User guide to alcohol and late night refreshment licensing statistics

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Last updated: 25 October 2018
1 Introduction

The statistics in the ‘Alcohol and late night refreshment licensing, England and Wales’ releases are based on information from licensing authorities (LAs) that completed a statistical return. These collections are in line with the first Licensing Act 2003 (‘the 2003 Act’) data collection, which was conducted in 2007.

What is included in these statistics?

The statistics in this release cover the following:

- Premises licences
- Club premises certificates
- Personal licences
- Temporary event notices (TENs)
- Late night refreshment
- 24-hour alcohol licences
- Early morning alcohol restriction orders
- Late night levies
- Late night refreshment exemptions
- Cumulative impact areas
- Reviews, hearings and appeals.

What is not included in these statistics?

The collections for all years do not record the number of public houses as these are not legally defined in the 2003 Act (the Act defines activities not premises types). Instead, information is collected on the number of premises licences / club premises certificates that authorise on-sales of alcohol only, off-sales of alcohol only, and both on-sales and off-sales of alcohol. In relation to premises / club premises that are permitted to sell alcohol, on-sales refers to those which can sell/supply alcohol for consumption on the premises and off-sales refers to those which can sell/supply alcohol for consumption off the premises.

The existence of a premises licence or club premises certificate with authorisation to sell or supply alcohol, provide late night refreshment or provide regulated entertainment, does not necessarily mean that all such premises are providing such a service. For example, premises possessing an authorisation to sell alcohol may not in fact sell alcohol.
Regulated entertainment licensing is not covered in these statistics as it is the responsibility of the Department for Culture, Media and Sport (DCMS).

In addition, to minimise administrative burden on LAs, the Home Office did not collect data for the years ending 31 March 2011 and 31 March 2015, as the main purpose of the collection is to monitor the administration of new and amended legislation. The collections from 2012 onwards are broadly consistent with the DCMS collection in 2010.

**Uses of the statistics**

Uses made of the statistics on alcohol and late night refreshment licensing are listed below using the standard categorisation for Official Statistics (as shown in the United Kingdom Statistics Authority (UKSA) monitoring brief 6/2010, ‘The Use Made of Official Statistics’):

a) **Informing the general public’s choices:**

- **about the state of the economy, society and the environment** – changes in the type of premises licences being applied for and granted can be an indication of the economy and where people are choosing to consume alcohol; for example, numbers of licences for consumption on the premises compared to licences for consumption off the premises

- **about the performance of government and public bodies** – for example, whether LAs are using the powers available to them, and whether the decision-making process is working properly as shown by the numbers of appeals and judicial reviews. Figures can also give an indication of the part that responsible authorities are playing in the review process; for example, by showing the numbers of reviews instigated by each responsible authority. The figures allow LAs to benchmark themselves against similar authorities

b) **Government policy making and monitoring:**

- Policy making – the figures have been used to help with the policy development of provisions in the Policing and Crime Act 2017 to clarify the process for summary reviews and to put cumulative impact policies on a statutory footing; Home Office officials are able to identify from the statistics which LAs have used these powers and work with them in developing policy and legislative changes

- Policy monitoring – the Government uses the statistics to monitor whether and to what extent powers are used by LAs; for example, the numbers of late night levies in place and the number of cumulative impact areas

c) **Facilitating academic research:**

- The statistics are used by academia and for research purposes, for example to assess the use and effectiveness of cumulative impact areas and track trends in the availability of alcohol. For a previous example, see: [http://jech.bmj.com/content/early/2015/10/05/jech-2015-206040.abstract](http://jech.bmj.com/content/early/2015/10/05/jech-2015-206040.abstract)
2 Legislation and regulations

Under the Licensing Act 2003, LA decision makers have a duty at all times to promote the statutory licensing objectives. These are the prevention of crime and disorder, public nuisance, public safety, and the protection of children from harm.

The 2003 Act abolished fixed closing times, with the potential for 24-hour opening, 7 days a week. The extended opening hours are subject to consideration of the impact on local residents, businesses and the expert opinion of a range of responsible authorities in relation to the promotion of the four licensing objectives stated above.

