EXPLANATORY MEMORANDUM TO

THE LICENSING ACT 2003 (DIAMOND JUBILEE LICENSING HOURS) ORDER 2012

2012 No. 828

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 Her Majesty the Queen's Diamond Jubilee.

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 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 instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 Lord Henley, the Minister of State for Crime Prevention and Antisocial Behaviour Reduction has made the following statement:

In my view the provisions of the draft Licensing Act 2003 (Diamond Jubilee Licensing Hours) Order 2012 are compatible with the Convention rights.

7. Policy background

- ***What is being done and why***

7.1 Following confirmation that a special four-day Jubilee weekend will take place to allow communities to come together, celebrate and commemorate the events of the last 60 years, the Home Secretary decided to consult on a proposal to make a licensing hours order. The order would permit licensed premises to remain open for 2 hours beginning at 11pm on each of Friday, 1st June and Saturday, 2nd June 2012 for the sale of alcohol for consumption on the premises, the provision of regulated entertainment and the provision of late night refreshment where there is also the sale of alcohol for consumption on the premises. This would allow premises to 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 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 period of seven weeks from 12th October to 1st December 2011. There were 211 responses including 200 which were communicated online. A summary of the

consultation responses is published alongside this Explanatory Memorandum on www.legislation.gov.uk.

8.2 Approximately 85% of the respondents were in favour of the proposal to make an order which applied in England and Wales. The majority (80%) also stated that the licensing hours order which applied over the Royal Wedding weekend had no effect on the usual level of crime and anti-social behaviour in their local area. Respondents expressed some concerns about crime and disorder and the costs to the police of the earlier order, but they were in the minority.

8.3 The Department understands these concerns but notes that the majority of responses came from those who welcomed this proposal to mark the celebration of the Queen's Diamond Jubilee.

9. Guidance

9.1 This is not applicable.

10. Impact

10.1 The impact on business, charities or voluntary bodies is a saving of an estimated £240,000 to £480,000.

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. The Government would expect forces to meet these costs from within their existing budgets.

10.3 An Impact Assessment published alongside this Explanatory Memorandum on www.legislation.gov.uk.

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 on the specified days. There are, therefore, no plans to review it.

13. Contact

13.1 Nigel Voden, Drugs and Alcohol Unit, the Home Office on 020 7035 0609 can answer any queries regarding the instrument.

RELAXATION OF LICENSING HOURS FOR THE QUEEN'S DIAMOND JUBILEE: ANALYSIS OF CONSULTATION RESPONSES

Home Office

January 2012

Contents

Proposal 3

Background 3

Responses to Specific Consultation Questions 3

Additional Comments 5

Relaxation of licensing hours for the Queen's Diamond Jubilee: Analysis of Consultation Responses

PROPOSAL

1. On 12 October 2011 the government published the consultation document, 'Relaxation of Licensing Hours the Queen's Diamond Jubilee' to make a licensing hours order under section 172 of the Licensing Act 2003 to mark the occasion of the Queen's Diamond Jubilee in June 2012.

2. The consultation ran for seven weeks, 12 October 2011 to 1 December 2011, and proposed that licensed hours are extended to 1am the following morning on two nights. Respondents were asked whether they preferred Friday, 1 June and Saturday, 2 June; or Sunday, 3 June and Monday, 4 June. The consultation proposed that the extended hours authorise the sale of alcohol for consumption on the premises; the provision of regulated entertainment; and the provision of late night refreshment in licensed premises. The consultation applied to England and Wales.

BACKGROUND

3. During the consultation process, people were invited to respond to the nine questions in the consultation document using either the online form or by submitting responses via post or email. The Home Office received a total of 211 responses to the consultation. Of these, 200 responses were submitted online; 11 were submitted in hardcopy.

RESPONSES TO SPECIFIC CONSULTATION QUESTIONS

4. Of the nine questions, only one asked for comments from the respondents. The key comments are highlighted in the analysis. The remainder of the questions either required a yes/no answer or asked respondents to choose a response. Responses to these questions are summarised below.

