

EXPLANATORY MEMORANDUM TO
THE LICENSING ACT 2003 (ROYAL WEDDING LICENSING HOURS)
ORDER 2011

2011 No. 1073

1. This explanatory memorandum has been prepared by the Home Office (“the Department”) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order will be made by the Secretary of State in the exercise of powers conferred on her by section 172 of the Licensing Act 2003 (“the 2003 Act”) to mark the occasion of the marriage of His Royal Highness Prince William and Miss Catherine Middleton on 29th April 2011.

2.2 The Secretary of State considers that this event is one of exceptional national significance and the effect of the Order is to extend the hours during which licensed premises can be used for certain licensable activities.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The 2003 Act enables a regime under which premises are authorised to be used for certain activities (referred to as “licensable activities”), namely: the sale by retail of alcohol (for consumption on or off the premises); the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; the provision of regulated entertainment; and the provision of late night refreshment (the provision of hot food and drink between 11pm and 5am). The grant of an authorisation by a licensing authority must be made with a view to promoting one or more of the four licensing objectives: the prevention of crime and disorder, the prevention of public nuisance, public safety and the prevention of harm to children. Indefinite authorisation for a premises is given by means of a premises licence or club premises certificate (for members’ clubs), and this authorisation sets out which licensable activities may be carried on, during which hours and subject to what conditions.

4.2 Section 172 of the 2003 Act gives the Secretary of State the power to make a licensing hours order if she considers that a period (the “celebration period”) marks an occasion of exceptional international, national or local significance.

4.3 A licensing hours order provides that during a specified period (the “relaxation period”, which is part or all of the celebration period but cannot exceed 4 days) premises licences and club premises certificates have effect (to the

extent that this is not already the case) as if times specified in the order were included in the opening hours authorised by the licence or certificate. An order may be applied to all licensed premises in England and Wales or restricted to one or more specified areas. It is also possible to impose different opening hours on different days during the relaxation period and to allow different opening hours for different licensable activities.

4.4 The exercise of the power in section 172 is subject to a condition that the Secretary of State must consult such persons as she considers appropriate.

4.5 This Order represents the first use of the power in section 172.

5. Territorial Extent and Application

5.1 These Regulations extend to England and Wales only.

6. European Convention on Human Rights

6.1 James Brokenshire, Parliamentary Under-Secretary of State for Crime Prevention has made the following statement:

In my view the provisions of the draft Licensing Act 2003 (Royal Wedding Licensing Hours) Order 2011 are compatible with the Convention rights.

7. Policy background

- *What is being done and why*

7.1 Following the announcement of the Royal Wedding on 16th November 2010, the Home Secretary decided to consult on a proposal to make a licensing hours order that would allow licensed premises to remain open, for 2 hours beginning at 11pm on each of 29th April (the day of the Wedding) and 30th April for the sale of alcohol for consumption on the premises and regulated entertainment. This would allow premises to open later for celebratory events without applying for a temporary event notice (a temporary authorisation to use premises for licensable activities available under the 2003 Act). It was considered inappropriate to relax licensing hours for the sale of alcohol for consumption off the premises because anyone wishing to celebrate at home could buy alcohol in advance, or during normal trading hours.

- *Consolidation*

7.2 Not applicable.

8. Consultation outcome

8.1 The consultation was published on the Department's website for a shortened period of two weeks from 12th January to 26th January. There were 712 responses to the consultation, including 643 responses to an online questionnaire. The consultation summary is attached. There was some

support for the proposed order, but the majority of respondents were opposed on the grounds that there would be an increase in late night crime and disorder and public nuisance, and increased policing costs. Some respondents also saw a contradiction between a relaxation of licensing hours and the Coalition Government's commitments to tackle alcohol related crime and disorder. Respondents who agreed with the proposal to relax licensing hours suggested that the order should also include late night refreshment as this would allow restaurants, pubs and other licensed premises to serve food as part of their Royal Wedding celebrations.

- 8.2 The Home Secretary understood the concerns of those opposed to the proposed order, but felt that they did not represent the views of the majority of people. It was clear from the positive response to the consultation in the media that many people wished to celebrate the Royal Wedding and would welcome this proposal. The order would only apply for a maximum of two hours on two days, allowing premises to open for an extra hour or two at most, and there was therefore no obvious conflict with the Government wider proposals on alcohol. She agreed that the relaxation of licensing hours should extend to late night refreshment, but only at a time when alcohol is also sold. This would ensure that take-aways, which can contribute to late night crime and disorder, were excluded.

