

EAST HERTS COUNCIL

LICENSING COMMITTEE –21 JULY 2011

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

INTRODUCTION OF EARLY MORNING RESTRICTION ORDERS AND
LATE NIGHT LEVY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

To inform members about forthcoming changes to the Licensing Act 2003 to approve Early Morning Restriction Orders, and a Late Night Levy and to present options for exercising those powers.

<u>RECOMMENDATION FOR DECISION – that the report be received.</u>
--

1.0 Background

1.1 This report presents information about forthcoming changes to the Licensing Act 2003 to approve Early Morning Restriction Orders, and a Late Night Levy.

2.0 Report

2.1 A new power to declare an Early Morning Restriction Order will permit Licensing Authorities to ensure all premises selling alcohol for consumption on off, must close between the hours of 3 a.m. and 6 a.m.

2.2 The Crime and Security Act 2010 has amended the Licensing Act 2003 in that a licensing authority may make an order providing:

(a) premises licences and club premises certificates granted by the authority, and temporary event notices given to the authority, shall not have effect to the extent that they authorise the sale of alcohol between 3am and 6am, and

(b) club premises certificates granted by the authority shall not have effect to the extent that they authorise the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club between 3am and 6am.

Where such an order is made it becomes enforceable on all premises where a premises licence, club premises certificate or temporary events notice is in force notwithstanding that the permitted hours were granted prior to the order being made.

- 2.3 Where it is intended to make such an order the Licensing Authority will advertise the intention to make an order and, hold a hearing to consider any relevant representations that are made by:
 - (i) an affected person,
 - (ii) an interested party, or
 - (iii) a responsible authority.
- 2.4 Whilst the provisions have received Royal Assent the commencement date of these provisions is still not known.
- 2.5 A power to introduce a Late Night Levy will allow Licensing Authorities to charge at a higher rate, premises that open later.
- 2.6 Whether or not to implement the levy will be left entirely at the discretion of the Licensing Authority that will make the decision based on the situation in its local area. In the areas that it is introduced the levy will be collected annually and the revenue will be split between authorities and the police.
- 2.7 The levy is designed to permit local Councils to charge those businesses that benefit from the late-night economy for the extra enforcement costs that the night-time economy generates for Police and local authorities.
- 2.8 The two powers are expected to be mutually exclusive.

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'**.

4.0 The Home Office document is attached at Essential Reference paper B.

Background Papers:

None

Contact Member: Councillor M Alexander – Executive Member for
Community Safety and Environment

Contact Officer: Brian Simmonds – Head of Community Safety and
Licensing – Contact Tel Ext No 1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):</p>	<p>Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i></p>
<p>Consultation:</p>	<p>Consultation has taken place with the Police through the forum of the Late Night Economy Group. Police favour the use of Early Morning Restriction Orders over the Use of a Late Night Levy.</p> <p>A fixed closing time would allow the Police to plan more cost effectively the supply of Police Officers on duty at given times of night.</p> <p>The Police would receive part of the income from the late night levy to pay for additional policing.</p> <p>The income to the Licensing Authority could be applied by the Licensing Authority to funding CCTV, taxi marshalls, Community Support Officers, or other Community Safety measures aimed at reducing crime and disorder arising from the night time economy).</p>
<p>Legal:</p>	<p>No issues identified by report author or contact officer</p>
<p>Financial:</p>	<p>The late night levy, if and when introduced, creates a potential new income stream to the Licensing Authority.</p>
<p>Human Resource:</p>	<p>No issues identified by report author or contact officer</p>
<p>Risk Management:</p>	<p>No issues identified by report author or contact officer</p>