

To: Licensing and Gambling Acts Committee

Date: 01 March 2011 **Item No:**

Report of: Head of Environmental Development

Title of Report: Response to Home Office Consultation: Relaxation of Licensing Hours For The Royal Wedding

Summary and Recommendations

Purpose of report: To update Members regarding the response sent by the Licensing Authority to the Home Office consultation: Relaxation of Licensing Hours For The Royal Wedding.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation(s):

The Committee is recommended to note the contents of the report.

INTRODUCTION

1. The central government responsibility for the licensing of alcohol, entertainment and late night refreshment premises has transferred from the Department of Culture media and Sport to the Home Office following the election of the coalition Government.
2. The Government proposes to make a Licensing Hours Order under section 172 of the Licensing Act 2003 to mark the wedding of Prince William and Catherine Middleton on 29th April 2011. The order will extend opening hours to 1am on Friday 29th April and Saturday 30th April for the sale of alcohol for consumption on the premises and the provision of regulated entertainment in licensed premises in England and Wales.

BACKGROUND

3. Under section 172 of the Licensing Act 2003, the Secretary of State may make an order relaxing opening hours for licensed premises to mark an occasion of 'exceptional international, national or local significance'.
4. A 'licensing hours order' can be used to override existing opening hours in licensed premises, i.e. any premises with a premises licence or club premises certificate for a period of up to four days. An order may be applied to all licensed premises in England and Wales or restricted to 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 licensing hours for different licensable activities.
5. The Government believes that it is likely that many pubs and other licensed premises will wish to open later over the Royal Wedding weekend to take advantage of the celebrations and the long weekend (the 29th has been designated a Public Holiday).
6. Licence holders currently have the option of using a Temporary Event Notice (TEN) to extend their opening hours for a limited period. A TEN costs £21.00 and must be submitted at least 10 working days before the event begins. However, they are subject to certain annual limits (for example 12 per premises) and may be refused if the police object on the grounds of crime and disorder.
7. The consultation ran for 2 weeks from 12th January 2011 to the 26th January 2011 and covers England and Wales, where these proposals apply.
8. All Members of the Licensing & Gambling Acts Committee were contacted by the Licensing Team Leader seeking their views on the proposal. All Members who responded (including the Chair and Vice-Chair) did so in favour of the proposals, and the Licensing Team Leader responded according to the consultation.
8. Any financial implications regarding this matter are covered within existing budgets.