9. Guidance

- 9.1 This is not applicable.

10. Impact

- 10.1 The impact on business, charities or voluntary bodies is likely to comprise a saving to businesses of an estimated £240k – 480k.
- 10.2 The impact on the public sector is likely to comprise additional policing costs of around £45k - £170k, but the Government would expect forces to meet these costs from within their existing budgets.
- 10.3 An Impact Assessment has not been prepared for this Order.

11. Regulating small business

- 11.1 This Order applies to small business but will have no adverse impact on it.

12. Monitoring & review

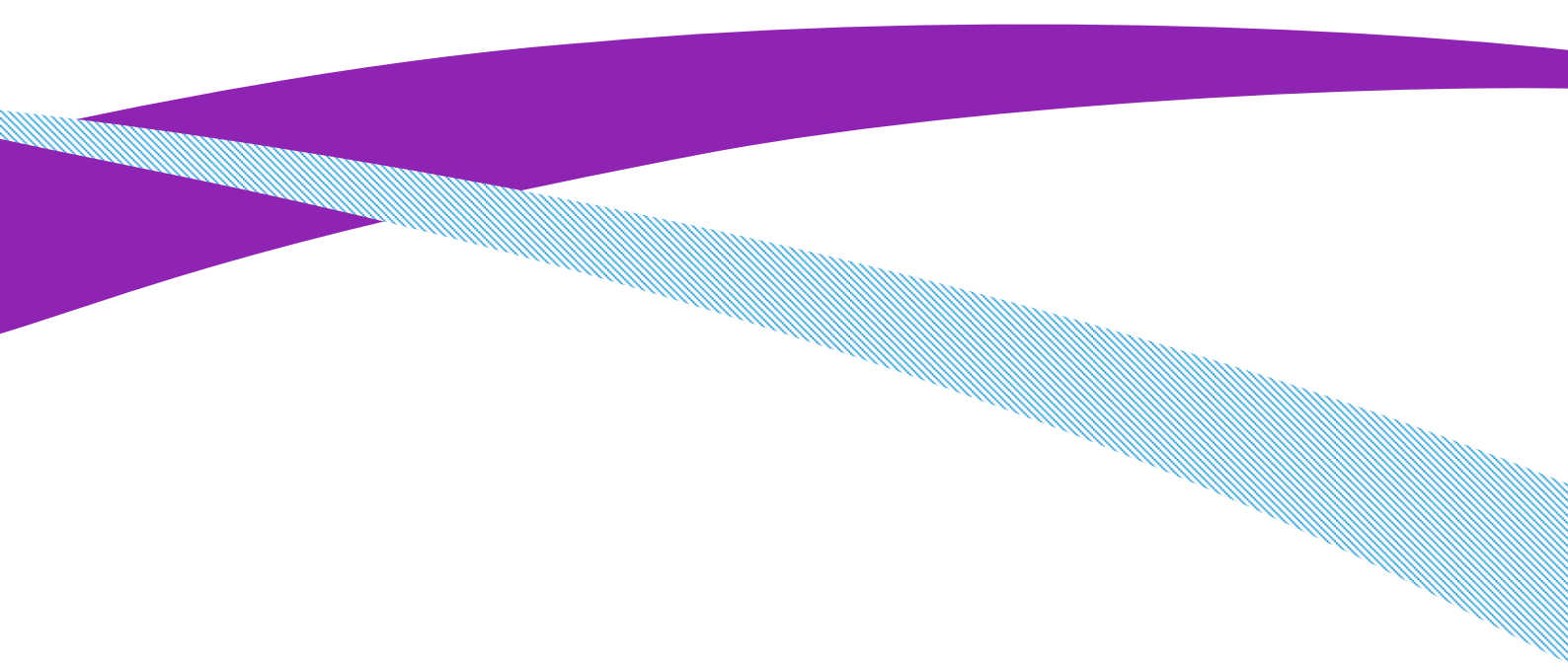
- 12.1 This order will only apply on the specified days. There are therefore no plans to review it.

13. Contact

- 13.1 Mandy Stevens, Drugs and Alcohol Unit, the Home Office on 020 7035 1541 can answer any queries regarding the instrument.



