



THE RELAXATION OF LICENSING HOURS DURING THE FIFA WORLD CUP 2014
A SUBMISSION BY THE ASSOCIATION OF LICENSED MULTIPLE RETAILERS

The Association of Licensed Multiple Retailers (*ALMR*) welcomes the opportunity to submit written evidence to consultation on the national relaxation of licensing hours for England matches during the forthcoming World Cup and supports the proposals for maximum deregulation outlined in the consultation document.

As the only national trade body dedicated to representing pub and bar operators, and in particular the late night sector, the *ALMR* has been actively involved for many years in discussions at a national and local level about the development of effective licensing policies and a responsive regulatory framework. We are a Board member of PASS and Best Bar None and work closely with National Pubwatch, BIDs and the Institute of Licensing and are committed to promoting the highest standards of retail practice, developing effective, targeted partnership solutions to identified problems.

By way of background, between them our member companies operate just over 13,500 outlets, employing 325,000 staff. These outlets are primarily pubs and bars but also include casual dining outlets, licensed accommodation providers and nightclubs. They include national chains such as Spirit, Wetherspoons, All Bar One and Slug & Lettuce, but two-thirds of our members are small, independent companies operating 50 outlets or fewer under their own branding, predominantly suburban high street and town centre outlets.

These outlets are valuable social, cultural and economic assets – community spaces for watching sport or celebrating national events, visitor and tourist attractions and significant revenue generators – as well as providing a well regulated and controlled environment for people to enjoy alcohol responsibly and socially.

Background & Overview

The evening economy is one of the UK's primary economic sectors – it generates 10% of all employment, 8% of UK firms and 6% of GDP. Within that, pubs and bars alone generate jobs, growth and investment in the heart of our high streets and local communities: last year Britain's pubs generated 1 in 6 of all new jobs and the average outlet £200K GVA. Measures which reduce the costs of doing business or remove red tape – such as these proposals – allow that investment to continue.

We believe that the Government proposals will allow pubs to provide a safe and supervised environment for customers to watch and participate in a major national sporting event without the significant costs and bureaucracy associated with mass applications for Temporary Event Notices. Despite the fact that hours will be relaxed nationally, we believe that there will be no meaningful dilution of local oversight and control as the consultation only removes the need for a specific notice to be issued and does not remove the licensing objectives or affect existing enforcement and compliance measures.

In the case of football and sporting tournaments, pubs and bars are already well versed in ensuring that matches are screened without risk to the licensing objectives. While just under 40% of pubs and bars will have a Sky subscription, the number of pubs screening major tournaments increases significantly when matches are free to air eg Olympics and Six Nations .. A large part of the pub estate will already have licensing conditions and specific plans in place for high profile matches, often discussed and agreed with local police. The *ALMR* has published detailed guidance for members about management of risk during UEFA 2012, Olympics as well as a World Cup risk assessment for sites to use locally under advice from the police. We are confident, therefore, that measures will already be in place to minimise any potential harm arising from the measure.

Response to Consultation Questions

1. What is your view on the relaxation of licensing hours for specific periods during the World Cup in 2014?

We fully support the proposal that there should be a national relaxation of licensing hours for all England matches during the World Cup.

While these powers have never been used for a major sporting event, pubs and bars have successfully shown that they can be trusted to host celebratory events responsibly and to ensure that the licensing objectives are not threatened as a result. It should be borne in mind that, prior to the Licensing Act 2003, this power was also used to nationally relax hours over New Years Eve. The premise for national relaxation is not only that it is an exceptional event of national significance, but also that it would generate a large volume of notifications which would be difficult and costly to process in a timely fashion and which would put strain on existing resources. The forthcoming World Cup qualifies on that basis.

We note concerns about the extent of the deregulation and claims in the press that this will lead to a summer of extended opening. The current proposal is tightly drawn, precise and specific and, as a result will not lead to lengthy or prolonged deregulation of hours. It will only apply to England games and, because of the time differences will, in effect, only be used for a small number of matches. Only two of England's initial group matches would necessitate the use of a TEN and the overwhelming majority of businesses have said that the focus of activity will be for the opening match on Saturday 14 June. This will help to prioritise and focus any necessary policing and enforcement resources.

If hours were managed through the existing TEN process, then there would be significant additional burdens for business, in terms of cost and administration, for local authorities in terms of processing and for the police in terms of enforcement as the precise terms and nature of each notice would be different and would require individual assessment.