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

5. Of those who responded to the question 85% (150 respondents) agreed that the order should apply to all licensed premises in England and Wales. 15% (27 respondents) disagreed with this proposal. 34 respondents chose not to respond to this question.

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

6. Of those who responded to the question 82% (143 respondents) agreed that the order should extend licensing hours until 1am. 18% (31 respondents) disagreed with this proposal. 36 respondents chose not to respond to this question.

Question 3: The order could cover any two nights, Friday 1 or Saturday 2 or Sunday 3 or Monday 4 June 2012. Which two nights would you prefer the order to cover?

7. 155 respondents to this question either chose one day or two days. Of those who responded, 28% agreed that this proposal should apply to Friday 1; 41% agreed that it should apply to Saturday 2; 20% agreed that it should apply to Sunday 3 and 10% agreed that this proposal should apply to Monday 4 June 2012. Some respondents chose not to respond to this question or chose more than two days so are not included in these figures.

Question 4: Do you agree that the order should apply to the sale of alcohol for consumption on the premises?

8. 84% (143 respondents) agreed that the order should apply to the sale of alcohol for consumption on the premises. 16% (27 respondents) disagreed with this proposal. 40 respondents chose not to respond to this question.

Question 5: Do you agree that the order should apply to the provision of regulated entertainment?

9. 84% (145 respondents) agreed that the order should apply to the provision of regulated entertainment whilst 15% (26 respondents) disagreed with this proposal. 39 respondents chose not to respond to this question.

Question 6: Do you agree that the order should apply to the provision of late night refreshment so that restaurants and pubs can continue to serve food until 1am?

10. 86% (148 respondents) agreed that the order should apply to the provision of late night refreshment so that restaurants and pubs can continue to serve food until 1am. 14% (24 respondents) disagreed with this proposal. 38 respondents chose not to respond to this question.

Question 7: Do you agree with the impact assessment?

11. 82% (135 respondents) agreed with the impact assessment and 18% (29 respondents) disagreed with the impact assessment. 46 respondents chose not to respond to this question.

Question 8: Compared with the usual level of crime and anti-social behaviour in your local area, do you think the extension of licensing hours for the Royal wedding on Friday 29 April and Saturday 30 April 2011 increased, decreased, or had no effect on the level of crime and anti-social behaviour in your local area on these nights?

12. 13% (21 respondents) reported an increase in crime and anti-social behaviour in their local area on Friday 29 April and Saturday 30 April 201; 7% (12 respondents) reported a decrease and 80% (131 respondents) no effect over the weekend of the Royal wedding. 47 respondents chose not to respond to this question.

13. Comments reflected concerns about people's health; anti-social behaviour; and police costs. Several commented that the Royal wedding had a great atmosphere in their local community and individuals could pace themselves.

Question 9: Please indicate in what capacity you are responding to this consultation.

14. 6% (10 respondents) indicated that they were responding to this consultation as a Police Officer; 16% (28 respondents) said they were responding as Licensing Officers; 9% (16 respondents) said they were from the Licensed Trade; 53% (93 respondents) were members of the public and 16% (28 respondents) recorded themselves as 'Other'. 35 respondents chose not to respond to this question.

Question 9a: In your experience, were additional police resources required for policing your local area as a result of the relaxation of licensing hours for the Royal wedding on the nights of 29 April and 30 April 2011?

15. Only 7 police officers responded to this question and four said additional police resources were required; one said existing resources were reprioritised and two said usual policing resources were sufficient. One of the respondents who replied in hardcopy selected all options on the grounds that the make-up of the night time economy differs between the different areas.

ADDITIONAL COMMENTS

In addition to the formal answers to the questions we also received a number of additional comments. These, for example:

- Welcomed the proposal and argued that we should embrace the celebrations;
- Argued that the extension should apply on all 4 days; and
- Argued that many pubs will already have existing later permissions for Friday



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The consultation and this response to the consultation can be found on the Home Office website:
http://www.homeoffice.gov.uk/publications/about-us/consultations/jubilee-licensing