Recommendations

9. The Committee is recommended to note the response to the Home Office consultation.

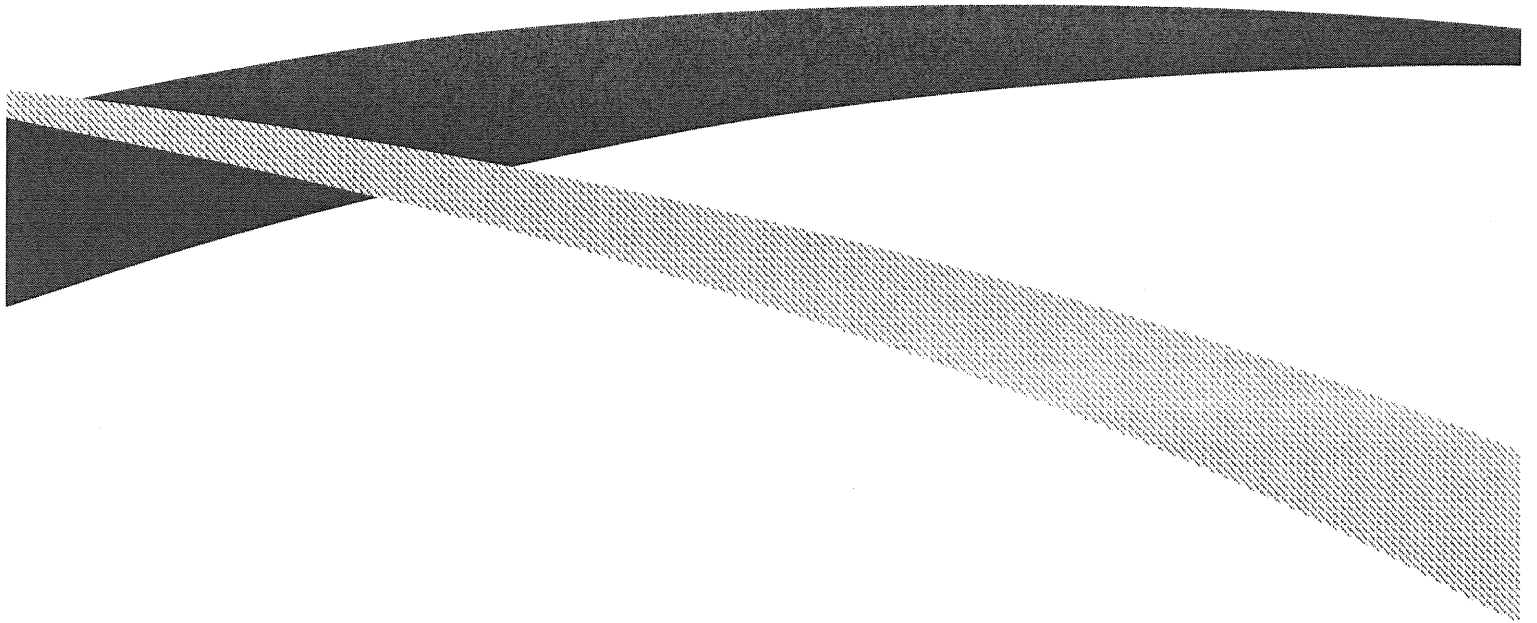
Name and contact details of author: Julian Alison
(01865) 252381
jalison@oxford.gov.uk

Background papers:
Version: 1.0



Home Office

CONSULTATION:
RELAXATION OF LICENSING HOURS
FOR THE ROYAL WEDDING



1. CONSULTATION: RELAXATION OF LICENSING HOURS FOR THE ROYAL WEDDING

PROPOSAL

1. The Government proposes to make a licensing hours order under section 172 of the Licensing Act 2003 to mark the wedding of Prince William and Catherine Middleton on 29th April 2011. The order will extend opening hours to 1am on Friday 29th April and Saturday 30th April for the sale of alcohol for consumption on the premises and the provision of regulated entertainment in licensed premises in England and Wales.

BACKGROUND

2. Under section 172 of the Licensing Act 2003, the Secretary of State may make an order relaxing opening hours for licensed premises to mark an occasion of 'exceptional international, national or local significance'.

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4. It is likely that many pubs and other licensed premises will wish to open later over the Royal Wedding

weekend to take advantage of the celebrations and the long weekend (the 29th has been designated a Public Holiday). We do not hold official figures on closing times (apart from 24 hour licences), but unofficial figures suggest that around 67% of licensed premises selling alcohol for consumption on the premises close before midnight and around 88% close by 1am.

5. Licence holders currently have the option of using a Temporary Event Notice (TEN) to extend their opening hours for a limited period. A TEN costs £21.00 and must be submitted at least 10 working days before the event begins. However, they are subject to certain annual limits (for example 12 per premises) and may be refused if the police object on the grounds of crime and disorder.

2. ABOUT THIS CONSULTATION

This consultation runs for 2 weeks from 12th January 2011 to the 26th January 2011 and covers England and Wales, where these proposals apply.

Information on how to respond to this consultation can be found on the Home Office website at <http://www.homeoffice.gov.uk/About-us/consultations/>

Responses can be submitted online through the Home Office website or by post by sending responses to:

Home Office,
Alcohol Strategy Unit,
4th Floor Fry Building,
2 Marsham Street,
London,
SW1P 4DF

You should contact the Home Office Alcohol Strategy Unit by email at:

Alcohol.consultation@homeoffice.gsi.gov.uk if you require a copy of this consultation paper in any other format, e.g. Braille, Large Font, or Audio.'

