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19 November 2012

S U M M O N S

MEETING: Licensing Board
DATE: 27 November 2012
TIME: 6.00pm
PLACE: Council Chamber, Town Hall, Gosport
Democratic Services contact: Lisa Young

Linda Edwards

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

The Mayor (Councillor Dickson) (ex officio)
Chairman of P & O Board (Councillor Hook) (ex officio)

Councillor Beavis (Chairman)
Councillor Allen (Vice Chairman)

Councillor Ms Ballard	Councillor Jacobs
Councillor Carter C K	Councillor Mrs Morgan
Councillor Mrs Cully	Councillor Murphy
Councillor Ms Diffey	Councillor Scard
Councillor Hazel	Councillor Mrs Wright

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

**In the event of the fire alarm sounding, please leave the room immediately.
Proceed downstairs by way of the main stairs or as directed by GBC staff, following any of the
emergency exit signs. People with disability or mobility issues please identify yourself to GBC
staff who will assist in your evacuation of the building.**

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

NOTE:

- i. Councillors are requested to note that, if any Councillor who is not a Member of the Board wishes to speak at the Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

RECOMMENDED
MINUTE
FORMAT

PART A ITEMS

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST

All Members present are reminded to declare, at this point in the meeting or as soon as possible thereafter, any disclosable personal interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 16 OCTOBER 2012 (copy herewith)
4. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Friday 23 November 2012. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Friday 23 November 2012).

6. THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 - EARLY MORNING ALCOHOL RESTRICTION ORDERS

To inform the Licensing Board on the introduction of the Early Morning Alcohol Restriction Orders and associated procedures.

PART II
Contact
Officer
R Bray
Ext. 5553

7. THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 - LATE NIGHT LEVY

Report to follow.

PART II
Contact
Officer
R Bray
Ext. 5553

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27 November 2012

8. ANY OTHER BUSINESS

Which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency

9. EXCLUSION OF PUBLIC

To consider the following motion:

That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information within Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the report.

**PART B ITEM
FOLLOWING THE EXCLUSION OF PRESS AND PUBLIC**

Item No.	Item	Paragraph no.1 of Part I of Schedule 12A of the Act	
10.	GOSPORT PENALTY POINTS SCHEME REVIEW OF HACKNEY CARRIAGE VEHICLE DRIVER LICENCE	Paragraph 1 The report contains personal data which is identified as sensitive material.	PART II Contact Officer Ian Rickman Ext. 5509

AGENDA ITEM NO. 6

Board/Committee:	Licensing Board
Date of Meeting:	27 November 2012
Title:	The Police Reform and Social Responsibility Act 2011: Early Morning Alcohol Restriction Orders
Author:	Community and Customer Services Unit Manager
Status:	FOR DECISION

Purpose

To inform the Licensing Board on the introduction of the Early Morning Alcohol Restriction Orders and associated procedures.

Recommendation

- (a) that the Board notes the new powers to licensing authorities to make early morning restriction orders (EMAROs) to restrict the sale of alcohol between midnight and 0600 hours;
- (b) that the Committee considers the introduction of an EMARO unnecessary at present; and
- (c) that this decision is kept under review.

1 Background

- 1.1 The legislation relating to EMARO's was originally contained in the Crime and Security Act 201 and the Licensing Act 2003. The Police Reform and Social Responsibility Act 2011 modified the provisions, and will come into force on 31 October 2012.

2 Report

- 2.1 The legislation will give power to licensing authorities to make an Early Morning Alcohol Restriction Order (EMARO) to restrict the sale of alcohol between the hours of midnight and 0600 at any premises with a premises licence, a club premises certificate, or a temporary event notice, if it was considered necessary for the promotion of the licensing objectives.
- 2.2 An EMARO can be applied over all or part of the licensing authority's area and for a specified time period between the hours of midnight and 0600 hours. The order may apply to the same time every day, or different times on different days, or may specify certain days when it will apply. The licensing authority will decide whether or not to introduce an EMARO. This could be at the suggestion of the community, the Police, or the new Police and Crime Commissioner.
- 2.3 To ensure that all other interested parties are aware, a proposal to introduce an

EMARO must be publicised on the licensing authority's website and in a local newspaper. The Licensing authority must hold a hearing to consider any relevant representations. The consultation period for persons that may be affected by an EMARO to make relevant representations, for, or against, a proposed EMARO has been set at 42 days.

- 2.4 The licensing authority shall be required to notify licensed premises that would be included in the scope of a proposed EMARO. An EMARO will not apply on New Year's Eve. Other than that there will be no exemptions from an EMARO. The Fareham District Police Commander will be asked to advise the Licensing Authority if the levels of alcohol – related crime are likely to merit an EMARO being introduced in the Borough.

3 Risk Assessment

- 3.1 Resources:
In the event that the Licensing Authority wishes to under take an investigation to decide whether or not to introduce EMARO. There would be a need to undertake the necessary notification and consultation procedures, in order to establish if an EMARO could be applied.

4 Conclusion

- 4.1 The Home Office has published preliminary information on Early Morning Alcohol Restriction Orders. Statutory Regulations come into force on 31st October 2012 and further detailed guidance is expected from the Home Office on the introduction of EMAROs. It is noted the Home Office suggests the earliest date that a licensing authority could make an EMARO will be approximately in March 2013.

Financial Services comments:	None at this stage
Legal Services comments:	The imposition of an "EMARO" could be seen as a quick fix to reduce the crime and disorder in the area. However, there are sufficient powers in the Licensing Act 2003 to deal with problem premises. An EMARO would only capture a couple of premises in the High Street in order to allow police to concentrate their resources in the High Street. An EMARO should only be imposed if it is necessary to interfere with the licensee's freedom to use the licence (a possession), so the test becomes one of necessity. The rationale for granting an EMARO could be challenged by way of a judicial review.
Crime and Disorder:	Compliant
Equality and Diversity:	Compliant
Service Improvement Plan implications:	Yes

Corporate Plan:	Compliant
Risk Assessment:	In report
Background papers:	None
Appendices/Enclosures:	
	None
Report author/ Lead Officer:	Russell Bray, Senior Licensing Officer