



Licensing Committee Report

Meeting:	<i>Licensing Committee</i>
Date:	<i>14th March 2012</i>
Classification:	<i>For General Release</i>
Title:	<i>Home Office Consultation on Early Morning Restriction Orders and Late Night Levy under the Licensing Act 2003</i>
Wards Affected:	<i>All</i>
Financial Summary:	<i>None</i>
Report of:	<i>The Operational Directors for Premises Management and City Planning</i>

1. Executive Summary

- 1.1 The report advises the Licensing Committee of a Home Office consultation titled: Dealing with the problems of Late Night Drinking – A Consultation on Secondary Legislation for the Late Night Levy and Early Morning Restriction Orders (EMROs).
- 1.2 The consultation is open until 10 April 2012 and the report seeks to elicit comment to inform the council response to the consultation.
- 1.3 A copy of the consultation document is attached at Appendix A to this report.

2. Recommendations

- 2.1 That the Licensing Committee note the report and comment accordingly, both in relation to the consultation questions and generally.

3. Background

- 3.1 The Home Office is consulting about two measures introduced into the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011, which will be implemented through regulations; Early Morning Restriction Orders and Late Night Levy.

- 3.2 **Early Morning Restriction Orders** are powers which will be available to local authorities once the regulations are enacted. If a licensing authority considers it appropriate for the promotion of the licensing objectives it may then make an order which prohibits the sale and supply of alcohol.
- 3.3 Once made, an EMRO will prohibit the sale or supply of alcohol
- for a specified period between midnight and 06.00
 - in the whole of the city or a specified area of it
 - on specified days of the week or year
 - in all premises which are not exempt
- 3.4 The prohibition will over-ride any premises licence granted, or TEN given, whether or not granted or given before or after the EMRO is made.
- 3.5 Consultation questions 1 – 4 on page 8 and 9 of the Consultation document relate to EMROs.
- 3.6 **The late night levy** will allow local authorities to raise a contribution towards the policing costs of the late night economy from alcohol retailers open after midnight.
- 3.7 The levy will apply to all premises selling or supplying alcohol, (both on and off the premises), in all parts of the city, which authorise sales or supply during the period set by the council. This period can be any time between midnight and 06.00.
- 3.8 The levy will not apply to TENS.
- 3.9 The level of the levy will be set by central government and probably based on the rateable value of premises (as is the case with application fees). The funds raised by the levy will be apportioned between the council and the police, with at least 70% of the net funds (after deducting the council costs of collecting the levy) going to the police.
- 3.9 Consultation question 5 on page 10 of the Consultation document relates to the inclusion of local resident / community group recommendations.
- 3.10 Consultation questions 6 to 14 on pages 12 to 14 of the Consultation document relates to exemptions or reductions to the late night levy.
- 3.11 Consultation questions 15 to 17 on pages 14 and 15 of the Consultation document relates to the activities that the council will be permitted to fund by the late night levy, and restrictions on the type of those services.

4. Financial and Legal Implications

4.1 None arising.

Appendices

Appendix A Home Office consultation document: Dealing with the problems of late night drinking. A Consultation on Secondary Legislation for the Late Night Levy and Early Morning Restriction Orders.

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Chris Wroe, Licensing Policy and Strategy Manager on 020 7641 5903 or email cwroe@westminster.gov.uk.

BACKGROUND PAPERS

None