

Lies, damned lies and statistics

David Clifton, director of Clifton Davies Consultancy Limited, looks at the life of wet-led pubs

One cannot help but wonder whether the wet-led pub and bar is fast becoming a thing of the past, only to be seen in future in the fictional surroundings of Albert Square or Coronation Street. Not only that, but is the fate of the nightclub following suit?

Why do I say this? My answer lies in the statistics that have been reported in various quarters of the industry press in recent weeks. Whether they will turn out to fall into the category of "lies, damned lies and statistics", only the future will tell us.

The Quarterly Market Growth Monitor published last month by AlixPartners and CGA Peach revealed that 1,770 new restaurants opened in the UK in the previous 12 months, which it said was "in stark contrast" to a 4.4% decline in drink-led pubs and bars. Not only that, but for the first time the number of licensed restaurants has outstripped the number of drink-led community pubs, which have seen a 5.1% fall in number.

The number of pubs and bars overall fell by 2.6% over the previous year to just over 53,000. CGA Peach analysis has shown that Great Britain now has around 8,000 fewer licensed premises than in 2010, including over 6,000 fewer wet-led pubs.

At the same time, we learn from the ALMR that the number of Britain's nightclubs has almost halved in the last 10 years, from 3,144 in 2005 to 1,733 in 2015.

What do wet-led pubs and nightclubs have in common? The answer is a widely held, but undeserved, reputation for promoting binge-drinking,

provoking noise complaints and attracting premises licence reviews. I say "undeserved" because it is surely a case of the few bad apples that spoil the bunch.

Nevertheless it is this reputation that has largely led to more restrictive licensing policies in town and city centres nationwide, a growing trend for ID scanning and breathalysing of customers on entry, perverse planning decisions and, in the case of late opening premises in parts of the country, an additional tax in the form of the late night levy or the threat of an early morning restriction order.

There are ways and means to use legal arguments to persuade a licensing committee to depart from its cumulative impact policy to refuse applications unless there are exceptional circumstances. For example, we have just obtained late trading hours for a client's premises in the heart of Shoreditch in London, where such a policy applies. However, such a successful result is far from the norm for many operators these days.

According to the BBPA's latest Statistical Handbook, UK alcohol consumption is now 19% lower than its peak level in 2004. Earlier IEA research this year points to evidence from England and Wales that has contradicted the theory that longer opening hours would lead to more drinking, more drunkenness and more alcohol-related harm. "Binge-drinking" has declined among all age groups since 2005, the biggest fall occurring among the 16-24 age group.

Surely it's time for councils to throw out the bad apples and for some government encouragement to better enable the tide to turn for these hard-pressed sectors of the industry? ■



Questions & Answers



Q: Can I hold an after-hours poker night at my pub linked to a friend's pub in another town?

A: Whilst the law allows your customers to play poker in your pub, there are restrictions beyond stake and prize limits and the prohibition on charging participation fees that will affect your proposal. Customers will only be permitted to play at times when alcohol can legally be served in your pub and there can be no link of a poker game between two separate premises. Back to the drawing board on that one, I'm afraid.

Q: What is the alcohol wholesale registration scheme?

A: It's a new scheme introduced by HMRC designed to help combat alcohol duty fraud. Anyone who sells, or arranges the sale of, alcohol to other businesses at or after the point at which excise duty becomes due will need to apply to register for this scheme, following which HMRC will check to ensure that they are 'fit and proper' to be accepted on the register. The scheme was due to launch on 1 October 2015 but "technical issues" have led to it being postponed to 1 January 2016. If you buy alcohol from UK wholesalers to sell on to your own customers, you should review your processes and supply chains to make sure you are sourcing only legitimate alcohol and check that your own wholesalers are aware of the scheme, so that they can prepare for the changes. From 1 April 2017, once the new scheme is fully implemented, you will be able to check that the business you buy alcohol from has been approved by HMRC.

Q: How has the lower legal drink-drive limit affected Scottish pubs?

A: Badly, according to a recent Market Insight Report commissioned by the SLTA. It revealed that more than 3,000 Scottish pubs saw a fall in sales over the summer, including one third of pubs in rural and tourist areas that saw sales fall by more than 10% compared with summer 2014.

Clifton Davies Consultancy Ltd



Clifton Davies Consultancy Limited is a consultancy business (not a law firm) which specialises in all licensing, gambling and regulatory issues affecting the pub and bar industry. David Clifton and Suzanne Davies are also consultants to Joelson Wilson LLP. The views expressed are given without any assumption of responsibility on their part. If you have any questions, do get in touch and they will be pleased to provide answers, either via this page or direct.

E-mail: dc@cliftdavies.com

sd@cliftdavies.com

Web: cliftdavies.com