

REPORT TO: LICENSING COMMITTEE
REPORT ON: LATE HOURS CATERING POLICY
REPORT BY: DEPUTY CHIEF EXECUTIVE (SUPPORT SERVICES)
REPORT NO: 601-2004

1.0 PURPOSE OF REPORT

To report on the results of the recently undertaken consultation exercise and outline options open to members.

2.0 POSSIBLE OPTIONS

Option 1 Have no policy and deal with each application on its merits.

There are no obvious advantages in adopting this option. All the disadvantages of public order offences, littering etc would go unresolved.

Option 2 Adopt a zoning system whereby different hours would operate in different areas.

Adopting a zoning policy may lead to problems being transferred outside the zone to outlying areas where no problems exist at present. There is also conflicting information as to whether zoning systems work.

Option 3 Impose a city-wide limit on the hours available (2.30 am closing).

Agreeing to the request from Tayside Police may reduce the incentive for people to remain in the City Centre as no food outlets would be available. The major disadvantage is the loss to the evening/early morning economy and inconvenience caused to law abiding citizens wishing to use carry out facilities in the early hours of the morning.

Option 4 Impose a city-wide limit on the hours available (3 am closing).

There is a fourth option which is limiting the hours of operation of late hours catering outlets to 3 am. This would have the benefits of clearing the city centre earlier, whilst allowing a short period of time for people leaving night clubs at closing time to obtain carry outs. It would also allow late hours caterers the opportunity of retaining the majority of the hours which they enjoy at present.

3. RECOMMENDATIONS

3.1

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications for the City Council. However the adoption of this policy may result in a financial loss to some late hours caterers.

5.0 LOCAL AGENDA 21 IMPLICATIONS

5.1

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

None.

7.0 BACKGROUND

7.1 Reference is made to Article II(b) of the minute of meeting of the Licensing Committee of 1st October 2003 wherein it was agreed that consideration be given to the introduction of a policy for Late Hours Catering Licences having regard to concerns raised by Tayside Police after public order offences in the vicinity of some establishments in the early hours of the morning, and litter problems caused by the incorrect disposal of trade waste from some outlets.

7.2 An initial consultation exercise was carried out and the results reported to a special meeting of the Licensing Committee on 22nd March 2004. The Committee decided to consult further and more widely for the following reasons:-

1. The public order problems experienced outside late hours catering premises were by and large alcohol fuelled and the Committee wished to consult further on how the wider problem of binge drinking and anti-social behaviour could be addressed.
2. To consider how best to deal with the associated litter problems.
3. To obtain the views of the public, especially those residing in the city centre.
4. To gather any evidence available to substantiate the view that earlier closing of late hours catering premises would result in earlier dispersal of people from the city centre and views on how such a dispersal could be achieved.
5. To consider any impact on taxi ranks if late hours catering premises closed earlier than late night entertainment venues.
6. To build a better picture as to what kind of late night city centre would suit the needs of the city as a whole.
7. To ascertain the position in other Authorities.

7.3 The deadline for responses was 11th June 2004. A full list of consultees and responses received is attached. In addition public notice of the consultation exercise was also given in the Local Press. Members should note that the response has been very poor with only a 10% return.

8.0 VIEWS OF TAYSIDE POLICE

8.1 Tayside Police responded and a copy of their full response is included in the Appendix.

8.2 Their view remains that the city centre area continues to experience public order offences every week particularly in the early hours of the morning and that the major factor in this appears to be that the late opening of carry out food premises to 0430 hours encourages people to remain in the city centre as well as attracting younger elements into the city centre.

8.3 Tayside Police also consulted other Police forces and the majority favour designated areas or a zoning policy. There are no specific figures available to indicate whether or not this has been a success.

8.4 Tayside Police recommend that the Committee impose a reduction in opening times to 0230 hours – the same closing time as nightclubs.

9.0 SUMMARY OF TRANSPORT RELATED ISSUES BY RESPONDENTS

9.1 Nine respondents to the survey have highlighted lack of public transport (buses) and taxis (a personalised form of public transport) during the period 0000 hours and 0600 hours as being a "problem".

9.2 With regard to taxis, comments ranged from a lack of availability to taxis forming unofficial ranks to the detriment of public/safety and or order.

9.3 A common theme is also the lack of buses from the city centre to the residential areas of the city. This provision was seen as a good way of dispersing patrons of the various facilities. Examples were given of cities where this has been working well. Suggestions of stewards being on buses and a Police presence along the route were also made as improving security. In addition, it was pointed out that internal CCTV was now on the majority of buses operating in the city which could offer a deterrent to anti-social behaviour. Neither Travel Dundee nor Strathtay Buses responded.

