come across. Pubs also have to authorise the sale of each individual drink and shouldn't be selling to customers who are clearly drunk. Supermarkets on the other hand sell drink ridiculously cheaply and are able to sell it by the case meaning they have absolutely no control over how much an individual customer actually consumes. I can't see how removing the most expensive drink and pushing people in the direction of a far cheaper more easily accessed product can have anything other than a negative effect on public health.

#### **Prevention of Public Nuisance.**

A Bit of a repeat of an earlier comment but, if people aren't drinking in the town centre where there are few residential properties, they are going to be socialising at home. Far better to have people drinking in venues specifically designed for this purpose than have them drinking far more cheaper supermarket drink at home annoying their neighbours.

As I have stated at the start of this communication, I am completely against this proposal. I do not believe it will have the effect it is hoped it will have and the reasoning behind the proposal is badly flawed. It is an attempt to resolve 1 problem without looking at the overall picture and considering the full implications of that action. Now isn't the right time for gambling 100's of peoples jobs on the off chance that crime might decrease when history and what little evidence there is shows that the opposite is far more likely to happen.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

23/3/13

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

A responsible authority



Name:

Chantelle Parkin

Address:

CONFIDENTIAL	

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

Hartlepool Town Centre.

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

See attached letter

Public safety

See attached letter

The prevention of public nuisance

See attached letter

The protection of children from harm

see attached letter

## Early Morning Alcohol Restriction Orders.

I am writing to lodge an objection to the proposed Early Morning Alcohol Restriction Orders proposed for Hartlepool Town Centre.

I work in a late night bar which employs upto 20 part time staff either directly or through an agency. Should this proposal go ahead all 20 of these jobs, including my own, are potentially at risk. Consequently my colleagues and I have given the matter some considerable thought and put together our detailed objection to this proposal which we will submit individually. Apologies for the repetitive nature of these objections.

I would point out that although this proposal has been introduced as an attempt to reduce both crime and public health issues, the real driving factor is actually cost. Were the Police and Health Service not under such tight budget restrictions at the moment I very much doubt such a proposal would have been forthcoming and the Police in particular have made it clear that the cost of policing the night time economy is their motivation for supporting this proposal at this time. Not that this in any way lessens the strength of the argument for the proposal – I'm just pointing out that to only be allowed to object to the proposal under the licensing objective headings as outlined on the councils form is extremely difficult when none of these factors were the primary reason for the proposal.

I also believe that the Impact Study and Public Consultation Questionnaire relied on so heavily when making this proposal are extremely misleading.

- 1). For a start the Impact Study is dated 2009 and concentrates on the differences between then and 2005. The economy and the pub trade have both moved on considerably since then and any study relied upon to make such drastic changes MUST be current to have any value at all.
- 2) Regardless of the date of the report the crime figures on page 32, table 3.4 actually shows that crime has dropped since later opening was allowed rather than increased rather undermining the whole argument for the proposal.
- 3). I have no idea which of the late night licensees were interviewed that the study claims would prefer closing to be brought back to 2am but as the vast majority of current late night licensees have indicated that they are opposed to the proposal I suspect those interviewed have now moved on and their comments are therefore irrelevant.
- 4). Even the customers interviewed about early closing weren't actually those out "late" (i.e. the study interviewed people out before midnight but only observed those out later) so to attach such a high significance to their opinion seems a nonsense. Surely if this study was to have any credibility then at least some of the people actually out after midnight had to have been interviewed.
- 5). With regards to the council questionnaire; I would point out that the question asked to the public during that process was whether the council should "adopt a policy that prevents the supply of alcohol in the town centre area between 0300 and 0600 hours?". No mention whatsoever was made of 2am closing so I'm not really sure how any part of this consultation document can be regarded as relevant to a totally different proposal.

With that in mind my objections to the proposal within the terms of the consultation are as follows;

### **The Prevention of Crime and Disorder.**

1) There is no evidence whatsoever that bringing closing time back to 2am rather than 3 or 4am will reduce crime. Anecdotal evidence from those who used to go out in the town pre-2005 all indicates that crime rates were much higher when pubs previously closed at 2am and that what incidents there were, were heavily concentrated around closing time leaving the emergency services completely overwhelmed with everything happening at once. The general perception is that the number of incidents each night has dropped markedly and that they are now more evenly dispersed than previously, which was after all the objective of allowing pubs and clubs to stay open later. This is supported by both the crime figures provided in the Impact Study of 2009 and the figures to the year ending August 2012 linked to this study. The Impact Study figures alone show town centre incidents have dropped by 24% from 2005 to 2009 (page 32, table 3.4). I don't have access to current figures but judging by the articles published in the Hartlepool Mail this year the number of offences appears to have continued to reduce further showing what a great job the local police and licensees are doing to manage the situation.

