

Our Ref: MH/MAR/15212/13424  
Contact: Michelle Hazlewood

Public Protection and Licensing Manager  
West Lancashire Borough Council  
Robert Hodge Centre  
Stanley Way  
Skelmersdale  
WN8 8EE

29 May 2013

For the attention of Commercial Safety and  
Licensing Manager - Paul Charlson

Dear Sirs

**Consideration of an Early Morning Restriction Order for Ormskirk  
Licensing Act 2003**

We act on behalf of Marston's Plc who operate various premises within your  
Licensing Authority but in particular Disraeli's 1 at Church Street, Ormskirk.

That premises received your letter dated 20th March regarding the pre-  
consultation for an Early Morning Restriction Order.

Please find enclosed Submissions on behalf of Marston's Plc in this regard.

We have confirmed within our Submissions that we will be pleased to attend  
before the Licensing Committee when the possibility of consultation is discussed  
and provide more detail on any of the points raised within the submission.

We would be grateful if you could kindly acknowledge safe receipt.

**Michelle Hazlewood**  
**John Gaunt & Partners**  
**Email: mhazlewood@john-gaunt.co.uk**

Tel: 0114 266 8664  
Helpline: 0114 266 3400  
Fax: 0114 267 9613  
Email: info@john-gaunt.co.uk  
www.john-gaunt.co.uk

Partners:	John Gaunt (569711)
	Katharine Redford (569712)
	Tim Shield (569713)
	Michelle Hazlewood (569714)
Associates:	Christopher Grunert
	Jonathan Hyldon
Practice Manager:	Jonathan Pupius

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



## **Submission to Ormskirk Licensing Authority on the Consideration of a Consultation to Introduce an EMRO**

---

We, John Gaunt & Partners, act on behalf of Marston's PLC and are instructed to respond to the recently announced intention of the Council to consider whether to pursue a formal consultation on the introduction of an Early Morning Restriction Order (EMRO) within the town of Ormskirk.

Marston's PLC is a major pub owning and brewing company operating nationally throughout the UK and with premises operating in and around Ormskirk town centre.

### **Introduction**

Marston's operate Disraeli's 1 in Church Street, Ormskirk. This is a successful community pub that although not open particularly late at night would nevertheless be adversely affected by the introduction of an EMRO. While having its own customer base Disraeli's is also a popular staging post for customers who move on to the later opening venues (Alpine, Mustard Room, the Forum and Styles) which offer late night entertainment which would be curtailed by the imposition of an EMRO.

Our client is anxious to avoid what might be the unintended consequences of the introduction of earlier and simultaneous closing that is implicit in an EMRO. We are not aware that there is any compelling evidence for its introduction, a review of the crime statistics for the Ormskirk area does not indicate that there are any compelling reasons for an EMRO based on any particular crime and disorder concerns. The prime reason appears to be that of noise nuisance which we address in this submission.

### **Economic Impact**

Before considering the wider economic impact of an EMRO on Ormskirk itself and the other operators in the town we would wish to make the Committee aware that the introduction of an EMRO would have a direct impact on Disraeli's. Our client is aware that around 60% of their customers on Thursday/Friday and Saturday night use the pub as a meeting point and a place in to socialise before moving on. Their best estimate is that this accounts for around £1,800 per week which will be at risk if an EMRO is introduced as it is unlikely that those customers will continue to patronise the premises. Without such entertainment being available the whole economic balance of Ormskirk town centre would therefore be altered making it far less attractive to its current clientele who would move off to Liverpool or Southport.

The loss of business at the rate of £1,800/week will have immediate consequences for the business. It will have to seek cost reductions but there are many fixed costs that have to be covered regardless of the volume of trade. It is therefore highly probable that Marston's would be forced to seek cost savings where they can to maintain the viability of the business and this would entail amongst other things the loss of at least one full-time or equivalent members of staff, perhaps more.

In the longer term Marston's are extremely worried by the closure of the town centre to business late at night which will drive business elsewhere. In effect this could blight the town and affect the business proposition of all those businesses that feed off and support the late night economy. It is



## Submission to Ormskirk Licensing Authority on the Consideration of a Consultation to Introduce an EMRO

---

not unforeseeable that premises with limited day time trade will be forced to close and even those with day time food sales may find their margins so eroded that they are no longer viable.

