



Home Office

# **The relaxation of licensing hours during the FIFA World Cup, 2014**

## **Government response to the consultation**

March 2014

# Government response

## Introduction

1.1. The *Relaxation of licensing hours during the FIFA World Cup, 2014* (the ‘consultation’) ran from 13 – 26 March. This argued that the FIFA World Cup 2014 (‘the World Cup’) taking place in June and July 2014 is an important sporting event for which licensed premises are likely to wish to be able to sell alcohol and hot food later than their traditional hours allow. It explained the options for doing this either nationally, under section 172 of the Licensing Act 2003 (‘2003 Act’), or locally, using the existing system of Temporary Event Notices (TENs).

## Background

- 2.1. The Government believes that England playing in a World Cup is an event of exceptional national significance and given the time difference with host nation Brazil, a number of games kick off late in the evening. As such, many pubs and other licensed premises may wish to extend their licensing hours in order to sell alcohol and hot food alongside these matches. In particular, England’s opening game on Saturday 14 June is due to kick off at 11pm, the traditional closing time for many pubs.
- 2.2. There are two ways under the 2003 Act to extend premises’ hours: through the existing TEN regime or through a national relaxation. The existing TEN regime enables people with or without existing licenses, including people who run pubs and bars, to give notice that they, for instance, intend to sell alcohol at times when this would not otherwise be authorised on a ‘one-off’, limited basis. This system is designed to balance giving people and organisations flexibility in selling alcohol and carrying on other licensed activities<sup>1</sup>, with protecting local people from the problems this can cause, including crime and disorder and public nuisance. For this reason, the police and environmental health authorities can object to a TEN on the basis of the licensing objectives<sup>2</sup> and potentially prevent the event to which it relates from going ahead.
- 2.3. Alternatively, under section 172 of 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’. 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 has been used for a sports tournament.

## Summary of responses

- 2.4. The online consultation asked four questions, designed to provide a clear reflection of respondents’ views on whether there should be a national relaxation of licensing hours for all England matches during the World Cup, the impact of any relaxation, and its duration and geographical extent.

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<sup>1</sup> Licensable activities are the sale of alcohol, late night refreshment or licensed entertainment.

<sup>2</sup> The licensing objectives are: the prevention of crime and disorder; public safety; the prevention of public nuisance; the protection of children from harm.

2.5. We received a total of 1,463 responses to the online consultation. This included 127 police responses, 136 from licensing authorities, 503 responses from members of the public, 605 from licensed trade and trade organisations, 11 from environmental health professionals and 75 other responses.

2.6. Analysis of the online responses shows:

- 75% (1,084 respondents) were in favour of a national relaxation of licensing hours.
- 84% (417 respondents) of members of the public were in favour of a national relaxation, as were 94% (562 respondents) of those representing licensed trade or trade organisations. 21% (26 respondents) of police respondents and 35% (51 respondents) of licensing authorities or environmental health were in favour<sup>3</sup>.
- In terms of the licensing objectives, 68% (969 respondents) disagreed that a national relaxation would contravene the licensing objective on public safety and 65% (938 respondents) disagreed that it would affect crime and disorder.
- 24% (330 respondents) considered that if there was a national relaxation of licensing hours, this should be for 3 hours; 61% (855 respondents) believed it should be for 4 hours.
- 77% (1,095 respondents) believed that any relaxation should apply to England and Wales, and 18% (255 respondents) thought it should apply to England only. 2% (25 respondents) of respondents live or work in Wales, and 19 of these were in favour of the relaxation applying to Wales.

2.7. We also sought more detailed written responses from nine stakeholders. Their key points are outlined below. The full responses are available electronically on the gov.uk website.<sup>4</sup>

2.8. The following key points in favour of a national relaxation were made by the British Beer and Pub Association (BBPA), Association of Licensed Multiple Retailers (ALMR) and the Football Supporters Federation:

- BBPA estimates a potential sales increase of £20m. A national relaxation would enable pubs to attract customers who may return to those venues on future occasions.
- Pubs are responsibly managed environments and the BBPA, Local Government Association (LGA) and Association of Chief Police Officers (ACPO) have published guidance advising pubs on how to make sure match screenings are as enjoyable and safe as possible during the World Cup.

2.9. The following points against a national relaxation were made by the ACPO, Police and Crime Commissioners (PCCs)<sup>5</sup>, the LGA, the Chartered Institute of Environmental Health (CIEH), the National Organisation of Residents Associations (NORA), and the Alcohol Health Alliance (AHA):

- Concerns about the increase in violence, domestic violence and anti-social behaviour associated with drinking and televised football matches and the link between licensed

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<sup>3</sup> Question 5 of the consultation asked respondents to indicate in what capacity they were responding: police, licensing authority, licensed trade / trade organisation, environmental health, members of the public, or other.

