

Police Reform and Social Responsibility Act 2011

Early Morning Alcohol Restriction Orders

What are Early Morning Alcohol Restriction Orders?

An Early Morning Alcohol Restriction Order (EMRO) is an uncommenced power in the Licensing Act 2003 that will enable licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives.

What is the policy's aim?

The Police Reform and Social Responsibility Act 2011 extended the flexibility of the existing EMRO power in the 2003 Act to provide licensing authorities with an additional tool to shape and determine local licensing, and to address specific problems caused by late night drinking. The 2011 Act extended these uncommenced powers to cover a longer period each night and lowered the threshold for introducing them. Licensing authorities will now have the power to make EMROs if they consider this appropriate for the promotion of licensing objectives, rather than necessary. EMROs are being introduced alongside various other measures aimed at rebalancing the Licensing Act 2003 in favour of local communities, and to increase the tools and powers available to licensing authorities and the police to tackle alcohol-related problems in local areas.

Who will EMROs affect?

EMROs are a local power that licensing authorities can choose whether or not to exercise. If a licensing authority introduces an EMRO, it will apply to premises licences, club premises certificates and temporary event notices that operate within the specified EMRO period. Licensing authorities will be required to advertise the proposal to make the EMRO and demonstrate that they have evidence to justify doing so, as well as considering representations, before its introduction.

Are there any exemptions or exceptions?

Following its public consultation, *Dealing with the Problems of Late Night Drinking*, the Government has announced that in relation to EMROs there will be no exemptions for types of premises, as there are in relation to the late night levy. This will ensure that EMROs will be a simple, pre-packaged tool for licensing authorities to use to readjust the focus of their night-time economy away from problem drinking, if such a measure would promote the licensing objectives.

We will ensure that the provision to supply alcohol to residents through mini-bars and room service in premises with overnight accommodation is not subject to an EMRO.

In recognition of New Year Eve's status as a night of national celebration, EMROs will not apply on New Year's Eve. This is a national exemption and will apply to every EMRO made.

What evidence will licensing authorities need to make an EMRO?

The licensing authority will need to be satisfied that an EMRO is appropriate in a particular area for the promotion of the licensing objectives under the Licensing Act 2003. We will provide further guidance to licensing authorities in revised statutory guidance issued under section 182 of the Licensing Act 2003.

The licensing objectives are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the prevention of children from harm.

What area will the EMRO apply to?

An EMRO may be applied to the whole or part of the licensing authority's area, if the licensing authority considers this is appropriate for the promotion of the licensing objectives.

Who can recommend the introduction of an EMRO?

The licensing authority decides whether or not to introduce an EMRO. The introduction of an EMRO could be suggested by the public or the Police and Crime Commissioner.

When will EMROs come into force?

The Government expects to bring EMROs into force in October 2012. Licensing authorities will be required to advertise their proposal to make an EMRO and consider any representations made about it before deciding whether to introduce an EMRO in their areas. We therefore anticipate that the earliest date that a licensing authority could make an EMRO would be approximately March 2013.