



Walsall Council

REPORT OF THE INTERIM REGULATORY MANAGER

LICENSING AND SAFETY COMMITTEE

28 NOVEMBER 2012

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

AMENDMENTS OF THE LICENSING ACT 2003

EARLY MORNING ALCOHOL RESTRICTION ORDERS

1.0 Summary of report

- 1.1 This report will provide the Licensing & Safety Committee with information in relation to the potential for the licensing authority (i.e. Council) to introduce Early Morning Alcohol Restriction Orders (EMROs) which can restrict the sale of alcohol in identified areas within the borough or in fact the whole of the borough, between specified times.

2.0 Recommendations

- 2.1 That the report be noted by the Licensing and Safety Committee.
- 2.2 That Committee recommends referral of the report to Council (as the licensing authority) for notification purposes only at this stage. Council will need to ratify any EMRO order that is subsequently considered and made.

3.0 Background information

- 3.1 The governments' coalition agreement included a commitment to overhaul the Licensing Act 2003 to give local authorities and the police stronger powers to shape and determine local licensing policy.
- 3.2 The Police Reform and Social Responsibility Act 2011 has introduced amendments to the Licensing Act 2003. Amendments that came into force on the 31 October 2012 included the provision of Early Morning Alcohol Restriction Orders (EMROs).
- 3.3 The aim of this Order is to restrict the sale of alcohol between 12 midnight and 06:00 hours. They can be introduced where it is

considered appropriate in order to promote any of the four licensing objectives contained within the Licensing Act 2003 (Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm). This can be an identified location or the whole of the borough. It does not have to apply on every day of the week and can apply for different time periods on different days of the week. The order can also apply for a limited or unlimited period.

- 3.4 Prior to introducing an EMRO, the licensing authority must consult (prescribed by regulation) via advertising and direct consultation with responsible authorities, licensed premises, residents and partners etc within the proposed EMRO area. Any representations for/against an EMRO must be made within the 42 day formal consultation process.
- 3.5 Once introduced, the EMRO will make it an offence to sell alcohol during the times specified in the order, whether under a premises licence, club premises certificate or temporary event notice. The order will also apply to existing permissions.
- 3.6 There will be no exemptions from EMROs as there are in relation to the late night levy. However, the provision to supply alcohol to residents through mini-bars and room service in premises with overnight accommodation is not subject to this provision.
- 3.7 EMROs will also not apply to New Years Eve.
- 3.8 Temporary Event Notices may not be submitted for areas where an EMRO is in operation for those specified times.
- 3.9 Members will be aware that a Cumulative Impact Policy is in effect for Walsall Town Centre only. This creates a rebuttable presumption that applications for new premises licences, or club premises certificates or variations, which relate to the sale or supply of alcohol and are likely to add to the existing cumulative impact, will normally be refused, unless it can be shown that the premises concerned, will not add to the cumulative impact

4.0 Resource considerations

- 4.1 **Financial:** None at this initial notification stage. However, there will be costs to the licensing authority should EMRO's be introduced because of the prescribed consultation/advertising process and possible associated hearings. Costs will be met from fees received under the current provisions of the Licensing Act 2003
- 4.2 **Legal:** Part 2, Chapter 2 of the Police Reform and Social Responsibility Act 2011 deals with the concept of licensing authorities introducing Early Morning Alcohol Restriction Orders.

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

proposal to make the EMRO and to demonstrate that they have evidence to justify doing so, as well as considering representations before its introduction. Council will need to ratify any EMRO order.

Persons that may be affected by an EMRO will have 42 days to make relevant representations for, or against, a proposed EMRO.

Licensing authorities will be required to notify licensed premises that would be included in the scope of a proposed EMRO, rather than all licensed premises in the licensing authority area.

The Committee should be aware that the EMRO provision did not come into effect until 31 October 2012.

If EMROs are to be introduced, it is expected that the earliest date such an order could come into force is April 2013.

4.3 **Staffing:** Nothing arising from this report at this stage.

5.0 Citizen impact

5.1 Nothing arising from this report.

6.0 Community safety

6.1 The Council will potentially be able to limit alcohol sales in identified problem areas.

7.0 Environmental impact

7.1 Nothing arising from this report

8.0 Performance and risk management issues

8.1 Nothing arising from this report

9.0 Equality implications

9.1 None arising from this report.

10.0 Consultation

10.1 None at this stage.

11.0 Appendices

11.1 None

12.0 Contact Officer:

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