EXPLANATORY MEMORANDUM TO

THE LICENSING ACT 2003 (UEFA EUROPEAN FOOTBALL CHAMPIONSHIP LICENSING HOURS) ORDER 2024

2024 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Chris Philp, Minister for Crime, Policing and Fire at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 Paul Regan, Head of the Neighbourhood Crime Unit at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Alcohol Policy team at the Home Office (AlcoholTeam2@homeoffice.gov.uk) can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The 2024 Union of European Football Associations (UEFA) European Championship, known as 'Euro 2024' will begin on 14 June 2024. Of the four home nation teams (England, Wales, Scotland and Northern Ireland), only England and Scotland have qualified for Euro 2024.

4.2 The purpose of this instrument is to introduce a contingent order that will only come into effect if one or both of the competing home nation teams (England and Scotland) reach the semi-final and/or final of Euro 2024.

4.3 The order will provide venues in England and Wales with the option to extend licensing hours on the day of any semi-final (scheduled for 9 and/or 10 July) involving a home nation team and on the day of final of the tournament (14 July) should a home nation team be participating for two hours from 11pm until 1am the following day for consumption of alcohol on the premises and provision of late-night refreshment in licenced premises to celebrate the England and/or Scotland team(s) reaching the semi-finals and/or the final of Euro 2024.

4.4 For the avoidance of doubt, if neither of these teams reach the semi-final, then normal licensing hours will apply on 9 and 10 July. If either, or both, teams reach the semi-final but neither team is in the final, normal licensing hours will apply on 14 July.

4.5 This order will only apply to the on-sale of alcohol (i.e. consumption of alcohol on the premises). It will not apply to the off-sale of alcohol (i.e. consumption of alcohol off the premises).

Where does the legislation extend to, and apply?

4.6 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.7 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

4.8 For the avoidance of doubt, this legislation does not extend to, or apply in, Scotland.

5. Policy Context

What is being done and why?

5.1 The Secretary of State considers the final week of the Euro 2024 tournament (8 July - 15 July) to be a "celebration period" as defined under section 172 of the Licensing Act 2003. Therefore, should either of the competing home teams (England and Scotland) reach the later stages of the tournament, the Government considers a Euro 2024 semi-final and, the final, if a home nation team is involved, to be an occasion of exceptional national significance for the purposes of section 172 of the Licensing Act 2003.

5.2 The Government will extend licensing hours in England and Wales for two hours from 11pm until 1am the following day on the day of any semi-final (9 and / or 10 July) involving a home nation team and the final (14 July) should that criteria be met. It will permit licensed premises in England and Wales, subject to their existing licence conditions, to remain open for the sale of alcohol for consumption on the premises. If a premises, licensed for the sale of alcohol also serves food, they may continue to serve food during the extended hours.

5.3 A public consultation on this proposal was completed on 19 February 2024, with 85% of respondents in favour of extending licensing hours for the semi-final and 87% in favour of extending licensing hours for the final of the tournament. The results can be found on GOV.UK.

5.4 This extension will only apply to the on-sale of alcohol (i.e. consumption of alcohol on the premises). The extension will not apply to off-trade premises i.e. supermarkets and off-licences.

5.5 Without a contingent order, any individual premises that wishes to remain open later would each have to give a Temporary Event Notice (TEN) to their local authority in order to seek to extend their opening hours. This carries a fee of £21.00 and must be submitted at least 10 working days before the event in question begins.

5.6 Unlicensed premises will not benefit from a relaxation in licensing hours and will still need to apply for a TEN to undertake licensable activities. As per section 136 of the Licensing Act 2003, knowingly allowing or carrying on unauthorised licensable activities carries a maximum penalty of six months imprisonment and/or an unlimited fine.

5.7 The contingent order will support and enable licenced premises to extend their opening hours without having to apply and pay for a TEN. The order also benefits licensing authorities because they will not be required to process multiple TEN applications, thus saving them time and money.

5.8 The order will enable communities in England and Wales to come together at their local licensed premises to support the England and/or Scotland team(s) if they reach

the later stages of the tournament and ensure any subsequent success can be celebrated.

6. Legislative and Legal Context

How has the law changed?

6.1 The Licensing Act 2003 ("the 2003 Act") enables a regime under which premises can be authorised to be used for certain activities (referred to as "licensable activities"), including the sale of alcohol by retail (for consumption on the premises) and the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; and the provision of late night refreshment (the provision of hot food and hot drink between 11pm and 5am).

6.2 The authorisation by a licensing authority for the sale of alcohol must be made without impeding on the four licensing objectives under the 2003 Act: 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.

6.3 Section 172 of the 2003 Act gives the Secretary of State the power to extend licensing hours by means of a Licensing Hours Order (LHO) if he considers that a period (the "celebration period") marks an occasion of exceptional international, national or local significance. This power has been exercised in recent years to mark the Coronation of His Majesty the King, the late Queen's Platinum Jubilee, the 2011 and 2018 Royal Weddings, the 2014 FIFA World Cup and the Euro 2020 final.

