EXPLANATORY MEMORANDUM TO

THE LICENSING ACT 2003 (VICTORY IN EUROPE DAY LICENSING HOURS) ORDER 2025

2025 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 Dame Diana Johnson, Minister for Policing and Crime Prevention at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Marcus Starling, Head of the Drugs and Alcohol Unit at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Toby Pinnock at the Home Office (AlcoholTeam2@homeoffice.gov.uk) can be contacted with any queries regarding the Order.

Part One: Explanation of, and context for the Order

4. Overview of the Order

What does the legislation do?

4.1 This Order will enable licensed premises to extend their opening hours for the 80th celebration of Victory in Europe Day (VE Day) if they wish to do so. Licensed premises will be able to extend their closing time for two hours from 23:00 on 8 May 2025 until 01:00 on 9 May 2025. This will allow licensed venues to open later without applying for a Temporary Event Notice (TEN) and will provide a boost to the hospitality sector.

Where does the legislation extend to, and apply?

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

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

5. Policy Context

What is being done and why?

5.1 The Secretary of State considers the 80th Celebration of VE Day (8-9 May 2025) to be a 'celebration period' as defined under section 172 of the Licensing Act 2003. Therefore, the Government considers this to be an occasion of exceptional national significance worthy of a licensing hours extension.

5.2 The Government will extend licensing hours in England and Wales for two hours from 23:00 on 8 May 2025 until 01:00 on 9 May 2025. This Order 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.

5.3 This extension will only apply to alcohol and late night refreshment for consumption on the premises and will not apply to off-trade premises i.e. supermarkets and off-licences. Unlicensed premises will not benefit from a relaxation in licensing hours and will still need to apply for a temporary event notice (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.

5.4 Licensed premises will not need to pay a fee to extend their licensing hours. Without this Order, it would cost individual premises £21.00 to submit a TEN application to their local authority. This Order will save businesses from paying the £21.00 application fee and the time spent completing their applications. Additionally, it will save local authorities the time they would have spent processing these applications.

5.5 The Order will enable communities in England and Wales to come together at their local licenced premises to celebrate the 80th Anniversary of VE Day and pay tribute to those who paid the ultimate sacrifice. There has been an increasing number of events being planned for VE Day celebrations and as the anniversary day has drawn nearer, the Government is responding to the growing demand by introducing this Order at short notice. This is especially so given the difficult time everyone endured at the time of the 75th anniversary. Licensing extensions for past nationally significant events (including VE Day 75) have always been well received, and this extension is likely to be the same. Additionally, businesses will benefit economically by not having to pay for a TEN and through increased alcohol sales.

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.

6.2 The authorisation by a licensing authority for the sale of alcohol must be made without compromising 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 she 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 major men's football tournaments, including the FIFA World Cup (2014), the UEFA Euro 2020 final (2021), the UEFA Euro 2024 semi-final and final, her late Majesty the Queen's Platinum Jubilee and, more relevant to this Order, the 75th Celebration of VE Day.

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. However, this change in legislation is still in its early parliamentary stages so this Order is subject to the affirmative procedure.

Why was this approach taken to change the law?

6.6 It was possible to make use of the TENs process whereby individual businesses would have had to apply and pay for an extension to their licensing hours should they wish to do so. However, this would have overwhelmed local authorities and caused delays which could have resulted in some licensed premises having their hours extended whilst others missed out. The LHO allows for all licensed premises and individuals to celebrate a moment of national importance.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Home Office conducted a short consultation with the following bodies: the National Police Chiefs' Council (NPCC) via the Lead for Alcohol Licensing and Harm Reduction, the Local Government Association, the Institute of Licensing, UKHospitality and the British Beer and Pub Association.

7.2 Through this consultation, there was overwhelming support for the extension with many sighting the benefits that this would provide to the hospitality sector and minimal impact to crime and disorder and public health given the extension only lasts for one day.

7.3 With previous extensions, the NPCC Lead for Alcohol Licensing and Harm Reduction has opposed extensions to licensing hours on the grounds of a risk of increased public disorder and resulting demands on policing. However, due to the nature of this event, the NPCC lead for Alcohol Licensing and Harm Reduction acknowledged that the Order would not pose a notable risk to public safety.

7.4 While police deployments and resourcing are operational matters, it is considered that any risk of increased disorder can be mitigated by local policing plans. During previous events of national significance 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 licensing extensions.

7.5 Overall, the extension is considered appropriate because the Order will mark a significant event of national importance to the UK and thus allows for the public to come together to celebrate at a licensed premise. 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 this event, and where appropriate the police will 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. Premises may wish to refer to the Section 182 Guidance which accompanies the Licensing Act and is published on GOV.UK for further information.[1]

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Economic Note has been prepared and published alongside this Explanatory Memorandum on the legislation.gov.uk website.

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 TEN. Licence holders will welcome the option to extend their trading hours. 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.

9.3 The legislation does not negatively impact small or micro businesses, although there will be a small number of businesses which will not be able to take advantage of the extension as their normal licensing hours are until 10:30pm rather than the criteria of 11pm to make use of the extension. This is in order to stop certain licensed premises (e.g. hairdressers) from making use of the extension to extend their hours until 1am, which would not be necessary or appropriate.

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 TENs from premises that choose to stay open late during this period. The central estimate of savings is £208,215 for the public sector.

9.5 However, there may be additional costs to policing associated with an increased risk of alcohol-related crime and disorder although the nature of this event makes this unlikely. It is worth noting that there is an absence of reliable data on the impact on crime when relaxing licensing hours for nationally significant events. While industry stakeholders are supportive, the NPCC lead for Alcohol Licensing and Harm Reduction has previously drawn attention to data showing high levels of domestic abuse resulting from extensions. The impact of an extension over a maximum of two days will likely be minimal and local policing plans will mitigate any associated risks.

9.6 As for the private sector, there is a central estimate of £227,891 in savings due to businesses not having to go through the TENs application process. However, there may be a small familiarisation cost as businesses will have to educate their staff on the legislation change, albeit a small cost estimated to be £4,440 which is off set through the larger savings outlined above.

[1] https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

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 (8 and 9 May 2025). A 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 Dame Diana Johnson, Minister for Policing and Crime Prevention has made the following statement regarding Human Rights:

"In my view the provisions of the Licensing Act 2003 (Victory in Europe Day Licensing Hours) Order 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This Order 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").