<sup>4</sup> Stakeholders representing a range of interests were invited to provide a written response. These were: the Association of Chief Police Officers (ACPO), the Association of Police and Crime Commissioners (APCC), the British Beer and Pub Association (BBPA), the Association of Licensed Multiple Retailers (ALMR), the Local Government Association (LGA), the Chartered Institute of Environmental Health (CIEH), the National Organisation of Residents Associations (NORA), the Football Supporters Federation (FSF) and the Alcohol Health Alliance (AHA).

<sup>5</sup> The APCC asked Police and Crime Commissioners (PCCs) to respond individually, many responded online, and three provided written responses: the PCCs for Avon and Somerset and Humberside and the Mayor's Office for Policing and Crime (MOPAC) in London.

premises and football related incidents during the last World Cup in 2010, with 519 of 599 recorded incidents taking place in licensed premises.

- Local councils are best placed to make decisions about premises staying open late via the TEN system, which protects residents and only costs £21 per licensed premise. With a national relaxation, councils and the police would not know which premises intend to open later, making effective public safety planning much harder.
- A national relaxation would perpetuate the notion that football and drinking go hand in hand.
- Over 10% of on-trade premises are already licensed to sell alcohol until 1am or later.

## Conclusion

3.1. The Government believes that England playing in the World Cup is an occasion of exceptional national significance. Many people will wish to enjoy watching the matches in pubs and bars and experience the atmosphere of the occasion with fellow football fans, as demonstrated by the enthusiasm of the majority of those who responded to the consultation.

3.2. There are benefits to business from an increase in the sale of alcohol and other refreshments during the World Cup. Each TEN costs £21 and authorises the activities to which it relates to be carried on for up to 168 hours (seven days). Licensed premises wishing to extend their licenses for World Cup matches would benefit from not paying this fee, and we estimate this to be a benefit of £0.85m-£1.35m to businesses<sup>6</sup>.

3.3. The Government has listened to the views received in response to the consultation and in discussion with partners has decided to proceed with the proposal to relax licensing hours in England for England's World Cup matches.

3.4. The relaxation will apply in England during England matches in the World Cup with a scheduled kick off time of 8pm or later. It will be for the sale of alcohol and late night refreshment for consumption on the premises. The relaxation will last four hours, to a latest time of 1am. This length of time covers any extra time and penalties, and will also mean that customers are likely to leave premises gradually after the match, minimising any nuisance to the public. The Government believes that 1am is an acceptable cut off time and premises wishing to extend their hours beyond this could do so using a TEN.

3.5. An analysis of responses is included in the 'Analysis of the supporting evidence' section of this document.

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<sup>6</sup> Home Office impact assessment: Extension of licensing hours for the 2014 FIFA World Cup

## Analysis of responses to the online consultation

- 4.1. The consultation document asked four closed questions about the proposal and two questions about the respondent. Respondents were asked to indicate their replies to questions by highlighting the most relevant options.
- 4.2. Percentages for the questions below are based on the total number of people who clearly answered the questions. Unanswered questions have been excluded from the percentage totals.
- 4.3. For further information about the analysis of data, please see Annex A.

### Question 1: Which of the following statements best reflects your view on the relaxation of licensing hours for specific periods during the World Cup in 2014?

Response options	Response Percentage	Response Total	
I think that there should be a national relaxation of licensing hours for all England games during the World Cup	75%	1,084	
I think that licensing hours during the World Cup should be a local decision using the existing TEN system	24%	344	
I do not know whether licensing hours should be relaxed nationally or not	1%	15	
		Answered	1,443
		Unanswered	20

**Question 2: 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?**

<b>Response options</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Don't know</b>	<b>Response Total</b>	
Prevention of crime and disorder	23% (340)	10% (141)	65% (938)	2% (34)	1,453	
Public safety	20% (281)	11% (150)	68% (969)	2% (30)	1,430	
Prevention of public nuisance	24% (348)	12% (174)	62% (887)	2% (33)	1,442	
Protection of children from harm	13% (184)	12% (177)	71% (1,016)	3% (47)	1,424	
					Answered	1,456
					Unanswered	7

## Duration

**Question 3: If licensing hours were to be relaxed nationally during England's World Cup matches, do you think that think that this should be for: three, three and a half or four hours after the scheduled kick off time?**

Response options	Response Percentage	Response Total	
Three hours	24%	330	
Three and a half hours	12%	174	
Four hours	61%	855	
Don't know	3%	42	
		Answered	1401
		Unanswered	62