The provisions in the Police Reform and Social Responsibility Act 2011 (‘the 2011 Act’), which amended the 2003 Act, commenced in the year ending 31 March 2013. The alcohol licensing returns for this period will reflect these changes so that users can compare results pre- and post-implementation.

The year ending 31 March 2013 return reflected the reform of the system of TENs with the collection of separate figures for standard and late notices.

The year ending 31 March 2014 return incorporated further provisions of the 2011 Act, specifically on early morning alcohol restriction orders (EMROs) and late night levies.

The year ending 31 March 2016 return incorporated further provisions of the 2003 Act (as inserted by the Deregulation Act 2015), specifically on late night refreshment exemptions.

The year ending 31 March 2017 does not incorporate the reforms introduced by the Immigration Act 2016 as most commenced on 6 April 2017, with the exception of the illegal working closure notices, which commenced on 1 December 2016. It also does not incorporate the reforms introduced by the Policing and Crime Act 2017 as they did not commence until 6 April 2017.
3 Types of authorisation

There are three types of authorisation under the 2003 Act which can be used to authorise the carrying on of licensable activities – premises licences, club premises certificates and TENs.

Premises licences

A premises licence can be used for the sale of alcohol, the provision of regulated entertainment, the provision of late night refreshment, or any combination of these activities. It can be used to authorise the sale by retail of alcohol for consumption on the premises (on-sales), off the premises (off-sales), or both. The premises licence details the operating conditions. The purpose of these conditions is to regulate the use of the premises for licensable activities in line with the licensing objectives. A premises licence has effect until the licence is revoked or surrendered, but otherwise is not time limited unless the applicant requests a licence for a limited period. Representations (concerning the promotion of the licensing objectives) may be made about an application for the grant or variation of a premises licence by responsible authorities including the police, local environmental health authority, local fire and rescue service, local public health body, and other persons. Until April 2012, only those living in, and businesses operating in, the vicinity of the premises could make representations about applications. This limitation to those ‘in the vicinity’ was abolished under the changes introduced by the 2011 Act.

Under the 2003 Act, 24-hour alcohol licences are permitted. The possession of a 24-hour licence does not necessarily mean that the premises will choose to operate for 24 hours.

Club premises certificates

Club premises certificates are used by members of qualifying clubs who have generally joined together for particular social, sporting or political purposes (such as the Royal British Legion, working men’s clubs, cricket clubs). A club premises certificate authorises a ‘qualifying club’ to carry out ‘qualifying club activities’, i.e. the purchase and supply of alcohol and the provision of regulated entertainment by members for members or guests of the club. This can include time-limited certificates. A qualifying club is established and conducted in good faith as a club, has at least 25 members, and does not supply alcohol to members on the premises other than by or on behalf of the club.

Representations (concerning the promotion of the licensing objectives) may be made about an application for the grant or variation of a premises licence by responsible authorities including the police, local environmental health authority, local fire and rescue service, local public health body, and other persons.

As with premises licences, representations may be made by responsible authorities about an application for the grant or variation of a club premises certificates. However, unlike for a premises licence, there is no requirement for a designated premises supervisor (DPS) or personal licence holder to oversee alcohol supplies (see ‘personal licences’ below). Instead, the
typical duties of a DPS will normally be carried out by the person with day-to-day responsibility for running the premises. A club premises certificate grants the authority to provide late night refreshment to members of the club without requiring additional authorisation and there are certain restrictions on rights of entry to a club by police.