### **Wider Economic and Social Impacts**

The late night economy provides town centres with a valuable economic and social resource, providing employment, entertainment, refreshment and relaxation to a wide section of the population. While businesses do recognise their own wider social responsibility and are more than aware that they must look to operate their businesses in a broader social sphere as possible, it is too simplistic a solution to resolve some of the adverse impacts through early closure. The Council is aware that there is a balance to be struck and the Council's own Statement of Licensing Policy recognises that approach.

Ormskirk has a young university population who are not surprisingly interested in the venues that open later at night and provide the kind of entertainment they seek. Were these businesses to be closed down, because this is a potential consequence if they are unable to operate in the early hours, the whole infrastructure of the town will change, with consequent loss of businesses and employment. The loss of operators can have a domino effect as the town centre relies on its attractiveness to draw in customers. These individuals may not wish to partake of late night offers but when looking for somewhere to simply eat out in the pubs, bars and restaurants and to use the other facilities in the town, they seek a level of vibrancy and life from the town centre. This would cease to exist and would impact upon the viability of the centre as a whole.

Taxi firms, take-away food outlets, and retailers will be impacted and as well as those who supply and service those businesses. Economic studies on pubs have shown that a pub generates a further six jobs in the wider community in service and supply. Ormskirk will have to consider the economic risks not just to its town centre but to the whole of Ormskirk which would look a very different place if its town centre were to be so decimated as people migrate to Liverpool and or Southport not just for late night entertainment but for all their socialising and retail needs. Should such a situation arise then there will be many closed premises and a significant reduction in the amount of commercial rates recovered by the Authority and even if some premise manage to survive over time this stream of income to the Authority will be reduced.

Edge Hill University has, we understand, over 25,000 students 9,000 of whom are full-time. The popularity of the University would undoubtedly suffer were the town to be regarded as somewhere that didn't have anything to offer those students. A fall in the popularity of the University would have further adverse effects on the town as business and employment prospects fall and would impact on its national status.

Marston's as an old established brewery has combined estate of about 2100 are acutely aware of the social benefits bought by pubs to the communities in which they are located. Successive Governments have recognised that importance by the appointment of a Minister specifically responsible for pubs. We have little doubt that Ormskirk shares that recognition. Pubs are successful in their communities because they provide services and facilities that people want, they will not otherwise. It is not helpful to that function to determine that that business should suffer as a result of applying a policy that is contrary to their well-being.

## Submission to Ormskirk Licensing Authority on the Consideration of a Consultation to Introduce an EMRO

---

We would also ask the Licensing Authority to consider what might perhaps be the unintended consequences of the earlier closure of those premises currently operating late at night. We have already mentioned the loss of customers to other locations. These customers however will return to Ormskirk and may return at an even later hour than is currently the case, given that they have to get back from further away and the premises, particularly in Liverpool have even later permissions. The Authority should also consider what other options the customers who have been deprived of their venues might adopt. We are all too aware of the role that illegal drugs play in our society; licensed premises work closely with the police and monitor the activity of their customers. The removal of a safe place in which to socialise may well result in an increase in the use of illegal drugs. Alternatively, the town may experience a serious and potentially much more difficult situation in controlling 'street drinking' and house parties.

### **Justification for the Introduction of an EMRO**

We have sought to ascertain the reasoning behind the call for an EMRO in Ormskirk, which we do not believe is a place with particular problems that could be resolved or alleviated through other means. We note that noise nuisance has been cited as a particular problem, although such problems are not only associated with the town centre.<sup>1</sup>

We note that the Council's Community Service Division received around "600 complaints about noise per year, with approximately 100 relating to commercial premises, or their customers".<sup>2</sup> This means that 500 of those complaints were from domestic or residential locations, five out of six complaints being noise complaints arising from sources other than commercial activities or their customers. This is hard to reconcile with the 150 complaints about licensed premises received by the Councillor in 2012, only a year later than the Community Services Report. If this is already the case and house parties increase as predicted above the levels of complaints would probable rise not fall.