2) The North East of England in general and Hartlepool in particular is an unemployment black spot. There is a direct link between high levels of unemployment and crime. The late night bars in the town employ dozens if not hundreds of people. Late night bars cater for a specific market and provide unique music and entertainment choices for which there is only a demand late at night. It's important to note that these bars aren't open late because it suits them to do so, they are open late because that's when customers want their services – no other reason. Closing these bars one or two hours early would have a catastrophic effect on their turnover and consequently profitability which would undoubtedly lead to a number of closures and unemployment. Surely with the economic climate as it is this isn't the time to be risking peoples jobs.

3) Customer conduct in late night pubs is controlled by door staff. Door staff like most other people get paid by the hour. Generally speaking they are only needed from 11pm or midnight so that is when their shifts tend to begin. At the moment they get 4, 5 or 6 hours work making it worth their while doing the job. If closing time gets brought forward to 2am there simply won't be enough hours in their shift to make doing the job viable. Either that or the pubs will have to pay so much for their services that they won't be able to afford to employ them. The knock on effect being that Hartlepool won't have enough door staff to cover it's pubs meaning that few, if any will be able to open and those that do will be inadequately covered.

4) We now live in a 24 hour society. Not just with our drinking habits but with our lives as a whole and socialising in particular. In the event that the pubs do close at 2am people aren't just going to go home and go to bed. Many will give their trade to other towns open later to the detriment of Hartlepool. Others will continue socialising at private parties and in their own homes spread right across the borough. At the moment the majority of late night revellers are centred around the Victoria Road and

Church Street parts of town, all within yards of the police station and in an environment fit for this particular purpose. They couldn't be better placed if you spent years planning it. I can't see how dispersing people away from this ideal centralised spot to the housing estates where they will cause a greater nuisance, all much further away from the Police Station, is going to help anyone. It's only going to stretch the limited police resource even further.

#### **Public Safety.**

One of the reasons for this proposal is to cut the health problems caused by excessive drinking. A valid concern that I don't think anyone would argue with. I'm not really sure how closing pubs at 2am would help this though. Late night pub prices are generally the most expensive sources of alcohol people will come across. Pubs also have to authorise the sale of each individual drink and shouldn't be selling to customers who are clearly drunk. Supermarkets on the other hand sell drink ridiculously cheaply and are able to sell it by the case meaning they have absolutely no control over how much an individual customer actually consumes. I can't see how removing the most expensive drink and pushing people in the direction of a far cheaper more easily accessed product can have anything other than a negative effect on public health.

#### **Prevention of Public Nuisance.**

A Bit of a repeat of an earlier comment but, if people aren't drinking in the town centre where there are few residential properties, they are going to be socialising at home. Far better to have people drinking in venues specifically designed for this purpose than have them drinking far more cheaper supermarket drink at home annoying their neighbours.

As I have stated at the start of this communication, I am completely against this proposal. I do not believe it will have the effect it is hoped it will have and the reasoning behind the proposal is badly flawed. It is an attempt to resolve 1 problem without looking at the overall picture and considering the full implications of that action. Now isn't the right time for gambling 100's of peoples jobs on the off chance that crime might decrease when history and what little evidence there is shows that the opposite is far more likely to happen.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

23-03-13

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT





## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority

☒

A responsible authority

☐

Name:

LINDA BAKER

Address:

CONFIDENTIAL	

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)
56 CHURCH ST HARTLEPOOL

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder IF A PREMISES STOPS SERVING ALCOHOL AT 2AM BUT IS ALLOWED TO STAY OPEN TILL 4AM I THINK CUSTOMERS WILL BECOME ABUSIVE TO STAFF & OTHER CUSTOMERS ON & OFF THE PREMISES