Temporary event notices

TENs enable licensable activities to be carried out on a temporary basis without the need for a premises licence or any other authorisation. A TEN can be used to carry out licensable activities which are not authorised by an existing premises licence or club premises certificate, or for one-off events that are being organised on non-licensed premises. Unlike premises licence applications, for TENs there is no right to a hearing. The licensing authority may decide that an event cannot take place if it receives objections from the police or the local environmental health authority. TENs replaced the temporary permissions that were available before the introduction of the 2003 Act, such as occasional permissions, occasional licences, special hours’ certificates, or temporary public entertainment licences. Until April 2012, a TEN allowed licensable activities to be undertaken for no more than 96 hours. In April 2012, this limit was raised to 168 hours for an event authorised by a TEN. There are also restrictions on the number of TENs an individual can be given in a year and the number of events that can be held under a TEN each year on individual premises. Personal licence holders may give up to 50 TENs in a calendar year, as long as the annual limit of 15 TENs in relation to a particular premises is not exceeded. In January 2016, the number of TENs that may be given in respect of a premises in a calendar year increased from 12 to 15. The maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year.

The 2011 Act introduced late TENs in April 2012 which allow premises users to give their notices up to 5 days ahead of the start of the temporary event period rather than the usual 10 days for standard TENs.

Personal licences

Under a premises licence (as required in section 19 of the 2003 Act), there must be at least one personal licence holder to authorise every sale of alcohol. Personal licences are granted by an LA to a person to enable him or her to supply, or authorise the supply of alcohol, under a premises licence.

Sales of alcohol may not be made under a premises licence unless there is a DPS for the premises who must hold a personal licence (other than in the case of a community premises that has successfully applied to remove this requirement).
4 Glossary

Appeals – This includes the number of appeals lodged against the application decision and separate appeals against the licence review decision.

Closure notice (premises licence) – Where a premises was prohibited from selling alcohol following a notice under s.169A of the Licensing Act 2003 (the 2003 Act) or under s.76 of the Anti-social Behaviour, Crime and Policing Act 2014.

Club premises certificate – Authorising a qualifying club (see qualifying club section below) to carry out ‘qualifying club activities’ under the 2003 Act. This includes time-limited certificates.

Completed reviews – An LA can be asked to review a licence on the grounds that the operation of the licence is having an adverse impact on the licensing objectives. Reviews where the LA notified parties of its decision in the time period specified. Excludes applications for a review that was withdrawn or did not go to a hearing. Includes completed reviews of premises licences, following an application for the review under s.51 of the 2003 Act or following an application for an expedited/summary review under s.53A (which was instigated by the police) and reviews following closure under s.80 of the Anti-social Behaviour, Crime and Policing Act 2014 (which would also be instigated by the police).

Cumulative impact area – Often referred to as cumulative impact policies or zones, these are designated areas where a special policy (within an LA’s overall statement of licensing policy) applies. LAs may introduce such a policy where there is evidence that the number, type or density of licensed premises is giving rise to specific problems that are undermining the promotion of the licensing objectives. These special policies have the effect that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact, will normally be refused or subject to certain limitations, following relevant representations.

Designated premises supervisor (DPS) – This will normally be the person who has been given day-to-day responsibility for running the premises by the premises licence holder. Every premises licence that authorises the sale of alcohol is required under the 2003 Act to specify a DPS who must be a personal licence holder. The only exception is for community premises which have made a successful application to the LA to be exempt from the requirement.

Expedited/summary review – A police chief officer can apply for an expedited/summary review of a premises licence because of concerns about serious crime and/or serious disorder under s.53A of the 2003 Act. Expedited review powers allow the police to trigger a fast-track process to review a premises licence and the LA to respond by taking interim steps quickly, where appropriate, pending a full review, which must take place within 28 days. Expedited review powers came into force from 1 October 2007. They apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to those operating under a club premises certificate. The purpose of the powers is to complement existing procedures in the 2003 Act for tackling crime and disorder associated with licensed premises.

Fee bands – In determining the amount of the licence fee for applications for new premises licences and club premises certificates, and full variations to licences or certificates, each premises falls into a band based on its non-domestic rateable value. Fees range from £100 to £1,900 depending on the band.
More information on the application fees associated with each band for a new licence or certificate are available at [https://www.gov.uk/government/publications/alcohol-licensing-fee-levels](https://www.gov.uk/government/publications/alcohol-licensing-fee-levels).