9.4 With regard to taxis, the trade make the point that there are natural peaks of demand throughout an evening/early hours. This follows a pattern of early evening people going out to pubs, clubs, theatre, cinemas and restaurants, etc. This is then followed by a lull between 2000 hours and 2300 hours which is then followed by the reverse of the above and a demand for patrons to be taken to nightclubs. What must be remembered at this time is that a taxi is seen as a safer and more personalised form of public transport. It is also seen as a "door to door" service not requiring weather protection clothing during periods of inclement weather. There is then an "early hours peak" as the clubs close. Patrons of the clubs tend then to walk out of the immediate club area to "hail" a taxi on its way back to the city centre.

9.5 With regard to taxis even with all taxis being available at any one time in the city the maximum number of people which could be moved (assuming four people per taxi) would be circa 2,400.

9.6 Whilst buses have been suggested as a solution to dispersing a city centre crowd the arithmetic quite simply does not add up. The current outer circle service 9/10/11/12 (which covers most of the city) operating every 15 minutes could only accommodate 696 people in the space of one hour. Again assumes all buses were full.

9.7 The cost of providing such a service between midnight and 6 o'clock in the morning has been estimated at £1,200,000 per annum. Even with enhanced fares of up to £2.00 per person it is quite clear that notwithstanding any additional security measures or direct costs on buses that there is no commercial case for such a service. This matter should, however, be the subject of a meeting with bus operators to determine their commercial observations.

9.8 Public transport works well on a 24 hours a day basis when there are many differing activities and demands over the 24 hour period. Commercial bus operators may not risk capital assets or increased down time due to damage/cleaning of vehicles.

9.9 Public transport can cope with a generally slow "decay" in the number of people from a specific area. What is being asked of it here is almost a civil emergency type scenario of moving between 2000 to 3000 people over a relatively short period. Whilst very supportive of a 24 hour economy, public transport can only be a solution where establishments empty over a longer duration.

10.0 WASTE ISSUES

Provision of an Early Morning Service

10.1 There are a number of difficulties associated with an early morning service, particularly in relation to the recruitment and retention of staff. Many of the problems can be overcome, however, by covering the duties on an overtime basis utilising existing operational staff employed within the Waste Management Department. The level of cover provided will to a large degree determine the cost of providing the service. A number of assumptions have been made to arrive at the costs. The suggested hours for an early morning litter picking and refuse collection service are based on a combination of anecdotal evidence and experience from Waste Management Department operational staff. The recommended period of cover is over a four day period commencing Friday morning and finishing on Monday morning.

10.2 The suggested routine would be for two employees to work from the Centre Cleansing Depot in Gellatly Street, commencing at 3.30 am and working to 7 am each day. The 7 am finish ties in with the start of the centre street sweeping operation, and would allow information to be passed to the supervisor regarding any problems or areas requiring to be targeted. The suggested duties carried out during the shift would be to target the areas immediately outside the late hours catering establishments and remove any litter accumulations, empty litter bins and collect any bags of refuse lying out on the pavement. Once this had been completed, the main pedestrian routes leading away from the late hours catering establishments would be targeted. In the past the Waste Management Department have received complaints regarding noise levels during refuse collection and mechanical sweeping operations early in the morning. It is suggested to overcome possible complaints, a small pick up be deployed rather than a larger refuse collection vehicle or mechanical sweeper.

10.3 The cost of providing the above service equates to £39,265 per year.

Provision of Locked Refuse Bins

10.4 Due to the nature of waste arising from late hours catering establishments, the Waste Management Department would insist on any refuse arising from their activities to be stored in bins, or in bags contained within a purpose built recess area. Most of the establishments comply with this requirement. At the moment, refuse bins are not locked. The absence of locks should not pose any significant littering problems provided the bins are not overflowing and the lids are closed. If problems do occur, officers from the department would monitor the output of refuse from the establishment and offer additional bins to ensure all refuse is properly contained within bins. If there are particular problems at any establishment, for instance if bins are left out permanently on the street or are continually overflowing, we could insist on locks being fitted to the bins.

10.5 Many of the non catering businesses in the city do not have recess areas for their refuse or for the storage of bins. Bins and bags of refuse are placed out for collection each morning, but bags can be targeted by seagulls looking for food before the collection takes place. A recent early morning street survey indicated the problem of burst bags tended to be within selected streets and mainly from bags placed out from residential properties rather than businesses. The possibility of providing street refuse bins will be considered once other possible solutions have been explored.

Additional Litter Bins

10.6 There are an adequate number of litter bins throughout the city centre, although some locations would benefit from larger bins being erected to replace the current bins. Some of the main routes leading away from the city centre would benefit from the erection of additional bins, particularly main routes such as the Perth Road, Westport/Blackness Road, Lochee Road, etc. The approximate cost to supply and erect 32 additional metal litter bins is £7,000.

11.0 POSITION IN OTHER CITIES

The position in other cities was sought and details are as follows:-

Edinburgh

Licences are granted depending on which zone premises fall into:-

- (i) a busy area - normally granted 2.00 am Mondays to Thursdays and 3.00 am Fridays and Saturdays;
- (ii) main road - 1.00 am Mondays to Thursdays and 2.00 am Fridays and Saturdays;
- (iii) side streets or suburb - 12 midnight Mondays to Thursdays and 1.00 am Fridays and Saturdays;
- (iv) complaint received - 12 midnight.

