

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

LICENSING HOURS EXTENSIONS BILL

Wednesday 21 February 2024

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CLAUSES 1 AND 2 agreed to.
Bill to be reported, without amendment.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Sunday 25 February 2024

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The Committee consisted of the following Members:

Chair: MRS SHERYLL MURRAY

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|---|---|
| † Atherton, Sarah (<i>Wrexham</i>) (Con) | † Lewell-Buck, Mrs Emma (<i>South Shields</i>) (Lab) |
| Blackman, Bob (<i>Harrow East</i>) (Con) | † Morris, Grahame (<i>Easington</i>) (Lab) |
| † Coffey, Dr Thérèse (<i>Suffolk Coastal</i>) (Con) | † Nichols, Charlotte (<i>Warrington North</i>) (Lab) |
| † Cooper, Daisy (<i>St Albans</i>) (LD) | † Philp, Chris (<i>Minister for Crime, Policing and Fire</i>) |
| Daly, James (<i>Bury North</i>) (Con) | † Smith, Greg (<i>Buckingham</i>) (Con) |
| † Double, Steve (<i>St Austell and Newquay</i>) (Con) | Strathern, Alistair (<i>Mid Bedfordshire</i>) (Lab) |
| † Gibson, Peter (<i>Darlington</i>) (Con) | Sunderland, James (<i>Bracknell</i>) (Con) |
| † Harris, Rebecca (<i>Comptroller of His Majesty's Household</i>) | Katya Cassidy, <i>Committee Clerk</i> |
| † Hobhouse, Wera (<i>Bath</i>) (LD) | † attended the Committee |
| † Hopkins, Rachel (<i>Luton South</i>) (Lab) | |

Public Bill Committee

Wednesday 21 February 2024

[MRS SHERYLL MURRAY *in the Chair*]

Licensing Hours Extensions Bill

9.25 am

The Chair: I have a few preliminary reminders. Please switch all electronic devices to silent. No food or drink is permitted, except for the water provided. *Hansard* colleagues would be grateful if Members emailed their speaking notes.

My selection and grouping for the sitting are available online and in the room. No amendments have been tabled; we will have a single debate on both clauses.

Clause 1

PROCEDURE FOR MAKING LICENSING HOURS ORDERS

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss clause 2 stand part.

Mrs Emma Lewell-Buck (South Shields) (Lab): It is a pleasure to see you in the Chair, Mrs Murray, and to bring the Licensing Hours Extensions Bill to Committee.

Clause 1 will amend section 197 of the Licensing Act 2003, “Regulations and orders”, by deleting subsection (3)(d), deleting the cross-reference to subsection (3)(d) in subsection (4) and deleting subsection (5). The effect of those deletions will be to change from affirmative to negative the parliamentary procedure for a licensing hours extension order, meaning that the Home Secretary and Ministers will have powers to make licensing hours extension orders without the long parliamentary approval process that is currently in place.

Love for our pubs is strong across all our constituencies. If there is one thing guaranteed to unite us, it is sporting and royal events. We tend to gather for those events in our local pubs, because they are the beating heart of our communities. As hon. Members will know, such events do not always take place when our pubs and hospitality venues are open, which is why the 2003 Act makes two provisions for licence extension.

First, individual licensed premises can apply to their local authority for a temporary event notice. Each application costs £21 and takes a minimum of five working days to be approved. That provision is not designed for scenarios in which a large number of venues across the country wish to extend their licensing hours at short notice and at the same time, so the 2003 Act makes a second provision under section 172, which enables licensing extensions for

“an occasion of exceptional international, national, or local significance”.

That allows the Government to make a blanket relaxation order applicable to all premises in England and Wales, specifying the dates and times of the relaxation and not exceeding four days.

Such orders, which are made under section 197 of the Act, are subject to the affirmative procedure and need approval from both Houses of Parliament. Best practice is for the Home Secretary to complete a public consultation and then for both Houses to debate the order, but that can take up to six months to implement. As I mentioned on Second Reading, the process has been used for the coronation of His Majesty the King, the 90th birthday and platinum jubilee of Her late Majesty, the 2011 and 2018 royal weddings, the 2014 FIFA World cup and the Euro 2020 final in 2021.

Last summer, our whole country was immensely proud of our Lionesses reaching the women’s World cup final. As hon. Members will recall, we found out only four days before the match that the Lionesses had made the final, which was taking place on a Sunday in Sydney with an 11-hour time difference. The match kicked off at 11 am, when many pubs were just opening their doors. There was no time for them to apply to their local authority for a TEN and, because Parliament was in recess, there was no mechanism for the Government to issue a blanket extension. Our communities and pubs missed out on all that pre-match excitement and much-needed extra revenue.

Clause 1 will allow the Home Secretary or Ministers to make an extension order in similar situations without going through the costly, overly bureaucratic, time-consuming and restrictive process that exists now. Clause 2 simply states that the Bill will come into force on the day of Royal Assent and will extend to England and Wales only. As no amendments have been tabled, I hope and am confident that Committee members will agree to clauses 1 and 2.

Wera Hobhouse (Bath) (LD): I rise to add a few words of support for the Bill from the Liberal Democrats and myself.

In Bath we love our pubs as much as anybody else. I am sure that we have all heard from the hospitality sector in our constituencies about how tough the past few years have been. We are lucky to have a thriving hospitality sector in Bath, but businesses still face many challenges.