**Forfeited (personal licence)** – Forfeiture of a personal licence following a court order under s.129 of the 2003 Act (and where that order has not been suspended, pending an appeal under s.129(4) or 130 of the Act).

**Hearing** – Hearings are used for determining applications where relevant representations or objections are raised by any party. Hearings are triggered in a range of matters including applications for premises licences, club premises certificates, provisional statements, variations of premises licences and club premises certificates, and when allowing temporary event notices (TENs) to take effect. The hearings figures in this release exclude applications for a change of DPS, transfer of a premises licence, review, or cancellation of interim authority notices following police objections that went to a hearing.

**Judicial review** – Includes only those where the High Court notified parties of its decision to allow the judicial review hearing to take place, in the time period specified.

**Lapsed (premises licence)** – Where a premises licence has lapsed due to the death, incapacity, insolvency etc. of the licence holder, as set out under s.27 of the 2003 Act. Excludes instances where a premises licence was in effect for a limited period, but the period has since expired (e.g. one-off events).

**Late night levy** – A discretionary power for LA under s.119 of the 2011 Act. The late night levy is paid by those premises licensed to sell alcohol late at night to raise a contribution to the costs of policing the late night economy. Late night levies must cover the entire area of an LA and apply for a specified period between 12am and 6am. The 2011 Act introduced late night levies in October 2012.

**Late night refreshment** – The provision of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

**Late night refreshment exemptions** – Changes introduced by the Deregulation Act 2015 allow LAs to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment, if it takes place: (a) on or from premises which are wholly situated in a designated area; (b) on or from premises which are of a designated description; or (c) during a designated period (beginning no earlier than 11pm and ending no later than 5am).

The 2015 Act introduced the late night refreshment exemptions into the 2003 Act for a) and c) in October 2015 and for b) in November 2015.

**Licensing authority (LA)** – Responsible for the licensing of the sale and supply of alcohol, regulated entertainment and late night refreshment.

**Licensing authority area** – The geographical area where an LA exercises its functions under the 2003 Act.

**Licensing authority type** – There are six main types which share similar characteristics such as size and therefore have similar licensing statistics: unitary authorities; metropolitan districts; district authorities; Welsh unitary authorities; London boroughs; and unspecified (Inner Temple and Middle Temple within Greater London).
**Licensing objectives** – The prevention of crime and disorder, public safety, public nuisance, and the protection of children from harm.

**Minor variation (to licence or certificate)** – Applications made under s.41A or s.86A of the 2003 Act to make low-risk changes to the terms of a premises licence or club premises certificate which cannot impact on the licensing objectives. The fee for a minor variation is £89.

**Multiplier** – Multipliers are applied to premises used exclusively or primarily for the sale of alcohol for consumption on the premises under the authorisation of a premises licence (fee bands D and E only).

**No fee applicable** – No fee is payable for a premises licence or a club premises certificate authorised for regulated entertainment in educational institutions, church halls, village halls, parish halls, community halls or similar buildings. Whilst a fee may not be applicable, the premises licence or club premises certificate may still have a fee band, unless one has not been assigned.

**Off-sales** – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption off the premises.

**On-sales** – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.

**Personal licence** – Authorising an individual to supply or authorise the supply of alcohol in accordance with a premises licence under the 2003 Act. The application fee for a personal licence is £37.

**Premises licence** – Authorising premises to be used for the sale of alcohol, the provision of regulated entertainment or the provision of late night refreshment under the 2003 Act. This includes time-limited premises licences. (Also see full description in Chapter 4.)

**Qualifying club** – A number of criteria must be met to be considered a qualifying club for a club premises certificate, which are:

- that under the rules of the club, persons may not be admitted to membership or be admitted as candidates for membership, or to any of the privileges of membership without an interval of at least 2 days between their nomination for membership and their admission;
- that the club is established and conducted in good faith as a club;
- that the club has at least 25 members; and
- that alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

**Revoked (personal licence)** – Following the grant of a personal licence, if a licensing authority becomes aware that the licence holder has been convicted of a relevant offence, a foreign offence or required to pay a civil immigration penalty before or after the licence was granted, the licence may be revoked under s.124 of the 2003 Act.

