

# LICENSING HOURS EXTENSIONS BILL

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Licensing Hours Extensions Bill as introduced to the House of Commons on 6 December 2023 (Bill 32).

- These Explanatory Notes have been provided by the Home Office, with the consent of Emma Lewell-Buck, the Member in charge of the Bill in order to assist the reader. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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## Overview of the Bill/Act

- 1 Proposed provisions of the Bill
  - The Bill will amend the Licensing Act 2003 so that licensing hours orders can be made by negative resolution statutory instrument instead of requiring the affirmative procedure. This will apply to England and Wales.
  - This will make it easier to extend licensing hours in England and Wales if, for example, a UK sports teams reaches a major final and the Government wants to extend licensing hours at short notice. This will also save valuable Parliamentary time.

## Policy background

- 2 The Licensing Act 2003 ('the Act') already makes provision for the Secretary of State to make an order for a relaxation of licensing hours for "an occasion of exceptional international, national, or local significance".
- 3 This power has been exercised in recent years to mark the Coronation of His Majesty the King, the late Queen's Platinum Jubilee, the 2011 and 2018 Royal Weddings, the 2014 FIFA World Cup and the Euro 2020 final.
- 4 The Act specifies that any order is subject to the affirmative procedure and needs to be approved in both Houses of Parliament. The Act also specifies that if the Government wishes to bring an order to allow a temporary extension to licensing hours, such persons as the Home Secretary considers 'appropriate' must be consulted.
- 5 The Bill would bring an amendment to the Act so that future orders for licensing hours extensions would instead be subject to the negative resolution procedure. A simplified parliamentary process would allow a swifter response to requests – including short notice requests that may occur during Parliamentary recess – whilst reducing the Parliamentary time currently required. Orders will continue to specify the dates and times of the relaxations.
- 6 The option for consultation would be retained, enabling decisions to be taken once potential concerns (e.g. increased noise or anti-social behaviour) have been considered. The negative resolution procedure would also allow the order to be debated if successfully requested by any Parliamentarian.

## Legal background

- 7 This Bill amends section 197 of the Licensing Act 2003.

## Territorial extent and application

8 This will apply in England and Wales only.

## Commentary on provisions of Bill/Act

### Clause 1: Procedure for making licensing hours orders

9 This clause deletes from section 197 of the Licensing Act 2003 paragraph (d) of subsection (3), the cross-reference to paragraph (d) of subsection (3) in subsection (4) and subsection (5). The effect of these deletions is to change the Parliamentary procedure needed for a licensing hours extension order (under section 172 of the 2003 Act) from the affirmative procedure to the negative procedure.

### Clause 2: Commencement, extent and short title

10 This clause provides that the Bill will come into force on Royal Assent, that it will extend only to England and Wales, and that it may be referred to as 'The Licensing Hours Extensions Act 2024'.

## Commencement

11 The Act comes into force on the day on which the Act is passed.

## Financial implications of the Bill

12 This Bill does not require either a money resolution or a ways and means resolution.

## Parliamentary approval for financial costs or for charges imposed

13 Not applicable.

## Compatibility with the European Convention on Human Rights

14 Section 19 of the Human Rights Act 1998 requires the Minister in charge of a Bill in either House of Parliament to make a statement about the compatibility of the provisions of the Bill with the Convention rights (as defined in Section 1 of the Act). However it is not necessary for ministers to sign a statement under Section 19 of the Human Rights Act 1998 in respect of compatibility with the ECHR if the Bill is a Private Members' Bill.

## Annex A - Territorial extent and application in the United Kingdom

Provision	England	Wales		Scotland		Northern Ireland	
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Clause 1	Yes	Yes	N/A	No	N/A	No	N/A
Clause 2	Yes	Yes	N/A	No	N/A	No	N/A

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