RELAXATION OF LICENSING HOURS FOR THE ROYAL WEDDING: ANALYSIS OF CONSULTATION RESPONSES



RELAXATION OF LICENSING HOURS FOR THE ROYAL WEDDING: ANALYSIS OF CONSULTATION RESPONSES

PROPOSAL

1. On 12th January 2011 the Government published the consultation document, 'Relaxation of licensing hours for the Royal Wedding'. This document included a proposal to make a licensing hours order under section 172 of the Licensing Act 2003 to mark the wedding of Prince William and Catherine Middleton on 29th April 2011. The order would extend opening hours on the night of Friday 29th April to 1am (on Saturday 30th April) and hours on the night of Saturday 30th April to 1am (on Sunday 1st May) for the sale of alcohol for consumption on the premises and the provision of regulated entertainment in licensed premises in England and Wales.

2. The Home Office ran a public consultation for two weeks between 12th January and 26th January 2011 inviting the general public and key interested parties to provide feedback on this proposal. The consultation covered England and Wales, where the proposal would apply.

BACKGROUND

3. During the consultation process, people were invited to submit formal responses to the six questions outlined in the consultation document using either the online form or by submitting responses via post or email.

4. The Home Office received a total of 713 responses to the consultation – 667 responses were submitted online; 43 were submitted by email; and 3 were sent by post. Data was not collected on respondent organisations. However, responses received by post and email included responses from individual members of the public; those involved in the retail or manufacture of alcohol or their trade associations; those involved in enforcement, licensing and health; and responses from other groups including legal specialists, those involved in the entertainment industry, village halls and charities.

2. RESPONSES TO SPECIFIC CONSULTATION QUESTIONS

5. The consultation document included six questions on the proposed order. These six questions had closed yes or no response options. Responses to these questions are summarised below.

6. Some respondents also provided additional comments on the proposal. Key additional comments are highlighted in the analysis below.

Question 1: Do you agree that the order should apply to all licensed premises in England and Wales?

7. Thirty-seven per cent of respondents (255) agreed that the order should apply to all licensed premises in England and Wales. Sixty-three per cent (429 respondents) disagreed with this proposal.

Question 2: Do you agree that the order should extend licensing hours until 1am?

8. Thirty-nine per cent of respondents (266) agreed that the order should extend licensing hours until 1am with 61% (418 respondents) disagreeing with this proposal.

Question 3: Do you agree that the order should apply on Friday 29th April?

9. Thirty-nine per cent of respondents (264) agreed that the order should apply on Friday 29th April whereas 61% (420 respondents) disagreed.

Question 4: Do you agree that the order should apply on Saturday 30th April?

10. Thirty-three per cent of respondents (227) agreed that the order should apply on Saturday 30th April and 67% (457 respondents) disagreed.

Question 5: Do you agree that the order should apply to the sale of alcohol for consumption on the premises?

11. Forty-three per cent of respondents (291) agreed that the order should apply to the sale of alcohol for consumption on the premises. Fifty-seven per cent (393

respondents) disagreed with this proposal.

12. Some additional responses noted that not extending the order to late-night refreshment venues may cause problems for restaurants or pubs that may provide food or hot drinks late at night. Under the current proposed order these premises would be able to continue to serve alcohol, but not food, to customers remaining on the premises.

Question 6: Do you agree that the order should apply to the provision of regulated entertainment?

13. Forty-four per cent of respondents (301) agreed that the order should apply to the provision of regulated entertainment whereas 56% (383 respondents) disagreed.

14. Several respondents requested clarification on this proposal as to whether this would include the provision of entertainment, making music and dancing. These respondents suggested that these activities should be added to the proposed order to avoid confusion.

Question 7: Do you agree with the impact assessment outlined above?

15. Forty-four per cent of respondents (299) agreed with the impact assessment that was given in the consultation document. Fifty-six per cent of respondents (383) did not agree with the impact assessment. An additional two respondents gave mixed responses to this question.

Additional responses

15. In addition to those respondents who specifically answered the questions in the consultation document, the Home Office also received 27 other responses. Two of these generally supported the proposal; 19 responses generally opposed the proposal; and six gave mixed responses.

16. Of the small number of respondents who provided additional comments, those opposing the proposed order raised concerns around a number of issues including:

- The potential impact of the extension of licensing hours on police and emergency services and the cost of additional policing;
- The potential impact of related noise nuisance and alcohol-related anti-social behaviour on residents living near licensed premises;
- That the extension of licensing hours may be seen to encourage binge drinking.

17. A small number of respondents who supported the proposed order noted the potential for the extension of licensing hours to allow local pubs to increase their income. At the same time they acknowledged that this would reduce the burden on business and licensing authorities to process a greater number of individual Temporary Event Notices to extend opening hours for the Royal Wedding.