**Surrender (of licence)** – If the holder of a licence wishes to surrender the licence, it is done according to the provisions under s.28 (for a premises licence), s.81 (for a club premises certificate) and s.116 (for a personal licence).
**Suspended by the court (personal licence)** – Suspension following a court order under s.129 of the 2003 Act (and where that order has not been suspended, pending an appeal under s.129(4) or s.130 of the Act).

**Suspended by the court (premises licence)** – A power under s.147B of the 2003 Act (as amended by the Violent Crime Reduction Act 2006) to suspend a licence for the sale of alcohol, following an offence of persistently selling to underage children.

**Temporary event notice (TEN)** – A notice under s.100 of the 2003 Act, used to authorise licensable activities on a temporary or one-off basis, subject to certain criteria and limits. Includes only notices that have been correctly and properly given in the time period specified, i.e. excludes notices that were sent back because of mistakes on the form. This also includes notices that were subsequently withdrawn. The fee for a TEN is currently £21.

**Variation (to club premises certificate)** – Applications made under s.84 of the 2003 Act to change the terms of a club premises certificate, for example the qualifying club activities or the conditions.

**Variation (to premises licence)** – Applications made under s.34 of the 2003 Act to change the terms of a premises licence, for example the opening hours, the licensable activities or the conditions.
5 Quality and methodology

Data collection and methods
This statistical collection is a by-product of LA administrative processes. The collection is listed in the Department for Communities and Local Government’s mandatory Single Data List (SDL) of datasets that local government must submit to central government.

The published figures on alcohol and late night refreshment licensing are sourced from LAs’ licensing records and subject to the inaccuracies inherent in any large recording system.

Due to various reasons, not all LAs submit a return for the reporting period. In cases where a return has been submitted, not all LAs may be able to report on all of the information requested. For headline statistics in the releases (and Table 1 of the data tables only), imputed figures for non-responding LAs (as described in Chapter 3) are combined with actual data provided by those LAs which were able to submit returns to construct estimated totals for England and Wales. However, where the England and Wales totals are based solely on data received from LAs, the figures will underestimate the overall picture, especially for figures with lower response rates.

In terms of respondent burden, LAs are asked for an estimate of the time taken to complete the returns. Their responses indicated that it took an average (median) time of 5 hours to complete the annual return for the years ending 31 March 2016, 2017 and 2018.

Data coverage
To allow meaningful comparisons with previous years’ data, the headline statistics within the ‘Alcohol and late night refreshment licensing statistics’ releases (and Table 1 of the data tables only) include imputed estimates for LAs that could not provide figures.

Estimating for non-response
For the 31 March 2018 release, 344 of 350 LAs submitted a return. In cases where a return has been submitted, not all LAs are able to report on all of the information requested. In order to generate totals for England and Wales, which enable meaningful comparisons to be made across years, headline figures comprise of data received from LAs, and imputed estimates for non-responding LAs and LAs unable to answer the related questions. Table 1 shows the LAs that have not submitted a return by year since 2016.
Table 1: LAs that have not submitted a return, by year

<table>
<thead>
<tr>
<th>Year ending</th>
<th>Licensing authorities</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 March 2018</td>
<td>Barnet; Camden; Copeland; Craven; Denbighshire; Winchester</td>
</tr>
<tr>
<td>31 March 2017</td>
<td>Copeland; Denbighshire; Oadby and Wigston; Sheffield; Swindon</td>
</tr>
<tr>
<td>31 March 2016</td>
<td>Ceredigion; Denbighshire; Sheffield</td>
</tr>
</tbody>
</table>

The process for imputing missing values is as follows:

- If a value is missing for a particular question, the average percentage change from the previous year for the LA type is applied to the figure the LA provided for the previous year.
- If the LA did not provide a figure for the previous year, the same process is applied using the average percentage change from two year’s previous to the current year (e.g. 2016 to 2018 percentage change).

