EXPLANATORY MEMORANDUM TO

THE LICENSING ACT 2003 (ROYAL WEDDING LICENSING HOURS) ORDER 2018

2018 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office 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 provision of late night refreshment to mark the royal wedding of His Royal Highness Prince Henry of Wales and Miss Rachel Meghan Markle.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 This entire instrument applies only to England and Wales.

3.3 This instrument applies to England and Wales as it is made under sections 172(1) and 197(2) of the Licensing Act 2003, which extend to England and Wales only. The instrument does not have minor or consequential effects outside England and Wales.

3.4 In the view of the Department, for the purposes of House of Commons Standing Order 83P the subject-matter of this entire instrument would be within the devolved legislative competence of the Northern Ireland Assembly if equivalent provision in relation to Northern Ireland were included in an Act of the Northern Ireland Assembly as a transferred matter and the Scottish Parliament if equivalent provision in relation to Scotland were included in an Act of the Scottish Parliament.

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 of alcohol by retail (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 hot 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 protection of children from harm. 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 specified periods, 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 licensed premises in one or more specified areas. It is also possible to impose different opening hours on different days during the relaxation 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. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales (see paragraph 3.3 above).

5.2 The territorial application of this instrument is set out in Section 3 under "Other matters of interest to the House of Commons".

6. European Convention on Human Rights

6.1 Victoria Atkins, Minister for Crime, Safeguarding and Vulnerability has made the following statement regarding Human Rights:

"In my view the provisions of the Licensing Act 2003 (Royal Wedding Licensing Hours) Order 2018 are compatible with the Convention rights."

7. Policy background

What is being done and why

7.1 The Royal Wedding of Prince Henry of Wales and Miss Rachel Meghan Markle is an occasion of national significance. The Government therefore considers it appropriate to extend licensing hours to celebrate this occasion. The order would permit licensed premises to remain open for 2 hours beginning at 11pm on Friday 18 May and Saturday 19 May, for the sale of alcohol for consumption on the premises or the provision of regulated entertainment on the premises. This would allow premises to remain open later for celebratory events without having to give 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 licensed 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 Home Office ran a public consultation from 7 January to 4 February 2018. It asked for responses to four closed questions on whether respondents agreed with the scope, duration and geographical extent of the Order, one open question inviting

respondents who disagreed with the proposal to give reasons and one question about the respondent. Responses to the questions were submitted through an online survey or as written responses sent by email or post. The Department received a total of 183 responses from a range of stakeholders including the police, licensing authorities, licensed trade and trade associations, community or voluntary groups, the health sector and members of the public. The consultation asked four specific questions:

- Do you agree that the Order should apply to the sale of alcohol for consumption on the premises?
- Do you agree that the Order should apply to England and Wales?
- Do you agree that the Order should extend licensing hours until 0100 on Saturday 19 May?
- Do you agree that the Order should extend licensing hours until 0100 on Sunday 20 May?

8.2 More detailed written submissions were also sought from the Local Government Association, the National Association of Licensing and Enforcement Officers, the Institute of Licensing, Alcohol Concern, the Institute of Alcohol Studies, the Association of Police and Crime Commissioners, the National Police Chiefs' Council's Licensing Group, the National Organisation of Residents Associations, the British Beer and Pub Association, the Association of Licensed Multiple Retailers, the Wine and Spirits Trade Association and the Welsh Government. A majority of the stakeholders that responded to the consultation supported the proposed licensing hours order. A minority of respondents, including some members of the public had concerns that the Order would be disruptive to planning police resources and pose an increased risk of alcohol-related disorder. However, the Government is not aware of any evidence of increased alcohol-related disorder during periods covered by previous licensing hours Orders and no evidence was submitted to demonstrate that an increase in alcohol-related disorder would be likely. The Government's response to the consultation is published at: www.gov.uk/government/consultations/relaxation-of-licensing-hours-for-the-royal-wedding.

9. Guidance

9.1 The Government is not issuing guidance in relation to this Order.

10. Impact

10.1 The impact on business, charities or voluntary bodies is that this order will save money for those already licensed to sell alcohol or provide regulated entertainment on the premises and who wish to remain open after their normal licensed hours. The Government's impact assessment has estimated that this instrument will save business £0.3 million to £0.5 million. The Order will save such businesses the time and cost of giving a temporary event notice, the fee for which is £21. Businesses licensed to sell alcohol on the premises which choose to open late are likely to benefit from additional sales of alcohol during this time. There is no impact on business, charities or voluntary bodies which do not hold a premises licence or club premises certificate to sell alcohol or provide regulated entertainment on the premises.

10.2 The impact on the public sector is that this Order is likely to generate a benefit for police forces and environmental health authorities from not having to review an increased number of temporary event notices from premises that choose to stay open

late. The Order may introduce additional policing costs if it is decided to add extra officers or increase patrolling hours for the affected nights. However, it is not expected that there will be a significant increase in enforcement activity as the perception of likely crime and disorder associated with late night opening is low.

10.3 The Government's Impact Assessment is submitted with this memorandum and is published alongside the Explanatory Memorandum on the legislation.gov.uk website.

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses, but will not have an 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 Rob Turner at the Home Office Drugs and Alcohol Unit on 020 7035 8836 or robert.turner2@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.