## Geographical Extent

**Question 4: 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?**

Response options	Response Percentage	Response Total	
England and Wales	77%	1,095	
England only	18%	255	
Do not know	5%	70	
		Answered	1,420
		Unanswered	43

## Analysis of the supporting evidence

- 5.1. We received 40 responses via email and post, of those 10 were in favour of a national relaxation and 30 were in favour of using the TEN system.
- 5.2. The detailed responses from stakeholders in favour of a national relaxation suggested that the World Cup brings people together in a celebratory manner and provides an opportunity for licensed premises to attract customers who wish to watch live matches. BBPA estimates a potential sales increase of £20m, based on food and alcohol sales over four weekends in June and July. The Home Office estimate in the impact assessment is £0.85m-£1.35m benefit to business.<sup>7</sup> This difference in the figures is because the Home Office estimate assumes that all premises taking advantage of a national relaxation would have otherwise made use of the TEN system, and the number of premises wishing to open late will therefore not increase. The figure is based solely on the saving made by licensed premises not having to submit a TEN, including the cost of the notice and the administrative cost. The BBPA estimate, however, is for profits for the entire trading period as a result of there being a major sporting event, rather than the additional hours provided by the relaxation.
- 5.3. BBPA and ALMR consider that the licensing objectives would not be undermined, since enforcement and compliance measures are not altered by the national relaxation in licensing hours. Other than licensing hours, licensing conditions agreed locally between the licensed premise, licensing authorities and the police, are unaffected by a licensing hours order. They also argued that licensed premises are responsibly managed environments, and have experience of dealing with major broadcast sporting events on a regular basis. The BBPA, LGA and ACPO have together published guidance advising pubs on how to make sure match screenings are as enjoyable and safe as possible during the World Cup.
- 5.4. ALMR estimates that 95% of the 13,500 premises managed by their members would use TENs to extend their opening hours for England's opening match on 14 June 2014. This suggests that local authorities and police would be inundated with TENs in the weeks before the start of the World Cup. The CIEH however, stated that there has been no suggestion from its members that they could not cope with a small surge in TENs.
- 5.5. Stakeholders who were in favour of the national relaxation in licensing hours felt that it should apply to England and Wales, so that all licensed premises regulated under the 2003 Act would be given the choice of whether to open later during the England matches.
- 5.6. ACPO, PCCs, LGA, CIEH, NORA and AHA were in favour of using the existing TEN regime and stated that licensing authorities are best placed to make decisions about which premises should be allowed to stay open late. With a national relaxation, councils and the police would not have a definitive picture of which premises intend to open later, making effective public safety planning much harder.
- 5.7. These organisations stated that the TEN system protects residents. Each TEN costs the licensed premise £21, which is not an unreasonable cost. They raised concerns that a national relaxation in licensing hours is likely to have an adverse impact on residents and the general public.
- 5.8. These organisations raised concerns about the increase in public order incidents, domestic violence and anti-social behaviour associated with drinking and televised football matches. The AHA also noted that a national relaxation would perpetuate the notion that watching

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<sup>7</sup> Home Office impact assessment: Extension of licensing hours for the 2014 FIFA World Cup.



football goes hand in hand with drinking. ACPO highlighted the link between licensed premises and football related incidents during the last World Cup in 2010, with 519 of 599 recorded incidents taking place in licensed premises. Only three UK police forces did not record a football related incident during the last World Cup (Avon and Somerset Police, City of London Police and Surrey Police), with the majority of forces each recording at least ten such incidents.<sup>8</sup>

5.9. Several members of the public who emailed in response to the consultation were concerned about noise nuisance and anti-social behaviour associated with drinking, in particular in residential areas. NORA, whose members were predominantly against the national relaxation, considered that if there were to be a national relaxation, a 1am limit would be acceptable, given the number of potential England matches.

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<sup>8</sup> Figures supplied by ACPO in their response to the consultation.

## Annex A – The consultation analysis process

- 1) A total of 1,503 consultation responses were received. These consisted of responses to an online survey (1,463) and replies by email and post (40). All online, email and post responses referring to the consultation proposal and received during the consultation period were considered. The analysis in section 3 refers to online responses only.
- 2) Data from responses to the online survey were recorded and analysed. In cases where a respondent left an answer to one of the questions blank, these responses have been categorised as unanswered.
- 3) Percentages have been rounded up to the nearest whole number and therefore totals may not always add up to 100 per cent.
- 4) The written returns from the nine stakeholders invited to provide more detailed responses were analysed and the key themes summarised and presented in this response. The full documents are available electronically on the gov.uk website.

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