DETAILS OF PROPOSAL

6. The Government proposes that all licensed premises in England and Wales should be able to open for the sale of alcohol for consumption on the premises and the provision of regulated entertainment until 1am on Friday 29th April and Saturday 30th April 2011.

a) Extent of order

7. The Royal Wedding is a national celebration and on this basis the Government considers that the order should apply to all licensed premises in England and Wales so that everyone who wants to can participate.

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

- Yes
 No

b) Extension of licensing hours

8. The Government wishes to strike a balance between allowing people

to celebrate the Royal Wedding and protecting those at risk from possible crime and disorder and public nuisance late at night. Statistics from the British Crime Surveys (2009/10) indicate that around 64% of violent crime occurs in the evening or late at night. The Government therefore considers that licensing hours should be extended to no later than 1am. This will allow celebrations to continue to a reasonable hour and the majority of pubs and other licensed premises that would normally close earlier than 1am will benefit from the public holiday. The Government considers that the extension should apply on Friday 29th and Saturday 30th April as these are the days when most people tend to go out to socialise.

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

- Yes
 No

Question 3: Do you agree that the order should apply on Friday 29th April?

- Yes
 No

Question 4: Do you agree that the order should apply on Saturday 30th April?

- Yes
 No

c) Licensable activities

9. An order can be used to relax licensing hours for any or all of the activities licensable under the 2003 Act. These are:

- the sale and supply of alcohol (on and off the premises)
- the provision of regulated entertainment (plays, live and recorded music, indoor sport, films and boxing and wrestling); and
- late night refreshment (the sale of hot food and drink between 11pm and 5am)

10. The Government considers that the order should not apply to the sale of alcohol for consumption off the premises (i.e. in supermarkets and off-licences) as anyone wishing to celebrate at home will be able to buy alcohol at other times of the day and is unlikely to benefit from an extra hour of sales. Late night refreshment venues, by definition, are already licensed to open late at night and would not benefit from a relaxation of licensing hours. The Government therefore considers that the order should apply only to the sale of alcohol for consumption on the premises and the provision of regulated entertainment. This will allow licensed premises to put on a range of different events and entertainment to celebrate the Royal Wedding.

Question 5: Do you agree that the order should apply to the sale of alcohol for consumption on the premises?

- Yes
 No

Question 6: Do you agree that the order should apply to the provision of regulated entertainment?

- Yes
 No

IMPACT OF THE ORDER

11. We do not hold detailed official statistics on closing times, but unofficial figures suggest that around 67% of licensed premises selling alcohol for consumption on the premises are closed by midnight and around 88% are closed by 1am. We do not know how many of these premises would have applied for a TEN in the absence of an order, but clearly there will be savings for those that were intending to trade later and additional takings from the extended opening time. The order would also relieve local authorities and the police from the burden of considering (potentially) thousands of TENS in the run-up to the Wedding. There are likely to be some additional policing costs (over and above those that would have been incurred anyway if premises had applied for TENS), as a result of the later opening time, but these are not expected to be significant.

Question 7: Do you agree with the impact assessment outlined above?

- Yes
 No

ANNEX A

CONSULTATION CRITERIA

The consultation follows the Government's Code of Practice on Consultation – the criteria for which are set out below:

Criterion 1 – When to consult – Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 – Duration of consultation exercises – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 – Clarity of scope and impact – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 – Accessibility of consultation exercises - Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 – The burden of consultation - Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 – Responsiveness of consultation exercises Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 – Capacity to consult – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at: <http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html>

CONSULTATION COORDINATOR

If you have a complaint or comment about the Home Office's approach to Consultation, you should contact the Home Office Consultation Co-ordinator, Adam McArdle. Please DO NOT send your response to this consultation to Adam McArdle. The Co-ordinator works to promote best practice standards set by the Government's Code of Practice, advises policy teams on how to conduct consultations, and investigates complaints made against the Home Office. He does not process your response to this consultation.

The Co-ordinator can be emailed at: adam.mcardle2@homeoffice.gsi.gov.uk or alternatively write to him at:

Adam McArdle,
Consultation Co-ordinator,
Home Office,

Value for money and productivity
unit,
3rd Floor Seacole,
2 Marsham Street,
London, SW1P 4DF