

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

APPENDIX ONE



Home Office

October 2011

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1. Introduction

PROPOSAL

The Government proposes 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. Plans have been announced for a special four-day Jubilee weekend to allow communities the time to come together to celebrate and commemorate the events of the last 60 years. The late May Bank Holiday has been put back to Monday, 4 June and there will be an additional Jubilee Bank Holiday on Tuesday, 5 June.

The proposed order will extend licensed hours on Friday, 1st June to 1am on Saturday, 2nd June 2012 and on Saturday, 2nd June to 1am on Sunday, 3rd June 2012 for the sale of alcohol for consumption on the premises and the provision of regulated entertainment and late night refreshment in licensed premises in England and Wales.

BACKGROUND

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'.

A 'licensing hours order' can be used to override existing opening hours in licensed premises (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 be 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.

It is likely that many pubs and other licensed premises will wish to open later over the Queen's Diamond Jubilee weekend to take advantage of the celebrations. The Home Office does not hold official figures on closing times (apart from 24 hour licences), but a survey commissioned as part of the 2008 Culture Media and Sport Select Committee into the Licensing Act 2003 by the Department for Culture, Media and

Sport showed that 56% of all premises in survey still closed at 11pm.

Licence holders currently have the option of using a Temporary Event Notice (TEN) to extend their opening hours for a limited period. A TEN currently costs £21 and a premises user must submit a TEN at least 10 working days before the event begins. However, licence holders are subject to annual limits on the numbers of TENs they can seek to use (for example, 12 per premises in any calendar year) and a TEN may be refused if the police object on the grounds of crime and disorder.

Unlicensed premises would not benefit from the proposed licensing hours order and would still need to use TENs to put on events at which alcohol will be sold.

2. About this consultation

SCOPE OF THE CONSULTATION

Topic of this consultation:	This consultation seeks your views on whether to extend licensing hours to 1am on the nights of Friday 1st and Saturday 2nd June 2012.
Scope of this consultation:	Licensing Authorities, the police, licensed trade, residents
Geographical scope:	England and Wales
Impact assessment (IA):	A consultation stage IA is included with the consultation document.

BASIC INFORMATION

To:	We are keen to hear from everyone who will be affected by the measure, including: members of the public who consume alcohol, those who live close to licensed premises, those that own or work in pubs, clubs, supermarkets and shops, best practice scheme representatives, criminal justice agencies, the police, licensing authorities and trade associations representing those who produce and sell alcohol.
Duration:	The consultation runs for 7 weeks from 12 October to 1 December 2011.
Enquiries:	alcohol.consultation@homeoffice.gsi.gov.uk
How to respond:	<p>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:</p> <p>Drugs and Alcohol Unit, Home Office, 4th Floor Fry Building, 2 Marsham Street, London, SW1P 4DF</p>
Additional ways to become involved:	Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio. The Department is obliged to both offer, and provide on request, these formats under the Equality Act 2010.
After the consultation:	Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public, unless stated otherwise.

BACKGROUND

Getting to this stage:	The Home Office has worked closely with key partners; including the Association of Chief Police Officers (ACPO) to develop these proposals.
Previous engagement:	The government has already consulted a number of key partners, including ACPO, the Metropolitan Police, Transport for London, Westminster Council, and London 2012 prior to publishing this consultation.

DETAILS OF PROPOSAL

The Government proposes that all licensed premises in England and Wales should be open for the sale of alcohol for consumption on the premises and the provision of regulated entertainment and late night refreshment to 1am on the nights of Friday 1st and Saturday 2nd June 2012.

EXTENT OF ORDER

The Queen's Diamond Jubilee is an event of national significance, and on this basis the Government considers that the proposed 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 England and Wales?

- Yes
 No

EXTENSION OF LICENSING HOURS

The Government wishes to strike a balance between allowing people to celebrate the Queen's Diamond Jubilee and protecting the public from potential crime and disorder and public nuisance late at night. Statistics from the British Crime Survey (2009/10) indicate that around 64% of violent crime occurs in the evening or at night. The Government 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 extension in opening hours. The Government considers that the extension

should apply on the nights of Friday, 1st June and Saturday, 2nd June 2012 as these are the days when people are most likely to want to go out to socialise. However, instead of the relaxation of licensing hours order being limited to Friday and Saturday nights it could cover any two nights of the Diamond Jubilee weekend.

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

- Yes
 No

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

- Friday 1st June
 Saturday 2nd June
 Sunday 3rd June
 Monday 4th June

LICENSABLE ACTIVITIES

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)

The Government considers that the proposed 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 extension in opening hours. 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 and late night refreshment. This will allow licensed premises to put on a range of different events and entertainment to celebrate the Queen's Diamond Jubilee.

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

- Yes
 No

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

- Yes
 No

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?

- Yes
 No

IMPACT OF THE ORDER

An Impact Assessment has been published separately.

We do not hold detailed official statistics on closing times, but a survey commissioned as part of the 2008 Culture, Media and Sport Select Committee into the

Licensing Act 2003 by the Department for Culture, Media and Sport showed that 56% of all premises in the survey still closed at 11pm.

We do not know how many of these premises would have used 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 Diamond Jubilee.

Question 7: Do you agree with the impact assessment?

- Yes
 No

THE ROYAL WEDDING OF HIS ROYAL HIGHNESS PRINCE WILLIAM AND MISS CATHERINE MIDDLETON

A similar order was made for the Royal Wedding covering the nights of Friday 29th April and Saturday 30th April 2011.

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 29th April and Saturday 30th April 2011 increased, decreased, or had no effect on the level of crime and anti-social behaviour in your local area on these nights?

- Increased
 Decreased
 No effect

If the level of crime and anti-social behaviour increased or decreased, please provide more detail on how.

INFORMATION ABOUT YOU

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

- Police officer
- Licensing officer
- Licensed trade
- Member of the public
- Other

Police officers only

Which Police Force are you from?

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 29th April and 30th April 2011?

- Yes, additional policing resources were required
- No, existing resources were reprioritised
- No, usual policing resources were sufficient

Licensed trade

Please tick one of the following boxes which would best describe you / your organisation.

- Individual
- Micro company (1 – 9 employees)
- Small business (10 – 49 employees)
- Small – medium enterprise (50 – 249 employees)
- Large company (over 250 employees)

If you are the owner or operator of a licensed premises, did you extend your usual opening hours as a result of the relaxation of licensing hours for the Royal Wedding on the nights of 29th April and 30th April 2011?

- Yes, opened later than usual opening hours on one day
- Yes, opened later than usual opening hours on both days
- No, already licensed until 1am
- No, closed at usual time

Member of the public

Which Local Authority or London Borough are you from?

Licensing officer

Which Licensing Authority are you from?

Annex A

RESPONSES: CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

GOVERNMENT CODE OF PRACTICE ON CONSULTATION

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 CO-ORDINATOR

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 you
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