

**EXPLANATORY MEMORANDUM TO**  
**THE LICENSING ACT 2003 (FIFA WORLD CUP LICENSING HOURS)**  
**ORDER 2014**

**2014 No. [DRAFT]**

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 extend the hours during which licensed premises can be used for the sale of alcohol and the provision of late night refreshment in relation to the participation of the England Football Team (“England”) in the FIFA World Cup 2014 in Brazil (“the World Cup”).
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
4. **Legislative Context**
  - 4.1 The 2003 Act contains a framework in accordance with 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 supply of hot food or hot drink between 11pm and 5am). It is a criminal offence to carry on, or attempt to carry on, a licensable activity on or from premises without an authorisation under the 2003 Act. Such an authorisation may comprise a premises licence, a club premises certificate or a temporary event notice. 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 confers on 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 “specified relaxation period”, which is part or all of the celebration period but cannot exceed four 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 apply to all licensed premises in England and Wales or restricted to licensed premises in 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.

## **5. Territorial Extent and Application**

- 5.1 This Order applies to England only.

## **6. European Convention on Human Rights**

- 6.1 Norman Baker, the Minister of State for Crime Prevention, has made the following statement:

In my view the provisions of the draft Licensing Act 2003 (FIFA World Cup Licensing Hours) Order 2014 are compatible with the Convention rights.

## **7. Policy background**

- *What is being done and why*

- 7.1 The Government considers that England's participation (following qualification) in the World Cup is an occasion of exceptional national significance. The World Cup is a hugely important sporting event and England's involvement in it will be followed closely by millions of fans. Football is a hugely popular sport in this country, as evidenced by the number of people who watch it live at matches or on television – and the corresponding extent of its coverage by the media. This is heightened by England's participation at the World Cup, which only occurs every four years and England has not always qualified. A number of games kick off late in the evening because of the time difference with the host country Brazil, and would therefore finish after the cessation of traditional licensing hours (at 11pm). As such, the Government considers it likely that many pubs and other licensed premises would want to sell alcohol and food later than their traditional hours permit.

- 7.2 The Government considers, therefore, that the occasion of England's participation in the World Cup is one of exceptional national significance so as to justify extending licensing hours to enable fans to watch the matches at pubs and other licensed premises across the country. This Order extends licensing hours in relation to England's group matches with Italy and Uruguay (but not the match with Costa Rica because its earlier kick off time – 5pm – means that an extension is not necessary). This Order also extends the licensing hours in relation to the matches in which England may participate in the later stages of the World Cup, provided that England qualify for the match in question.

- *Consolidation*

7.3 Not applicable.

## **8. Consultation outcome**

8.1 The *Relaxation of licensing hours during the FIFA World Cup, 2014* (the ‘consultation’) ran from 13 – 26 March. This set out that the World Cup taking place in June and July 2014 is an important sporting event for which licensed premises are likely to wish to be able to sell alcohol and food later than their traditional hours allow. It explained the options for doing this either nationally, under section 172 of the Licensing Act 2003 (‘2003 Act’), or locally, using the existing system of temporary event notices (TENs). The consultation did not consider whether 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.

8.2 This consultation asked for responses on the following areas:

- whether licensing hours should be relaxed nationally or not during England’s matches in the World Cup;
- the duration for which any national order should apply; and
- whether any relaxation should apply to England only, or England and Wales.

8.3 The Department received a total of 1463 responses to the online consultation. This included 503 from members of the public; 605 from those involved in the retail or manufacture of alcohol or their trade associations; 127 from police; 136 from licensing authorities and 11 from environmental health.

8.4 The Department also wrote to nine key stakeholders, asking for a more detailed response. In summary, those representing licensing authorities and enforcement bodies were not in favour of a national relaxation, whilst those representing the licensed trade or football supporters were in favour.

8.5 A summary of the consultation responses is published at [www.gov.uk/government/consultations/world-cup-licensing-hours](http://www.gov.uk/government/consultations/world-cup-licensing-hours).

## **9. Guidance**

9.1 The Department is not issuing guidance in relation to the application of this Order.

## **10. Impact**

10.1 The impact assessment estimates a maximum benefit to on-trade premises of £1.35m.

- 10.2 The impact on the public sector is likely to comprise additional policing costs. However, the operational response will vary from force to force and within force, depending on the perception of likely crime and disorder associated with late night opening. We do not know how many more officers police forces would have to roster or for how long, so we are unable to monetise these costs.
- 10.3 An Impact Assessment has been prepared for this instrument and will be published alongside the Explanatory Memorandum.

## **11. Regulating small business**

- 11.1 The legislation applies to small business but will not have an adverse impact on it.

## **12. Monitoring & review**

- 12.1 This Order will only apply at the specified times and will therefore only have effect for a finite period (which ceases no later than 14 July 2014). The Department, therefore, has no plans to review it.

## **13. Contact**

- 13.1 Anna Dawson, Drugs and Alcohol Unit, the Home Office on 020 7035 8711 or [Anna.dawson@homeoffice.gsi.gov.uk](mailto:Anna.dawson@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.