6.4 An LHO can be used to relax licensing hours in licensed premises in England and Wales during a period not exceeding four days, as per subsection (5)(a) of section 172. An LHO may be applied to all licensed premises in England and Wales.

6.5 The exercise of the power in section 172 is subject to a condition that the Secretary of State must consult such persons as he considers appropriate. The Act currently specifies that any order is subject to the affirmative procedure and needs to be approved in both Houses of Parliament. It should be noted that the Licensing Hours Extension Private Member's Bill is currently going through Parliament – this Bill proposes to change the parliamentary process to the negative resolution procedure. As it is extremely unlikely that the legislation will come into force in time, this instrument is subject to the affirmative procedure.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Home Office ran a public consultation for 12 weeks from 27 November 2023 to 19 February 2024 and invited comments on the wider approach to extending licensing hours on this occasion, including whether this should apply to off-sales (for example to off-licence shops and supermarkets) as well as on-sales of alcohol where alcohol is consumed on the premises.

7.2 The consultation received a total of 96 responses. Of these, 31 responses contained no relevant information to any of the questions and were deemed unusable and 65 complete responses were received. The key respondents were members of the public and trade organisations.

7.3 Within the consultation, there were five closed questions and one open question.

7.4 In response to the first question, which asked whether licencing hours should be extended if any of the home nations are successful in reaching the semi-final, out of those 65 respondents, 55 agreed with the extension to licensing hours, nine opposed the proposal and one did not respond.

7.5 The second question asked whether licencing hours should be extended if any of the home nations are successful in reaching the final. Out of those 65 respondents, 56 agreed with the extension to licensing hours, eight opposed the proposal and one did not respond.

7.6 The third question asked whether the extension should only apply to the sale of alcohol on the premises as opposed to off sales. Out of the 65 respondents, 54 agreed that the extension should only apply to on sales, nine disagreed and two did not respond.

7.7 The fourth and fifth questions asked about the duration of the extension and whether the hours should be extended from 11pm to 1. am for the semi-final and final; for both questions, 55 responded that they should, nine disagreed and one failed to respond.

7.8 The final question asked respondents to provide feedback if they had disagreed with the proposal to extend licensing hours for Euro 2024. A total of 16 responses were received. The overall responses fell into three categories, namely concerns around alcohol consumption, crime and disorder and general disapproval of extending licensing hours.

7.9 Additionally, the National Police Chiefs' Council (NPCC) lead for Alcohol Licensing and Harm Reduction and NPCC lead for Football Policing and Covert Legislation opposed the extension to licensing hours on the grounds of risk of increased public disorder and resulting demands on policing.

7.10 While police deployments and resourcing are operational matters, it is considered that the risk of increased disorder can be mitigated by local policing plans. During previous tournaments where licensing hours have been extended, police have put in place appropriate plans to minimise the risk of alcohol-fuelled disorder, and no significant large-scale disorder incidents have occurred during recent tournaments.

7.11 Overall, the extension is considered appropriate because, in the event that either of the home nation teams reach the later stages of the tournament, these matches would be of exceptional national significance and the public should be able to come together and celebrate. This order will also support the hospitality sector. The extension is limited to an extension of two hours, which is a proportionate approach to mark these events, and the police have adequate time to put in place local plans to minimise the risk of disorder.

8. Applicable Guidance

8.1 The Government is not issuing guidance in relation to this Order. This is because this power has been previously used on several occasions to mark other occasions of exceptional national significance.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as an Economic Note has been prepared.

Impact on businesses, charities and voluntary bodies

9.2 The main impact on business, charities or voluntary bodies is that premises already licensed to sell alcohol for consumption on the premises that wish to remain open beyond their normal licensed hours will save time and costs from not having to apply for a temporary event notice. Licence holders will welcome the option to extend their trading hours should the criteria of the order be met.

9.3 There is no impact on business, charities or voluntary bodies that do not hold a premises licence or club premises certificate to sell alcohol on the premises or provide regulated entertainment.

9.4 In terms of the impact on the public sector, this order is likely to lead to some modest cost savings for police forces, environmental health authorities and licensing authorities from not having to review an increased number of temporary event notices from premises that choose to stay open late during this period. There might be some additional costs to policing associated with an increased risk of alcohol-related crime and disorder. However, the impact of an extension over a maximum of three days will likely be minimal and local policing plans will mitigate associated risks.

9.5 An Economic Note is published alongside the Explanatory Memorandum on the legislation.gov.uk website.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 There are no plans to review this legislation. The order will only apply on the specified days (9 and / or 10 July and 14 July). Review is not required by the Small Business, Enterprise and Employment Act 2015 as the provisions will cease to have effect before the end of the period of five years beginning with the commencement date.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Chris Philp, Minister for Crime, Policing and Fire has made the following statement regarding Human Rights:

"In my view the provisions of the Licensing Act 2003 (UEFA European Football Championship Licensing Hours) Order 2024 are compatible with the Convention rights."

13. The Relevant European Union Acts

This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").