

Written evidence submitted by the Night Time Industries Association

- 1.1 The Night Time Industries Association (NTIA) is a trade association and membership organisation dedicated to promoting the unique contribution of Britain's night time industry in the UK and on the world stage. Representing independent restaurants, eateries, bar owners, clubs and live music venues from across London and the UK, the Association works to promote the contribution made by the industry to the UK's economy and cultural offering. It's our intention to secure the successful future of the industry, through increasing the awareness and understanding of its contribution and benefits, whilst working with authorities to mitigate the concerns that are so readily associated with it.
- 1.2 The NTIA welcomes the opportunity to provide comments to the Home Affairs Committee in response to its short enquiry into psychoactive substances.
- 1.3 The NTIA is particularly concerned by conditions set out in the Psychoactive Substances Bill that could see the directors of venues liable for prosecution for legal highs used on their premises.

The NTIA requests:

- Greater consideration to be given to the types of venues that may be issued with premises orders with regard to the sale, supply and consumption of psychoactive substances.
- Clearer guidance around the definition of 'reasonable steps' with specific regard to nightclubs and bars and how operators can prevent any prohibited activity on their premises.

Evidence:

- 2.1 As stated, the intended effects of the Bill are to end the legal sale of NPS from high-street retailers and UK based websites, reducing NPS availability; greater public awareness of the risks of NPS from a clear legal stance; and a reduction in the harmful consumption of NPS. The NTIA does not dispute the basis of these objectives, however, it is concerned that the measures included in the Bill, particularly with regard to the issuance of premises notices and orders could have significant unintended consequences on the operating ability of night time venues, namely pubs, bars and nightclubs.
- 2.2 As defined in the Bill in section 13(2), "A premises notice is a notice that requires the person to whom it is given to take all reasonable steps to prevent any prohibited activity, or a prohibited activity of a description specified in the notice, from being carried on any premises specified in the notice that are owned, leased, occupied, controlled or operated by the person." Home Office guidance states that as with a premises notice, a premises order is intended to compel persons who have some responsibility for premises being used to carry on prohibited activity, to take action to stop such activity taking place on those premises.
- 2.3 The NTIA would like to question the definition of 'reasonable' as used in this instance. A number of the substances included in this blanket ban have been identified as undetectable and as such the NTIA would encourage the Committee to consider what reasonable measures venues, for example a nightclub or bar, can take to prevent individuals bringing such substances on to their premises. Night time venues are already required to employ increasingly strict security measures, which have a significant impact on operating costs and have raised the bar of entry to the market for a number of independent venues. The NTIA would encourage the Committee to consider the view that whilst individuals may seek to bring such substances onto premises such as bars and nightclubs, the venue should not be held responsible, or subject to penalties, if it has not engaged directly in the supply of such substances.
- 2.5 The NTIA requests that guidance be issued with regard to the definition of the 'reasonable' steps as described in the Bill.
- 2.6 The NTIA does not believe that night time venues, such as bars and night clubs, can reasonably be included under the same blanket as head shops, or retailers facilitating the supply of psychoactive substances.

2.7 Furthermore, the NTIA would like to raise for consideration the fact that the majority of drug use in 2013 - 2014 took place in a domestic setting, according to the 2013/14 Crime Survey for England and Wales. Almost two thirds of adults (62%) had been in a domestic setting the last time they took drugs, compared to 23% at a bar, pub, party or rave. The NTIA recognises the need to impose restrictions on premises facilitating the sale and supply of psychoactive substances, but believes there should be greater differentiation included in the provisions of the Bill between those venues supplying psychoactive substances and those where psychoactive substances may be consumed, at the discretion of the individual.

The importance of the UK's night time economy

- 3.1 In the UK, the night time industry generates approximately £66 billion a year in revenue and employs 1.3 million people. In doing so, these industries support regeneration, enhance the country's cultural offering and reputation, while encouraging creative entrepreneurialism. As a result, the UK is internationally recognised for its night time offering; in 2014 inbound tourism to the UK saw 34.8 million visitors spend £21.7 billion in this area alone.
- 3.2 However, overzealous regulation imposed on night time venues by the police and local authorities is squeezing operators out of the market. A report published by the Association of Licensed Multiple Retailers in August 2015 found that in the decade between 2005 to 2015, the number of venues in the night time economy declined from 3144 to 1733 – a decline of 45%. These are all net closures so take account of new openings and also permanent changes of use.

Alan Miller
Chairman, Night Time Industries Association