

The Clerk to the Justices,
The Clerk to the Magistrates' Courts Committee,

The Chief Officer of Police in England and Wales,

The Chief Executive of:

County and County Borough Councils in Wales:
London Borough Councils
Metropolitan District Councils

District Councils

The Town Clerk of the City of London,

7 December 2001

Dear Sir or Madam,

DCMS LICENSING CIRCULAR NO: 03/2001

**REGULATORY REFORM (Special Occasions Licensing) ORDER 2001
New Year's Eve 2001 - Relaxation of Alcohol Licensing Hours**

I am writing to draw your attention to the provisions of Articles 5 to 8 of the Regulatory Reform (Special Occasions Licensing) Order 2001, which came into force on 7 December, **and also to request feedback about the impact of the Order**. The Order has the effect of relaxing licensing hours in on-licensed premises (e.g. public houses, nightclubs, registered members' clubs) for the sale of alcohol throughout the night on 31 December 2001, i.e. from the end of permitted hours at 11pm on 31 December until the start of permitted hours at 11am on 1 January.

2. A draft copy of the approved Order is attached for information as an Appendix to this circular. **The actual Order can be obtained from HMSO, or its text can be read or downloaded from the HMSO website (www.hmso.gov.uk)**. A copy of this circular can also be read or downloaded from the DCMS website (www.culture.gov.uk).

Article 5 - Special Occasions Restriction Orders

3. Please note that the provisions in Article 5 of the Order provide powers for the police, the local authority in whose area the premises are situated, and any person living in the neighbourhood (or any body representing persons who do) to apply for



a restriction order if they wish to object to a premises remaining open at any time between 11pm on New Year's Eve and 11am on New Year's Day. The grounds for applying for a restriction order is to prevent disturbance and disorderly conduct by persons using the premises.

Articles 6 & 7 - Notice of Applications for Special Occasions Restriction Orders

4. Please note that Articles 6 and 7 of the Order provide that any person applying for a special occasions restriction order is required to give notice of the application to the relevant parties in writing (specifying the grounds in general terms) **no later than 5 days before** the commencement of the licensing sessions or magistrates' court hearing at which the application is to be made.

NO APPEALS AGAINST DECISIONS

5. Please note that this Order **does not** make provision for licence holders to appeal against decisions made by the justices or the magistrates' court to make restriction orders against their premises. It was decided that the timing of the Order would make any appeal largely ineffective. Therefore, sections 67B and 67C of the Licensing Act 1964, which cover appeals against restriction orders and the revocation or variation of restriction orders, are not applicable in this instance.

REQUEST FOR FEEDBACK

6. Although this Order is in many ways similar to the legislation for the relaxation of licensing hours on Millennium Eve, which was widely considered to be successful, the Government accepts that the Millennium celebrations were unique and atypical. Therefore, as mentioned in the consultation document issued by the Home Office on this subject in March ("Liquor Licensing Deregulation : Consultation on Licensing Hours for New Year's Eve 2001 and during Her Majesty's Golden Jubilee in June 2002" - which can be read or downloaded from the DCMS website, www.culture.gov.uk), the relaxation of licensing hours for this New Year's Eve is being regarded as an experiment before consideration is given to deregulating licensing hours for all future New Year's Eves.

7. In order that we may fully assess the impact of the relaxation on this New Year's Eve, the Department for Culture, Media and Sport formally requests your assistance in providing us with feedback on the following issues :

from police forces -(i) the number of restriction order applications made under this Order, (ii) details of any major disorder incidents in their area which it is believed were caused as a result of the later opening of on-licensed premises during the relaxation of licensing hours under this Order, and (iii) whether any use was made during the relaxation under this Order of the new police power to close disorderly and noisy on-licensed premises (introduced under section 17 of the Criminal Justice and Police Act 2001, which came into force on 1 December) ;

from chief executives to the licensing justices/magistrates' courts - (i) the number of restriction order applications made to them under this order by the police, local authorities and local residents, and (ii) the number of orders that were granted; and

from local authorities - (i) the number of restriction order applications made by each Council under this Order, (ii) the number of applications for extensions to public entertainment licences made to each Council by premises as a result of the relaxation of alcohol licensing hours under this Order, (iii) the number of extensions that were granted, and (iv) details of any major disorder incidents arising in their area as a result of the later opening of on-licensed premises during the relaxation of licensing hours under this Order.

8. It would also be helpful to know if there were any problems experienced locally in the operation of the terms of this Order.

9. In addition, comments are invited about the general impact locally of the relaxed licensing hours on this New Year's Eve in comparison with other recent New Year's Eves (for example last year) when there was no relaxation of licensing hours.

10. We would be grateful if the information requested in paragraphs 7 to 9 above could be submitted to either of the persons mentioned below **by Monday, 21 January**. Thank you in advance for your co-operation.

11. Any enquiries about this circular should be made to Ronnie Bridgett at the above address, or by telephoning 020 7211 6374 (fax 020 7211 6319). Alternatively, please contact Naim Siddiqui on 020 7211 6351, or Adrian Smith on 020 7211 6358.

Yours faithfully

Ronnie Bridgett