

# TONBRIDGE & MALLING BOROUGH COUNCIL

## LICENSING & APPEALS COMMITTEE

19 March 2014

### Report of the Director of Central Services and Monitoring Officer

#### Part 1- Public

#### Delegated

#### **1 HOME OFFICE CONSULTATION ON LICENSING HOURS DURING FIFA WORLD CUP 2014**

##### **1.1 Summary**

- 1.1.1 The Government is consulting on whether to relax licensing hours nationally to mark England's participation in the FIFA World Cup 2014 (the 'World Cup') in June and July 2014, or whether to rely on the existing system of Temporary Event Notices (TENs) which gives the local police and environmental health officers a say in decisions on whether local premises should extend their licensing hours, based on local circumstances. This consultation also asks for the impact of any relaxation and the geographical extent to which any licensing hours order for the World Cup should relate, were this to be the Government's decision.
- 1.1.2 The Government has decided that, were it to decide to relax licensing hours nationally following this consultation, this would relate to the sale of alcohol for consumption on the premises only and the provision of late-night refreshment in on-trade licensed premises. The Government believes that the on-trade provision of late night refreshment in licensed premises would be appropriate to accompany a relaxation of alcohol licensing hours during the World Cup, not least to support people to drink responsibly. The Government considers that any national relaxation of licensing hours should not apply to the sale of alcohol for consumption off the premises (i.e. in supermarkets and off-licences) as anyone wishing to watch the World Cup at home will be able to buy alcohol during a shop's normal hours for selling alcohol. Late night refreshment venues, by definition, are already licensed to open late at night and would not benefit from a relaxation of licensing hours. Unlicensed premises would also not benefit from a relaxation in licensing hours and would still need to use a TEN to undertake licensable activities.
- 1.1.3 The consultation asks for views on how long licensing hours should be relaxed during England's matches in the World Cup. A copy of the consultation is shown at **Annex 1**

## 1.2 Background

- 1.2.1 Under section 172 of the Licensing Act 2003 (the '2003 Act'), the Secretary of State may make an order relaxing licensing hours for licensed premises in relation to a 'celebration period', to mark an occasion of 'exceptional international, national or local significance'. A 'licensing hours order' can be used to relax licensing hours in licensed premises during a period not exceeding four days.
- 1.2.2 An order may be applied to all licensed premises in England and Wales or only to premises in one or more specified areas. Other variables in the order are the dates, times and licensable activities to which it applies. Since the introduction of the 2003 Act, this national power has been used to mark the Royal Wedding in 2011 and the Queen's Diamond Jubilee in 2012. This would be the first time such a power could be used for a sports tournament.
- 1.2.3 The World Cup is an important sporting event and it is likely that many pubs and other licensed premises will wish to sell alcohol and food later than their traditional hours allow. A number of games kick off late in the evening because of the time difference with host country Brazil. England's opening game on Saturday 14 June, in particular, is due to kick off at 11pm.
- 1.2.4 Unlike the TEN regime (see below), local agencies, including the police, would not be able to object to the national relaxation if introduced.
- 1.2.5 The consultation runs for 2 weeks from 13–26 March 2014.

### Questions

Question 1	Notes
<b>Which of the following statements best reflects your view on the relaxation of licensing hours for specific periods during the World Cup in 2014?</b>	
a) I think that there should be a national relaxation of licensing hours for all England matches during the World Cup;	
b) I think that licensing hours during the World Cup should be a local decision using the existing TEN system;	
c) I do not know whether licensing hours should be relaxed nationally or not.	

<b>Question 2</b>				
<b>Do you agree or disagree that a national relaxation of licensing hours would contravene one or more of the licensing objectives ((1) crime prevention / (2) public safety / (3) public nuisance / (4) prevention of harm to children)? Please tick the relevant boxes from the options below:</b>				
	<b>Agree</b>	<b>Neither agree or disagree</b>	<b>Disagree</b>	<b>Don't know</b>
1) Prevention of crime and disorder				
2) Public safety				
3) Prevention of public nuisance				
4) Protection of children from harm				

<b>Question 3</b>	<b>Notes</b>
If licensing hours were to be relaxed nationally during England's World Cup matches, do you think that this should be for: three, three and a half or four hours after the scheduled kick off time:	
a) Three hours, so that matches which are due to kick off at 8pm would see a relaxation until 11pm and matches due to kick off at 9pm would see a relaxation until 12 midnight;	
b) Three and a half, so that matches which are due to kick off at 8pm would see a relaxation until 11.30pm and matches which are due to kick off at 9pm would see a relaxation until 12.30am;	
c) Four hours, so that matches which are due to kick off at 8pm would see a relaxation until 12 midnight and matches which are due to kick off at 9pm see a relaxation until 1am;	
d) Do not know	

Question 4	Notes
The Licensing Act 2003 applies to both England and Wales. However, a national relaxation of licensing hours could apply to the entire region or to specified areas within it. With this in mind, if licensing hours were to be relaxed nationally during England's matches in the World Cup, do you think that this should be for England and Wales or for England only?	
a) England and Wales	
b) England only	
c) Four hours, so that matches which are due to kick off at 8pm would see a relaxation until 12 midnight and matches which are due to kick off at 9pm see a relaxation until 1am;	
c) Do not know	

### 1.3 Legal Implications

- 1.3.1 The precise details of the Regulations are not known so it is difficult at this stage to advise whether there will be any specific legal implications of the new Regulations.

### 1.4 Financial and Value for Money Considerations

- 1.4.1 By increasing the trading hours of premises could have an impact on increased revenue generated within the local night-time economy.

### 1.5 Risk Assessment

- 1.5.1 No specific risks are identified arising from the consultation document.
- 1.5.2 There are however potential risks to relaxing licensing hours, such as the impact on enforcement agencies. Around 61% of violent crime occurs in the evening or at night and 15% of all violent incidents take place in or around a pub or club. In almost half (49%) of all violent crimes, the offender is perceived to be under the influence of alcohol and 20% of adults over 16 perceive drunkenness or rowdy behaviour as a problem in their local area.
- 1.5.3 During the 2012 UEFA European Championship, 152 football-related arrests were made in England and Wales following the opening 28 matches. Around 60% of incidents occurred on England's four match days.

## 1.6 Equality Impact Assessment

1.6.1 See 'Screening for equality impacts' table at end of report

## 1.7 Recommendations

1.7.1 That the Director of Central Services be authorised to prepare and submit a response to the consultation.

Background papers:

contact: Anthony Garnett

Consultation paper

Adrian Stanfield

Director of Central Services and Monitoring Officer

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The government is seeking responses to its consultation on increased trading hours for premises during the televised matches at the world cup. Whilst the Council's response to the consultation may have some influence, any impact which may arise will be a consequence of new Government Regulation (which in itself will have to go through a consideration of equality impacts) and not the Council's response.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*