

CRIME AND SECURITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Sale and supply of alcohol

Section 55: Power to restrict sale and supply of alcohol

236. **Section 55** amends the Licensing Act 2003 (“the 2003 Act”) by inserting five new sections (sections 172A to 172E) into Part 9 of that Act.
237. Subsection (1) of new section 172A empowers licensing authorities (mostly local authorities in whose area the premises at which the sale and supply of alcohol takes place) to make an order under this section if they consider it necessary for the promotion of the licensing objectives. The licensing objectives are set out in section 4(2) of the 2003 Act. They are: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.
238. Subsection (2) of new section 172A provides that an order has the effect that any premises licence, club premises certificate or temporary event notice shall not have effect to the extent that it would authorise the sale or supply of alcohol between the hours of 3am and 6am. The order would, therefore, apply not only to pubs, bars and nightclubs but also to non-profit clubs such as sports, political and working men’s clubs, supermarkets and convenience stores and temporary events such as those organised by charities and voluntary groups. Subsection (4) provides that an order may have effect every day or on particular days of the week or year, in relation to the whole or part of the licensing authority’s area or for a limited or unlimited period. An order may therefore be made that only applies to Friday and Saturday nights. Or one may be made that has effect only for six months rather than an indefinite period.
239. New section 172B sets out procedural requirements. Subsection (1) provides that a licensing authority must advertise an order it proposes to make in a prescribed manner, and that a licensing authority must hold a hearing to consider any relevant representations (defined in subsection (2)) unless the authority and each person who made such representations agree that a hearing is unnecessary.
240. New section 172E provides for exceptions from the effect of an early morning alcohol restriction order in cases or circumstances prescribed by the Secretary of State in regulations (subsection (1)). These may be defined by reference to particular kinds of premises (such as hotels which sell alcohol to residential guests but not to the general public between 3am and 6am), or particular days (e.g. New Year’s Day). Subsection (3) ensures that an order made under section 172A is subject to an order made under section 172 of the 2003 Act (unless the s172 order provides otherwise). Section 172 enables the Secretary of State, with the approval of both Houses of Parliament, to make a licensing hours order for a specified period to mark an occasion of exceptional international, national or local significance. An order under section 172 has the effect of relaxing the opening hours for premises licences and club premises certificates.

*These notes refer to the Crime and Security Act 2010
(c.17) which received Royal Assent on 8 April 2010*

241. *Subsection (3)* of section 55 amends section 7(2) of the 2003 Act. Section 7(2) identifies the functions of a licensing authority which cannot be delegated to a licensing committee of the authority. So, for example, where a licensing authority is a district council, such functions must be exercised by the full council. This amendment adds the power to make, vary or revoke an order under section 172A as a function which cannot be so delegated.