REF PG 1 NOTES

Public safety I WORRY THAT SOME PEOPLE WHO WISH TO STAY OUT LATE MAY BRING ALCOHOL INTO THE PREMISES TO CONSUME AFTER 2AM. IS IT NOT BETTER THAT WE SERVE, SO WE ARE INCONTROLL OF WHAT PEOPLE ARE CONSUMING AND PREVENT THE CHANCE OF

REF PG 2 NOTES

The prevention of public nuisance FORCING PEOPLE TO GO HOME AS PUBS CAN NOT SERVE ALCOHOL AFTER 2AM MAY CAUSE PUBLIC NUISANCE TO MANY AREAS OF THE TOWN AS HOUSE PARTYS WILL BE A PROBLEM. PEOPLE NOW ARE USE TO DRINKING TILL LATE NOW & OLD HABITS

REF PG 3 NOTES

The protection of children from harm TO KEEP CHILDREN FROM HARM IS TO KEEP THEM AWAY FROM ADULTS DRINKING EXCESS AMOUNTS OF ALCOHOL. WHERE VIOLENCE MAY OCCURE IF NOT UNDER MONITORED SUPERVISION

REF PG 4.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL	
--------------	--

Date

24.3.2013
-----------

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

If a person buys an alcoholic drink before 2am but has not drunk before 2.30am what do we do?

Forcing people to drink up leads to binge drinking a comment from licensing laws of the uk commented that forcing people to drink up leads to binge drinking as patrons hurry to drink before the bar closed which contributes to SOCIAL DISORDER + CRIME but to close at 2am will put a influx of people on the street possibly leading to crime and disorder, was it not said in Hartlepool mail 24<sup>th</sup> October 2012 by jon green that figures had dropped for the second time in a row? Crime at a new low and anti social down 22.1% a drop of 2,110 reports. Could it be we are getting it right and have removed a lot of trouble by working closer together with H.L.A, police and licenses we are stamping out the trouble leaving the decent people to drink and socialize in a trouble free environment.

Alcohol been passed around to others on the premises who may end up drunk after all what could be in the bottle?

They could say its water; we don't want to try it!

Could it be?

Drugged?

100% proof?

Contaminated?

Most of all, the glass bottle could be used as a weapon.

If a customer becomes drunk from consuming he's own alcohol who is responsible (we have not served him).

We cannot help him if he takes ill as we don't know what he has consumed (who's at fault? the premises but we haven't served him?) as responsible licensees we should all know what customers are consuming for the **health and safety of all**.

Will die hard. How many people's life styles will be ruined due to others wanting to party next door, Is it not better to have these people in one part of the town under supervision of a responsible licensees and police, instead of coursing havoc in residential areas all over Hartlepool causing major issue for our police services until early hours off the morning.

How about the people who are responsible drinkers who work late, do they not have a right to socialize? Maybe they don't want to drink at home in front of the children they probably don't want their child hearing people making noise whilst under the influence of alcohol is it not said that our children follow in our footsteps, if we are forcing people to drink at home are we then encouraging underage drinkers.

How many parents will allow a child to try an alcoholic drink with them and how many children will sneak a drink when alcohol is left around the home. We should be encouraging people to come to licensed premises where alcohol is in a controlled environment and try to get people to socialize surely this will help benefit the town's problems by helping to keep people in work.

A 2am closure will affect a lot of trades, licensed premises will lose staff and maybe more premises will close down causing more problems with derelict buildings and other businesses may lose out for example: taxis, takeaways, brewery's and refuse collection.

Given that 70% of alcohol is now consumed in the home and away from the responsible and supervised environment of pubs and bars it is far from clear how this zero policy which is targeted at 13 premises will help our town.

If anything this is a disincentive for investment in many businesses in the local community. If there is evidence of harm, the council and police should be working in partnership with the pub trade and the H.L.A to incentivise investment in management standards to tackle identified problems, rather than penalising the responsible majority, actions should be taken against any individual premises that fall foul of the law meaning all premises not just late premises.

### Why not ?

Be fair and take ALL licensed premises back half an hour or one hour for a trial period to see how this works, and then half an hour 6 to 12 months later till we ALL slowly get back to normal times after all some pubs closed at 11pm not 1 to 2pm. it is highly unfair that only thirteen premises are penalised for the mistake of all late licenses been given.

It should be all premises or none.



