
**THE LICENSING ACT 2003 (HER MAJESTY THE QUEEN'S BIRTHDAY
LICENSING HOURS) ORDER 2016**

Purpose of the Report

1. The purpose of this report is to inform Members of the Licensing Act 2003 (Her Majesty the Queen's Birthday Licensing Hours) Order which was passed on Thursday 05 May 2016.

Background

2. Section 172 of the Licensing Act 2003 provides that where the Secretary of State considers that a period ("the celebration period") marks an occasion of exceptional international, national or local significance he may make a licensing hours order.
3. A licensing hours order extends the hours of premises licences and club premises certificates during a specified relaxation period unless the premises are licensed for the period of such relaxation. Such an order can be made to apply generally, that is to all licensed premises in England and Wales, or limited to premises in one or more specified areas. It can also specify different hours for different days during the relaxation period and also different hours for different licensable activities.
4. A "specified relaxation period" means the hours specified for the duration of a celebration period if that period does not exceed 4 days or any part of that period not exceeding 4 days.
5. Before such an order can be made the Secretary of State must consult with such persons as he considers appropriate.

Information and Analysis

6. A consultation exercise has been undertaken by The Home Office who consulted partner agencies and received responses from: the Welsh Government, the national police lead on alcohol, Police and Crime Commissioners' lead on alcohol, Local Government Association, Institute of Licensing, National Organisation of Residents Associations, British Beer and Pub Association and Association of Multiple Licensed Retailers.
7. The consultation asked three specific questions:
 - Do you agree that the order should apply to the sale of alcohol for consumption on the premises?
 - Do you agree that the order should apply to England and Wales?
 - Do you agree that the order should extend licensing hours until 01.00 on 12 and 13 June 2016?

8. All of the organisations listed above responded 'yes' to all three questions, with the exception of the Association of Police and Crime Commissioners (APCC). The APCC considered the Order to be disruptive to planning police resources and pose an increased risk of alcohol-related disorder. The Welsh Government agreed that the Order should cover England and Wales.
9. The Government, having listened to the views received in response to the consultation and in the light of the view that there was no evidence of alcohol-related disorder during periods covered by previous Licensing Hours Orders, has decided to proceed with the proposal. The relaxation will apply to all **ON** licensed premises that are currently licensed until 11 pm and will extend the sale of alcohol for consumption **ON** the premises for a further 2 hours – until 01.00 am on 11th and 12th of June respectively. This proposal was approved by the House of Commons on 28 April 2016 and by the House of Lords on 05 May 2016.
10. Premises licensed for the sale or supply of alcohol, for consumption **OFF** the premises, are not entitled to extend the hours for sale/supply. Similarly Late Night Refreshment can only be extended in those premises that are open for the sale of alcohol
11. Premises with a terminal hour earlier than 11 pm (e.g. 10.30 pm) cannot take advantage of this automatic extension of 2 hours and those premises which are entitled to extend their hours but wish to remain open after 01.00 am will need to do so through the TENS process.
12. The measure will have no permanent effect on licensing hours.
13. Should all relevant licensees in Darlington elect to make use of the extension to hours, this Order will affect 23 Club Premises and 111 Premises, all of which have licences which currently finish before 01.00 am

Recommendations

14. Members are invited to note the contents of this report.

Ian Williams
Director of Economic Growth

Background Papers

The Licensing Act 2003

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