Aberdeen

Aberdeen has 2 zones - a city centre zone with licences granted to one hour after the clubs close which is 3.00 am Mondays to Thursdays and 4.00 am Fridays and Saturdays. Outside the city centre zone - 11.00 pm only.

Glasgow

Again, a zoning system is in operation. City centre extensions up until 4.00 am (some have 5.00 am). Outside the city centre - 3.00 am. In tenements, generally speaking it is 12 midnight, however, some premises have been granted up until 3.00 am.

12.0 CONCLUSIONS/COMMENTS

- 12.1 The response was poor - only 10% of those consulted replied.
- 12.2 Tayside Police are firmly of the view that the reduction in the hours of operation would lead to a reduction in anti-social behaviour, disorder, litter and violence, thereby providing a safer environment.
- 12.3 This is also the view of the DUNCAN Scheme Manager who witnessed a reduction when a policy to restrict hours of opening in Angus resulted in such a reduction. The City Centre Manager in Stirling would also seem to support this view.

- 12.4 The opposite view was taken by the City Centre Manager of Aberdeen who describes himself as the longest serving City Centre Manager in Scotland. His view is that the proposals by the Police are nothing new and have been tried and failed in other locations. He states that closing food outlets before nightclubs is short sighted and that no transport system is capable of removing everyone from a City Centre at once and that a co-ordinated transport approach is the best solution.
- 12.5 Not surprisingly, none of the 5 Late Hours Caterers out of 85 who replied were in favour of restricting opening hours to 2.30 am. All pointed out that they sold food, not alcohol, and it was the consumption of alcohol that caused the problems. One respondee supported 3.30 am closing.
- 12.6 No nightclub operators responded which was extremely disappointing as any action by the Committee would have a direct effect on their customers and the public order problems being experienced outside late hours catering premises were largely alcohol fuelled.
- 12.7 Most respondents expressed the view that, as a regional centre, people expected facilities to be available. Some also said that moving towards a 24 hour economy would lead to all round improvements.
- 12.8 The Licensing Board have introduced a code of conduct aimed at reducing the availability of cheap alcohol in public houses and nightclubs.
- 12.9 Neither bus company responded. The Transportation Manager's view is that late night buses would be expensive to operate and may not be supported by the Bus Companies. Consideration might be given to attaching conditions to the regular extensions of the nightclubs to require a bus or buses to be provided to take those patrons wishing an early exit from the City Centre away shortly after the night clubs closed.
- 12.10 The Waste Manager has various powers under the Environmental Protection Act 1990 as undernoted:-
- Section 34 - this imposes a duty of care for any business which produces, stores or keeps waste to take all such measures applicable to prevent the escape of waste. The current late hours catering licence conditions require a Duty of Care Certificate to be submitted.
- Section 47 - if it appears to a Local Authority that if waste is not stored in a receptacle of a particular kind it is likely to cause a nuisance or be detrimental to the amenities of the locality the Authority may require containers to the size construction and numbers specified to be provided. The Authority may also make provisions for replacing the containers. This could be incorporated into the Licence conditions.
- Sections 87-88 - under this section an authorised officer of a litter authority can issue a fixed penalty fine for dropping litter on a public place. This would however be difficult to enforce in the early morning.
- Section 93 - the Local Authority can issue a "street litter control notice" to certain types of premises (mainly fast food outlets) with a view to preventing accumulations of litter and refuse in and around any street. This can be applied if the Authority is satisfied there is a recurrent defacement by litter or refuse of any land as a result of the operation of the premises. The Authority can specify reasonable requirements for cleaning in relation to a maximum length of 100 metres along the street in either direction.
- 12.11 There are difficulties associated with this piece of legislation particularly with respect to other litter accumulations that are not associated with business activities or where more than one fast food outlet is operating in the same street. It may be that local licensing conditions are a stronger motivator to ensure outside premises are cleaned rather than going through Court proceedings.

- 12.12 Drug and alcohol teams could provide leaflets with information on alcohol abuse for any patrons who are arrested for any offences involving drinking too much alcohol.
- 12.13 It was suggested that late hours catering establishments should contribute to the cost of policing or have properly trained stewards on the door of their premises. It was also suggested that late hours caterers should contribute to the costs of any clean up operations and this could be reflected in the licence fee charged.
- 12.14 Consideration could be given to a late hours caterers not selling glass receptacles. Patrons cannot leave nightclubs with glasses or bottles however they are readily available in take-aways.
- 12.15 The expansion of DUNCAN into the evening economy may go some way to reducing the strain on police resources.
- 12.16 Dundee is a University City with a large student population many of whom seek food from take-aways in the early hours of the morning.
- 12.17 The Committee will need to balance the needs and expectations of people visiting the city centre clubs, etc, against the incidence of anti-social behaviour being experienced.
- 12.18 The Committee have various options open to them as outlined in Section 2.

Depute Chief Executive (Support Services).

27th August 2004