Our client's recognise and understand the nuisance that can be caused by individuals some of whom may well have visited their premises and they do make strenuous efforts to seek their co-operation in behaving well on leaving those premises. However, ultimately it is those individuals who are the source and cause of the nuisance and who should be answerable for their behaviour. The Council acknowledges this position in its policy stating that "The Act is not a mechanism for the general control of antisocial behaviour by individuals once they are beyond the direct control of the licensee."<sup>3</sup>

We are not aware that there are any other reasons being put forward in favour of an EMRO in Ormskirk that relate to any other of the Licensing objectives. We also note that the Licensing Authority introduced a "Issues Log" kept by the Executive Manager Community Services and that no issues were recorded in that log during the three years leading up to the last review of the Council's policy. That would indicate that the Licensing Authority has the Licensing system under very good

---

<sup>1</sup> Councillor Adrian Owens Press Release 10<sup>th</sup> February 2013

<sup>2</sup> West Lancashire Borough Council Licensing Act 2003 Statement of Licensing Policy January 2011

<sup>3</sup> Statement of Licensing Policy January 2011 Paragraph 3.7.

## Submission to Ormskirk Licensing Authority on the Consideration of a Consultation to Introduce an EMRO

---

control since there were no issues arising during that period that necessitated any review of the policy.

We would suggest that if there is a particular problem with noise nuisance that has arisen since the last review it would be reasonable to see that reflected in the Issues Log. The Government's own advice on EMROs is that other avenues should be explored before their introduction. That being so, if there is a recent problem that has arisen we would expect and believe that the Licensing Authority would agree it should be for the Committee set up for that specific purpose, namely the Multi Agency Licensing Team (MALT), to investigate the problem and look at potential solutions.

### **Compatibility with the Council Licensing Policy**

Ormskirk Licensing Policy takes a well-balanced and practical approach to the grant and monitoring of licensed premises taking into account all the relevant direct and indirect legislation, the result of which shows through clearly in the last revision of the policy. We are pleased to see the acknowledgement of businesses right to operate and agree that this needs to be balanced against the rights of residents. It is the function of the Licensing Authority to oversee and maintain that balance.

We are pleased to note the recognition that licensed premises have an important part to play in the life and culture of the community and that the licensing Authority seeks to encourage participation in those activities. The policy also recognises the adverse consequences that would result from the loss of those businesses from the town (Paragraph 9.8), not only those that work in those premises who would "lose their livelihoods, many of whom would be entirely innocent of any wrongdoing". This last statement is particularly relevant in the context of an EMRO since it is precisely because there is no charge of wrongdoing by any particular premises that the introduction of an EMRO is sought. Were that not so then the Authority should seek to address the problem through a review or other action against that particular premises.

The same Paragraph (9.8.) also recognises the "impact on those who indirectly rely on income from premises, such as food suppliers and cleaning contractors". This is precisely the same concern raised by our clients in the comments relating to the wider economic and social impacts.

Paragraph 14.5 "recognises that only a minority of customers will behave badly" and that the policy statement "cannot address issues relating to behaviour of individual groups, unless they are in the vicinity of the applicants licensed premises". This is important in this context since the policy recognises firstly the responsibility of the individual and secondly that any duty or action by the licenced premises must relate to that premises not to the generality of the situation in the town centre or elsewhere.

The Licensing Policy is clear on the action it can take or require in relation to noise nuisance in granting a licence or in respect of complaints made to it. The Appendix of Standard Conditions provides some 28 different conditions that might be applied by the Licensing Authority in reacting to justified complaints. There are therefore sufficient powers available to the Authority to ensure compliance with the licensing objective.

## **Submission to Ormskirk Licensing Authority on the Consideration of a Consultation to Introduce an EMRO**

---

We also note that the Licensing Authority has considered and rejected the facility to consult and introduce a cumulative impact area on the basis that "current evidence suggests that only a minority of consumers behave badly and unlawfully. Therefore a special cumulative impact policy is currently not required" (Paragraph 20.9.)

The introduction of an EMRO would be directly at odds with the Authorities policy contained in Paragraph 19.1 which states that "19.1 The Authority recognises that longer licensing hours with regard to the sale/supply of alcohol are important to ensure any concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other areas, which could lead to disorder and disturbance." The Licensing Authority rightly recognises the unintended consequences that would arise from, in effect, the re-introduction of a terminal hour through the imposition of an EMRO. Businesses that would become subject to an EMRO would not pull back their hours to a time earlier than the commencement of the EMRO. There would therefore be a 'terminal hour' for all those premises, turning many people into the town centre at the same time, with nowhere else to go.

