

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**EARLY MORNING RESTRICTION ORDERS
(LICENSING ACT 2003)**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform members of the changes to the Licensing Act 2003 brought about through the Police Reform and Social Responsibility Act 2011 in relation to the Early Morning Restriction Orders.

2. BACKGROUND INFORMATION

- 2.1 Section 119 of the Police Reform and Social Responsibility Act 2011 added further sections to the Licensing Act 2003, namely sections 172A to 172E. These additional sections relate to the Early Morning Alcohol Restriction Orders.
- 2.2 The basis of an early morning restriction order is that should an order be applied for, then following a decision of the Council the sale of alcohol can be restricted..
- 2.3 Where an order is applied for, it can be for a specific area and can restrict the sale of alcohol between midnight and 06:00 hours or hours in between these times, should it be deemed necessary. The area will be defined in the application and the size of area will vary between applications.
- 2.4 Applications for an Early Morning Restriction Order can made by any of the responsible authorities or by any other person. Once an application has been received, the Licensing Authority must advertise the application for a period of 42 days. A notice must be placed in a locally circulating news paper and on the councils website. Further, a notice of the application must be sent to all persons affected by the application. This could be deemed to be all businesses and residents within the defined area. For a larger premises such as large supermarket could have the potential to impact on a wider area, thus increasing the consultation required.

- 2.5 Following the consultation period, the application and the representations must be determined by Council. The application can be considered by the Licensing Committee with its recommendation determined by the council.
- 2.6 Once the order has been made, the Council must within 7 days send a notice to all persons affected and display a notice in the area so that it is likely to be seen by persons who are interested in it.
- 2.7 There are two exemptions from the order once implemented. Firstly, hotels where alcohol is sold to persons staying there, but only in the room and secondly for sales of alcohol on New Year's Eve.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 – To note the content of the report.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 – The changes have been implemented and the council has little option but to apply the regulations as required.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 There could be significant cost and resource implications from the report. The Licensing Budgets do not have sufficient flexibility to cover the cost of such an application and there would be insufficient staff available to implement an order.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

- 6.1 The report has implications for businesses and persons in the area where an order is applied.

7. OUTCOMES OF CONSULTATION

- 7.1 No consultation has taken place.

8. RECOMMENDATIONS

- 8.1 That the content of the report be noted.

DIRECTOR OF PLACES

Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire
DN16 1AB

Author: Nick Bramhill
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Background Papers used in the preparation of this report – N/a