

## EAST HERTS COUNCIL

### LICENSING COMMITTEE – 12 JULY 2012

#### REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

#### 8. AMENDMENTS TO LICENSING ACT 2003; UPDATE ON EARLY MORNING RESTRICTION ORDERS

WARD(S) AFFECTED: ALL

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#### **Purpose/Summary of Report**

- Consideration of a draft response to Home Office consultation on Early Morning Restriction Orders and the Late Night Levy.

<b><u>RECOMMENDATION FOR LICENSING COMMITTEE:</u></b> That	
(A)	The report be received.

#### 1.0 Background

1.1 Officers reported to Licensing Committee in March with a draft response to Home Office consultation on Early Morning Restriction Orders and the Late Night Levy. Following debate and amendment by Members, a consultation response was given to the Home Office.

1.2 The Police Reform and Social Responsibility Act 2011 has introduced amendments to the Licensing Act 172A-E. Whilst the provisions have received royal assent, the commencement date of these provisions are still not known, but is likely to be 1<sup>st</sup> October 2012.

2.1 Secondary legislation will exempt certain types of premises from Early Morning Restriction Orders. These may include premises such as hotels that generally operate responsibly and do not contribute to alcohol related crime and disorder and public nuisance late at night.

#### 2.0 Report

- 2.2 If they consider it necessary for the promotion of the licensing objectives, Licensing Authorities will now have power to make an early morning alcohol restriction order.
- 2.3 An early morning alcohol restriction order negates the authorisation given by TENs, Premises Licences and Club Premises Certificates to the extent that they authorise the sale of alcohol between 3am and 6am.
- 2.4 It is immaterial for the purposes of an early morning alcohol restriction order whether premises licences or club premises certificates are granted, or temporary event notices are given, before or after the order is made.
- 2.5 Early morning alcohol restriction orders may be applied:
- On every day, or only on particular days (for example, particular days of the week or year),
  - to the whole or part of the licensing authority's area, or
  - for a limited or unlimited period.
- 2.5 To make, vary or revoke an order, the licensing authority must advertise the proposed order, and hold a hearing to consider relevant representations from interested parties and responsible authorities. After an order is made, it must be advertised.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None.

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