### **Recommendation**

On behalf of our clients, Marston's PLC, we strongly recommend that the Licensing Authority does not proceed to a formal consultation on the introduction of an EMRO, at this time. We firmly believe that the evidence base for a consultation does not really exist and that any problems that may be experienced could be resolved through other means. This may be achieved either through action by the venues themselves, stronger action by the police and or the council against individual transgressors. We would recommend that the Council's own team MALT review the situation to determine the nature and scope of the problem in conjunction with the trade in the town with a view to determining what appropriate action should be taken. National schemes such as Best Bar None could be introduced to improve standards along with the implementation of night safe schemes.

We would be more than happy to discuss the issue with the Licensing Authority or with your officials if that would be helpful, or to attend and give evidence at your Licensing Committee meeting for at the end of the day the decision should be made on evidence and not conjecture.

29 May 2013



# Submission to Ormskirk Licensing Authority on the Consideration of a Consultation to Introduce an EMRO

---

We, John Gaunt & Partners, act on behalf of Marston's PLC and are instructed to respond to the recently announced intention of the Council to consider whether to pursue a formal consultation on the introduction of an Early Morning Restriction Order (EMRO) within the town of Ormskirk.

Marston's PLC is a major pub owning and brewing company operating nationally throughout the UK and with premises operating in and around Ormskirk town centre.

## **Introduction**

Marston's operate Disraeli's 1 in Church Street, Ormskirk. This is a successful community pub that although not open particularly late at night would nevertheless be adversely affected by the introduction of an EMRO. While having its own customer base Disraeli's is also a popular staging post for customers who move on to the later opening venues (Alpine, Mustard Room, the Forum and Styles) which offer late night entertainment which would be curtailed by the imposition of an EMRO.

Our client is anxious to avoid what might be the unintended consequences of the introduction of earlier and simultaneous closing that is implicit in an EMRO. We are not aware that there is any compelling evidence for its introduction, a review of the crime statistics for the Ormskirk area does not indicate that there are any compelling reasons for an EMRO based on any particular crime and disorder concerns. The prime reason appears to be that of noise nuisance which we address in this submission.

## **Economic Impact**

Before considering the wider economic impact of an EMRO on Ormskirk itself and the other operators in the town we would wish to make the Committee aware that the introduction of an EMRO would have a direct impact on Disraeli's. Our client is aware that around 60% of their customers on Thursday/Friday and Saturday night use the pub as a meeting point and a place in to socialise before moving on. Their best estimate is that this accounts for around £1,800 per week which will be at risk if an EMRO is introduced as it is unlikely that those customers will continue to patronise the premises. Without such entertainment being available the whole economic balance of Ormskirk town centre would therefore be altered making it far less attractive to its current clientele who would move off to Liverpool or Southport.

The loss of business at the rate of £1,800/week will have immediate consequences for the business. It will have to seek cost reductions but there are many fixed costs that have to be covered regardless of the volume of trade. It is therefore highly probable that Marston's would be forced to seek cost savings where they can to maintain the viability of the business and this would entail amongst other things the loss of at least one full-time or equivalent members of staff, perhaps more.

In the longer term Marston's are extremely worried by the closure of the town centre to business late at night which will drive business elsewhere. In effect this could blight the town and affect the business proposition of all those businesses that feed off and support the late night economy. It is not

# Submission to Ormskirk Licensing Authority on the Consideration of a Consultation to Introduce an EMRO

---

unforeseeable that premises with limited day time trade will be forced to close and even those with day time food sales may find their margins so eroded that they are no longer viable.

## **Wider Economic and Social Impacts**

The late night economy provides town centres with a valuable economic and social resource, providing employment, entertainment, refreshment and relaxation to a wide section of the population. While businesses do recognise their own wider social responsibility and are more than aware that they must look to operate their businesses in a broader social sphere as possible, it is too simplistic a solution to resolve some of the adverse impacts through early closure. The Council is aware that there is a balance to be struck and the Council's own Statement of Licensing Policy recognises that approach.

Ormskirk has a young university population who are not surprisingly interested in the venues that open later at night and provide the kind of entertainment they seek. Were these businesses to be closed down, because this is a potential consequence if they are unable to operate in the early hours, the whole infrastructure of the town will change, with consequent loss of businesses and employment. The loss of operators can have a domino effect as the town centre relies on its attractiveness to draw in customers. These individuals may not wish to partake of late night offers but when looking for somewhere to simply eat out in the pubs, bars and restaurants and to use the other facilities in the town, they seek a level of vibrancy and life from the town centre. This would cease to exist and would impact upon the viability of the centre as a whole.