Hartlepool Borough Council, Bryan Hanson House, Hartlepool, TS24 7BT



## Representations about a proposal to make an early morning alcohol restriction order under section 172A of the Licensing Act 2003

A responsible authority or any other person can make representations to a licensing authority about its proposal to make an early morning alcohol restriction order. *(Please read guidance note 1)*

A responsible authority or any other person may make representations during the 42 day period from the day after the day on which the proposal is advertised.

### Part 1 – Personal Details

I am *(Please tick as appropriate)*

An individual or body which is not a responsible authority



A responsible authority



*I AM OPPOSED TO THE PROPOSED EMRO.*

Name:

*KEVIN REID*

Address:

CONFIDENTIAL

### Part 2 - Representations

Please describe the early morning alcohol restriction order in relation to which you are making representations *(Please read guidance note 2)*

Description of area (postal addresses, ordnance survey map reference or description)

*WHITBY STREET, ADJACENT TO CHURCH STREET.*

Please state clearly, in the relevant box below, the evidence on which you intend to rely in support of your representations and what the likely effect of the proposal to make the order will have on the promotion of the licensing objectives.

A relevant representation must be about the likely effect of the making of the order on the promotion of the licensing objectives. Those making representations may provide evidence in relation to one or more of the licensing objectives.

The prevention of crime and disorder

I BELIEVE THE EMRO WOULD WORK AGAINST ALL OF THE LICENSING OBJECTIVES. INITIALLY, THE RESTRICTION WOULD ENCOURAGE PARTIES IN HOMES OR OTHER UNLICENSED PREMISES. SUCH PARTIES WOULD NOT COME UNDER SCRUTINY OF TRAINED PERSONNEL, SUCH AS DOOR SUPERVISORS AND POLICE. LEADING TO MORE BINGE DRINKING / UNDERAGE DRINKING. THERE WOULD ALSO BE NO MONITORING OF ILLEGAL DRUG USE.

Public safety

FURTHER TO MY ABOVE STATEMENT. ANY GATHERINGS IN HOMES IN RESIDENTIAL AREAS COULD LEAD TO VIOLENT CONFRONTATION. IF THIS WAS TO BE THE CASE, POLICE RESOURCES WOULD BE STRETCHED FAR MORE THAN THEY ARE NOW. FURTHER PUTTING PUBLIC SAFETY AT RISK.

The prevention of public nuisance

AGAIN, FURTHER TO MY ABOVE STATEMENTS. GATHERINGS / PARTIES IN HOMES / RESIDENTIAL AREAS, WOULD ~~CAUSE~~ CREATE PUBLIC NUISANCE IN THE FORM OF NOISE FROM LOUD MUSIC AT UNREASONABLE HOURS, NOISE FROM DRUNKEN PEOPLE MAKING THERE WAY HOME ETC. BROKEN BOTTLES IN THE STREET AND OTHER RUBBISH. ALL CREATING PUBLIC NUISANCE.

The protection of children from harm

IF THE EMRO WAS TO LEAD TO 'HOUSE' PARTIES THEN THE POSSIBILITY OF UNDERAGE DRINKING COULD BE A HUGE PROBLEM. WITH NO TRAINED STAFF / DOOR SUPERVISORS ASKING FOR ID / REFUSING SALES, THIS COULD BE A REAL ISSUE TO THIS PARTICULAR OBJECTIVE AND THE OTHER 3.

### Part 3 – Declaration

I believe that the facts and matters described above are true to the best of my knowledge and belief.

Signed

CONFIDENTIAL

Date

28/3/13.

### Notes for Guidance

1. A responsible authority is a body listed in sections 13(4) and 69(4) of the Licensing Act 2003. This order would enable the licensing authority to restrict the sale of alcohol in the specified area during the specified period, if the licensing authority considers it appropriate for the promotion of the licensing objectives.

2. It is possible that a licensing authority may propose to make more than one early morning restriction order (EMRO) in its area. You may wish to replicate the description of the geographical area of the EMRO which the licensing authority has included in the proposed order.

A licensing authority proposing to make an EMRO must hold a hearing to consider any relevant representations unless the authority and each person who has made such a representation agree that a hearing is unnecessary.

**Representations concerning the proposed EMRO must be made no later than Thursday 28<sup>th</sup> March 2013.**

If you have any questions concerning the proposed EMRO you should call the Licensing Team on (01429) 523354.

Representations must be returned to the address below or can be e-mailed to [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk).

The Licensing Team  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT