

Police Reform and Social Responsibility Bill - March 2011

## **Extend Early Morning Restriction Orders so they can be applied flexibly between midnight and 6am**

### **What is the policy aim?**

The Coalition Agreement included a commitment to overhaul the Licensing Act 2003 to give local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to, any premises that are causing problems in the local area.

The intention of these policy proposals is to extend the flexibility of Early Morning Restriction Orders to provide licensing authorities with an additional tool to shape and determine local licensing.

### **What is an Early Morning Restriction Order?**

An Early Morning Restriction Order is an uncommenced power within the Licensing Act 2003 that will allow licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 3am and 6am if they consider this appropriate for the promotion of the licensing objectives. This applies to premises licences, club premises certificates and temporary event notices.

### **What are the key changes that will be made through the Bill?**

1. We will amend the provisions with regard to Early Morning Restriction Orders in the Licensing Act 2003 to allow licensing authorities to decide which hours they would like to prevent premises from selling alcohol, between 12am and 6am, in accordance with what they consider to be most appropriate for their local area.
2. Licensing authorities will be able to make Early Morning Restriction Orders if they consider this to be appropriate (and not necessary, as they must do now) for the promotion of the objectives.

### **What are the intentions of these policies?**

Many residents and resident groups have told us that the night-time economy makes certain parts of the town no-go areas at night and anti-social behaviour associated with late night drinking extends into residential communities not just around licensed premises. We are committed to ensuring that licensing authorities and enforcement agencies are given the right tools to address the problems in their area whilst promoting a healthy night-time economy to benefit business and the community that they serve.

### **What evidence will licensing authorities need to make an Early Morning Restriction Order?**

The licensing authority will need to be satisfied that an EMRO is appropriate for the promotion of the licensing objectives in a particular area.

### **Won't allowing licensing authorities to impose Early Morning Restriction Orders result in unfair restrictions on responsible retailers?**

Licensing authorities will have to advertise the proposed order and hold a hearing to consider any representations before making an Order. This gives responsible retailers an opportunity to submit evidence against an Early Morning Restriction Order being imposed. It will also be possible to exempt certain types of premises from Early Morning Restriction Orders in secondary legislation. These would typically include premises such as hotels and casinos that generally operate responsibly and do not contribute to alcohol related crime and disorder and public nuisance late at night.

### **How wide an area will the Early Morning Restriction Order be able to apply to?**

An Early Morning Restriction Order may only be applied to the whole or part local authority area – if the licensing authority considers this is appropriate for the promotion of the licensing objectives.

### **Main views of consultation respondents**

This proposal received widespread support with many residents and resident groups informing us that the night-time economy makes certain parts of the town no-go-areas at night and anti-social behaviour associated with late night drinking extends into residential communities not just around licensed premises. We are committed to ensuring that licensing authorities and enforcement agencies are given the right tools to address the problems in their area whilst promoting a healthy night-time economy to benefit business and the community that they serve.