Taxi firms, take-away food outlets, and retailers will be impacted and as well as those who supply and service those businesses. Economic studies on pubs have shown that a pub generates a further six jobs in the wider community in service and supply. Ormskirk will have to consider the economic risks not just to its town centre but to the whole of Ormskirk which would look a very different place if its town centre were to be so decimated as people migrate to Liverpool and or Southport not just for late night entertainment but for all their socialising and retail needs. Should such a situation arise then there will be many closed premises and a significant reduction in the amount of commercial rates recovered by the Authority and even if some premise manage to survive over time this stream of income to the Authority will be reduced.

Edge Hill University has, we understand, over 25,000 students 9,000 of whom are full-time. The popularity of the University would undoubtedly suffer were the town to be regarded as somewhere that didn't have anything to offer those students. A fall in the popularity of the University would have further adverse effects on the town as business and employment prospects fall and would impact on its national status.

Marston's as an old established brewery has combined estate of about 2100 are acutely aware of the social benefits bought by pubs to the communities in which they are located. Successive Governments have recognised that importance by the appointment of a Minister specifically responsible for pubs. We have little doubt that Ormskirk shares that recognition. Pubs are successful in their communities because they provide services and facilities that people want, they will not otherwise. It is not helpful to that function to determine that that business should suffer as a result of applying a policy that is contrary to their well-being.

## Submission to Ormskirk Licensing Authority on the Consideration of a Consultation to Introduce an EMRO

---

We would also ask the Licensing Authority to consider what might perhaps be the unintended consequences of the earlier closure of those premises currently operating late at night. We have already mentioned the loss of customers to other locations. These customers however will return to Ormskirk and may return at an even later hour than is currently the case, given that they have to get back from further away and the premises, particularly in Liverpool have even later permissions. The Authority should also consider what other options the customers who have been deprived of their venues might adopt. We are all too aware of the role that illegal drugs play in our society; licensed premises work closely with the police and monitor the activity of their customers. The removal of a safe place in which to socialise may well result in an increase in the use of illegal drugs. Alternatively, the town may experience a serious and potentially much more difficult situation in controlling 'street drinking' and house parties.

### **Justification for the Introduction of an EMRO**

We have sought to ascertain the reasoning behind the call for an EMRO in Ormskirk, which we do not believe is a place with particular problems that could be resolved or alleviated through other means. We note that noise nuisance has been cited as a particular problem, although such problems are not only associated with the town centre.<sup>1</sup>

We note that the Council's Community Service Division received around "600 complaints about noise per year, with approximately 100 relating to commercial premises, or their customers".<sup>2</sup> This means that 500 of those complaints were from domestic or residential locations, five out of six complaints being noise complaints arising from sources other than commercial activities or their customers. This is hard to reconcile with the 150 complaints about licensed premises received by the Councillor in 2012, only a year later than the Community Services Report. If this is already the case and house parties increase as predicted above the levels of complaints would probable rise not fall.

Our client's recognise and understand the nuisance that can be caused by individuals some of whom may well have visited their premises and they do make strenuous efforts to seek their co-operation in behaving well on leaving those premises. However, ultimately it is those individuals who are the source and cause of the nuisance and who should be answerable for their behaviour. The Council acknowledges this position in its policy stating that "The Act is not a mechanism for the general control of antisocial behaviour by individuals once they are beyond the direct control of the licensee."<sup>3</sup>

We are not aware that there are any other reasons being put forward in favour of an EMRO in Ormskirk that relate to any other of the Licensing objectives. We also note that the Licensing Authority introduced a "Issues Log" kept by the Executive Manager Community Services and that no issues were recorded in that log during the three years leading up to the last review of the Council's policy. That would indicate that the Licensing Authority has the Licensing system under very good control since there were no issues arising during that period that necessitated any review of the policy.

---

<sup>1</sup> Councillor Adrian Owens Press Release 10<sup>th</sup> February 2013

<sup>2</sup> West Lancashire Borough Council Licensing Act 2003 Statement of Licensing Policy January 2011

<sup>3</sup> Statement of Licensing Policy January 2011 Paragraph 3.7.