We note that the consultation refers to the proposed relaxation benefiting in the region of 90% of on-licensed premises. While the extension would apply to all on-licensed premises, we believe only pubs and bars are likely to take full advantage of it and would be the principal beneficiaries. It would be more correct, therefore, to say that up to 90% of pubs and bars could benefit (49,000 outlet universe as compared to 120,000 on-trade businesses). This is because, while other on trade businesses may take advantage of the relaxation to show football, this is likely to be limited and it is only pubs and bars who would apply for a TEN if the national relaxation was not available.

A recent regulatory impact assessment on changes to the TEN process noted that the average cost of a TEN for business was £32.65. In order to respond to this consultation, we asked our members about the cost to their businesses, both fee and administration, of applying for TENs for the World Cup. The average cost was £35.46. This figure is higher than the Government RIA largely because businesses would be simultaneously submitting and managing large volumes of TEN applications across their sites.

Our members indicated that, on average, they would anticipate submitting TENs applications for 84% of that part of their estate not currently licensed to 1am for all England matches throughout the tournament. This rises to 95% of their estate for England's opening match. These figures suggest that local authorities and police will be inundated with notices for extended hours. The recent consultation

on locally set licensing fees suggests that the average net cost of processing a TEN for a local authority is £34. There are no cost estimates for police time in assessing and approving TENs.

Based on these government figures, if businesses were required to apply for TENs, then the overall cost to the economy would be between £2.55 - £2.77 million per England. We do not believe that such a cost is tenable and sustainable at this time

2. Do you think that a national relaxation of licensing hours would contravene one or more of the licensing objectives?

We do not agree that there a national relaxation would contravene the licensing objectives. This is because existing enforcement mechanisms and controls would remain in place to manage any risks despite the relaxation.

We note that there is no evidence that crime, disorder or nuisance increased as a result of the national relaxation of hours for the Royal Wedding or Diamond Jubilee and that this benefit was enjoyed safely by a large number and variety of premises - many without special events - and patrons. Moreover, many thousands of people enjoy football and other sporting celebrations in pubs every week without there being any significant risks to the licensing objectives. A later hour in and of itself need not increase that risk exponentially. Indeed, as the consultation notes, there were only a small number of arrests and incidents during UEFA 2012 – just 23 per England match across the country as a whole, not all involving alcohol and not all in and around pubs.

As has already been noted, irrespective of a national, local or no relaxation of hours, premises showing major tournaments already have in place World Cup risk assessments and matchday plans which they agree in collaboration with the police. At previous tournaments, police have been proactive in promoting a series of voluntary measures that they would like pubs and bars to adopt to minimise risk and the very low number of incidents at UEFA 2012 is testament to the effectiveness of this. Being a supervised and regulated environment, it is arguable that a pub is a safer environment than many others to watch a match and to enjoy any subsequent celebrations.

In addition, nothing within the consultation would prevent the police from issuing a 160 notice on premises where they anticipate there is likely to be trouble as a result of the match, from issuing a section 161 notice if problems arise or issuing expedited review proceedings against premises who cannot secure the licensing objectives.

On behalf of our members, we commit to work collaboratively to ensure that any risks to the licensing objectives are minimised and managed.

3. How long do you think licensing hours should be relaxed for after the scheduled kick off time?

If the national relaxation is to have real and meaningful benefit and avoid the need for additional TEN notices to be submitted, then it is vital that the relaxation is for a full four hours after kick off, up to 1am. This will ensure that not only full playing time, extra time and penalties are covered, but will also cover any unforeseen interruptions to play and allow for gradual dispersal of customers after the match, thereby minimising any disturbance, nuisance or threat to the licensing objectives.

4. If licensing hours are to be relaxed nationally during England's matches in the World Cup, do you think that this should be for England and Wales or for England only?

As the relaxation simply gives premises the right to trade later where appropriate, we see no reason to restrict it to England only. The World Cup is a national event and has broad appeal and customers and businesses throughout England and Wales should be able to benefit from any relaxation of licensing hours.

Conclusion

The Government's proposals will allow pubs to provide a safe and supervised environment for customers to watch and participate in a major national sporting event without the significant costs and bureaucracy associated with mass applications for Temporary Event Notices. We estimate that this will represent a cost saving of £150-200 per pub during the qualifying stages, increasing should England progress through the competition. Although hours will be relaxed nationally, rather than on a local case by case basis, there will be no meaningful dilution of local oversight and control as existing closure and review powers remain effective and operators work with the police on voluntary risk assessment measures.

We note that some operators will have already applied for TENS. We would therefore urge the Government to progress quickly to confirm its preferred approach and to implement the necessary legislation to avoid any operators incurring costs. The consultation only removes the need for a specific notice to be issued and does not remove the licensing objectives or affect existing enforcement and compliance measures.