Using this process, imputed estimates for missing figures are calculated and summed together with the actual figures provided by LAs to produce estimated totals for England and Wales for the key headline statistics. Imputed figures for non-responding LAs are only used to calculate national totals (headline figures) and are not published separately in any other data tables (other than Table 1).

In addition, when revisions are provided for previous years, imputed figures will be updated. LAs have previously indicated that the figures they submit become more accurate over time, so using the latest available data to calculate the imputed figures improves their accuracy.

Home Office statisticians do not expect that the imputation process will introduce bias as the imputed estimates for non-responding LAs are only calculated for headline figures, which generally have high response rates.

Revisions

The Home Office corrects and revises data in accordance with its ‘Statement of compliance with the Code of Practice for Official Statistics’.

Rounding

Figures based on actual returns received from LAs (i.e. figures which exclude imputed estimates) are provided unrounded in the commentary and the tables (excluding Table 1). This is to promote transparency and to allow users to exploit the data further. However, caution should be exercised when comparing small differences between time periods and breakdowns as the figures are subject to the inaccuracies inherent in any large recording system and are not necessarily accurate to the last digit.
Headline statistics which include estimates (‘imputed estimates’) for non-responding LAs are rounded to the nearest 100 in the commentary and Table 1 of the main data tables.

Rounding was employed to simplify the presentation of figures. However, all numeric and percentage changes across years are based on unrounded data. Table 2 shows the rounding conventions.

**Table 2: Rounding conventions**

<table>
<thead>
<tr>
<th>Figure</th>
<th>Rounding convention</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 to 999,999</td>
<td>Rounded to the nearest hundred</td>
</tr>
<tr>
<td></td>
<td>e.g. 8,465 = 8,500</td>
</tr>
<tr>
<td>10 to 999</td>
<td>Rounded to the nearest ten</td>
</tr>
<tr>
<td></td>
<td>e.g. 47 = 50</td>
</tr>
<tr>
<td>Percentages greater than</td>
<td>Rounded to the nearest percent</td>
</tr>
<tr>
<td>1%</td>
<td>e.g. 1.43% = 1%</td>
</tr>
<tr>
<td>Percentages less than 1%</td>
<td>Rounded to the nearest significant figure</td>
</tr>
<tr>
<td></td>
<td>e.g. 0.43% = 0.4%, and 0.043% = 0.04%</td>
</tr>
</tbody>
</table>

Where data are rounded, the sum of constituents may not equal the corresponding totals or, in the case of percentages, may not equal 100%.
Figures for devolved administration

The Scottish Government annually publishes Scottish Liquor Licensing Statistics under the Licensing (Scotland) Act 2005. These include headline figures on the number of premises and personal licences in force. The Northern Ireland Executive does not publish alcohol/liquor licensing statistics.

Related release

The Home Office collects information on regulated entertainment on behalf of DCMS, which is included in the same statistical return as alcohol and late night refreshment licensing. The Home Office supplies the entertainment licensing data to DCMS which then produces and publishes the associated statistical releases.

Where are the latest published figures?

Forthcoming publications are pre-announced on the statistics release calendar on the GOV.UK website.

Statistics on alcohol and late night refreshment licensing can be accessed on the GOV.UK website.

The previous releases produced by DCMS on alcohol, entertainment and late night refreshment licensing and current DCMS releases on entertainment licensing can be accessed online at:


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Statistical or public enquiries

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‘Alcohol and late night refreshment licensing’ is designated as National Statistics, a subset of Official Statistics that has been granted accreditation by the UK Statistics Authority. National Statistics are produced to high professional standards set out in the Code of Practice and undergo regular quality assurance reviews to ensure that they meet customer needs. They are produced free from political interference.

The Chief Statistician, as Head of Profession, reports to the National Statistician with respect to all professional statistical matters and oversees all Home Office National Statistics products with respect to the Code, being responsible for their timing, content and methodology.