# Submission to Ormskirk Licensing Authority on the Consideration of a Consultation to Introduce an EMRO

---

We would suggest that if there is a particular problem with noise nuisance that has arisen since the last review it would be reasonable to see that reflected in the Issues Log. The Government's own advice on EMROs is that other avenues should be explored before their introduction. That being so, if there is a recent problem that has arisen we would expect and believe that the Licensing Authority would agree it should be for the Committee set up for that specific purpose, namely the Multi Agency Licensing Team (MALT), to investigate the problem and look at potential solutions.

## **Compatibility with the Council Licensing Policy**

Ormskirk Licensing Policy takes a well-balanced and practical approach to the grant and monitoring of licensed premises taking into account all the relevant direct and indirect legislation, the result of which shows through clearly in the last revision of the policy. We are pleased to see the acknowledgement of businesses right to operate and agree that this needs to be balanced against the rights of residents. It is the function of the Licensing Authority to oversee and maintain that balance.

We are pleased to note the recognition that licensed premises have an important part to play in the life and culture of the community and that the licensing Authority seeks to encourage participation in those activities. The policy also recognises the adverse consequences that would result from the loss of those businesses from the town (Paragraph 9.8), not only those that work in those premises who would "lose their livelihoods, many of whom would be entirely innocent of any wrongdoing". This last statement is particularly relevant in the context of an EMRO since it is precisely because there is no charge of wrongdoing by any particular premises that the introduction of an EMRO is sought. Were that not so then the Authority should seek to address the problem through a review or other action against that particular premises.

The same Paragraph (9.8.) also recognises the "impact on those who indirectly rely on income from premises, such as food suppliers and cleaning contractors". This is precisely the same concern raised by our clients in the comments relating to the wider economic and social impacts.

Paragraph 14.5 "recognises that only a minority of customers will behave badly" and that the policy statement "cannot address issues relating to behaviour of individual groups, unless they are in the vicinity of the applicants licensed premises". This is important in this context since the policy recognises firstly the responsibility of the individual and secondly that any duty or action by the licenced premises must relate to that premises not to the generality of the situation in the town centre or elsewhere.

The Licensing Policy is clear on the action it can take or require in relation to noise nuisance in granting a licence or in respect of complaints made to it. The Appendix of Standard Conditions provides some 28 different conditions that might be applied by the Licensing Authority in reacting to justified complaints. There are therefore sufficient powers available to the Authority to ensure compliance with the licensing objective.

We also note that the Licensing Authority has considered and rejected the facility to consult and introduce a cumulative impact area on the basis that "current evidence suggests that only a minority of consumers behave badly and unlawfully. Therefore a special cumulative impact policy is currently not required" (Paragraph 20.9.)

## Submission to Ormskirk Licensing Authority on the Consideration of a Consultation to Introduce an EMRO

---

The introduction of an EMRO would be directly at odds with the Authorities policy contained in Paragraph 19.1 which states that "19.1 The Authority recognises that longer licensing hours with regard to the sale/supply of alcohol are important to ensure any concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other areas, which could lead to disorder and disturbance." The Licensing Authority rightly recognises the unintended consequences that would arise from, in effect, the re-introduction of a terminal hour through the imposition of an EMRO. Businesses that would become subject to an EMRO would not pull back their hours to a time earlier than the commencement of the EMRO. There would therefore be a 'terminal hour' for all those premises, turning many people into the town centre at the same time, with nowhere else to go.

### Recommendation

**On behalf of our clients, Marston's PLC, we strongly recommend that the Licensing Authority does not proceed to a formal consultation on the introduction of an EMRO, at this time. We firmly believe that the evidence base for a consultation does not really exist and that any problems that may be experienced could be resolved through other means. This may be achieved either through action by the venues themselves, stronger action by the police and or the council against individual transgressors. We would recommend that the Council's own team MALT review the situation to determine the nature and scope of the problem in conjunction with the trade in the town with a view to determining what appropriate action should be taken. National schemes such as Best Bar None could be introduced to improve standards along with the implementation of night safe schemes.**

**We would be more than happy to discuss the issue with the Licensing Authority or with your officials if that would be helpful, or to attend and give evidence at your Licensing Committee meeting for at the end of the day the decision should be made on evidence and not conjecture.**

29 May 2013