Clause 1 is integral to preventing pubs from missing out again on opening early, as happened when the Lionesses reached the World cup final last summer. In Bath we have Bath Rugby and Bath City football club, of which I am a fan. Our women’s team is doing very well, too; it is always good to have an opportunity to praise them and to repeat our admiration for what all our women’s teams achieve.

The change from the affirmative to the negative procedure is important because sporting events often happen in the summer when Parliament is not sitting. A change in licensing procedure would have enabled many pubs in Bath to open earlier during the women’s World cup final, allowing fans to take in the atmosphere before the game and allowing the pubs to take in more profits. However, the Bill will fix only a small part of the inadequate statutory framework, the basic flaws of which have, if anything, been compounded by subsequent piecemeal amendments. The House of Lords Liaison Committee’s post-legislative scrutiny follow-up report in 2022 found that flaws in the licensing system remained unresolved and that significant reform was required.

I am grateful to the hon. Member for South Shields for this Bill, which will go some way towards improving the law. However, we need to take another look at the licensing system and consider whether it is fit for purpose.

The Minister for Crime, Policing and Fire (Chris Philp): As always, Mrs Murray, it is a pleasure to serve under your chairmanship. I congratulate the hon. Member for South Shields on corraling such support for the Bill: it is rare to hear such a strong outpouring of unanimity across the House, but on this topic I think we are all on the same page.

The hon. Member has done a very good job of explaining the statutory background, the context in which such orders have been used, and how the Bill will enable the power in section 172 of the 2003 Act to be exercised: it will amend section 197 of the Act to change the procedure from affirmative to negative, so that the power can be used quickly, even when Parliament is not sitting, in the event that one of the home nations teams reaches a final. Some people may say that that is more a triumph of hope over expectation, but hopefully there will be many occasions to use the power in the years ahead as England, Wales, Scotland and Northern Ireland do well in various tournaments.

Sarah Atherton (Wrexham) (Con): Speaking of the devolved Administrations, I know as a Welsh MP that nothing brings Wales together more than supporting our Welsh rugby team while having a pint or two, as the hon. Member for South Shields can attest—possibly of Wrexham lager. The Bill will bring people together, support our hospitality sector and cut bureaucracy. That can only be a good thing. With St David's day coming up, does the Minister agree that a fast passage for the Bill will be appreciated by Wales?

Chris Philp: We would all appreciate a fast passage for the Bill. If somebody wishes to make an application regarding a particular event of international, national or local significance, they can obviously do so, and each will be considered on its own terms. The condition in the 2003 Act is that the event should be “of exceptional international, national, or local significance”. No doubt many hon. Members will have ideas about events that might meet the criteria.

Grahame Morris (Easington) (Lab): I thank the Minister for his explanation and congratulate my hon. Friend the Member for South Shields on the Bill. Could the Minister clarify two points about the scope?

Who would make the application, for example for an extension of the licence on St David's day or for some other occasion? We might have a St Aidan's day extension or St Bede's day extension for South Shields.

Secondly, will it be all licensed premises? Will it include working men's clubs as well as pubs? I am very much in favour of supporting local businesses; we have had terrible problems in my constituency with the Conservative/Lib Dem-led council introducing car parking charges, which will undermine local businesses, so this is a great opportunity to give them a boost.

Chris Philp: On the hon. Gentleman's second question, yes, the extension applies to any licensed premises—presuming he means a premises licence for consumption on the premises, rather than off-licences—so that would

include working men's clubs. On his first question, essentially anyone can approach the Home Office with an idea for an event that might qualify for the criteria.

Grahame Morris: Even individuals?

Chris Philp: Yes, even individuals could make an approach to the Home Office. It is not a formal application; they just approach and say, “There's an event coming up and we think it meets the criteria. If you agree, will you make the relevant negative statutory instrument?” It would be for the Home Office and the Government to decide whether the criteria were met, and the SI would then go through the normal negative process, potentially quite quickly.

The hon. Gentleman reeled off a number of saints' names. Just to manage expectations, it is worth putting it on the record that this is intended to be a rarely used power. I do not know how many saints there are in total, but I think there are quite a lot, and we would not want this to turn into a back-door extension of licensing hours from 11 pm to 1 am, or whatever it might be, as a matter of routine. I do not think the intention is that this will be used for every single saint in heaven, if that is the right turn of phrase.

Grahame Morris: We could do it for Armed Forces Day.

Chris Philp: The hon. Gentleman is mentioning ideas from a sedentary position. There are a lot of ideas, but we should have quite a high threshold. It should be a rarely used power, and it would not be right if we had 20 or 30 extensions a year. That would be effectively moving the closing time for pubs on a semi-systemic basis. We should be reserving this power for relatively rare and relatively significant occasions.

I am here as the police and crime Minister, as well as the Minister responsible for licensing. The police have expressed some concern about extensions relating to sporting events—particularly football, but it might apply more widely. They are worried that disorder might result if people get more drunk than they otherwise would. We have listened to that concern and decided that on balance this is worth doing. We will consider each application on its merits as it is made. However, there are two sides to the coin, and before we attempt to unleash a tsunami of applications we should keep in mind that there is a balance to strike.

The hon. Member for South Shields has set out the technicalities very well indeed. I thank her for her diligence and application.

Greg Smith (Buckingham) (Con): I entirely support the Bill, but on my right hon. Friend's point about the expectation that this power will be rarely used, my mind is drawn to the Olympic games. We could say that they are rare, happening every four years, and we have enormous British talent in the Olympics, which people will want to watch. The next iteration in Paris does not suffer a big time difference, but the one after that in Los Angeles does, and people may want to watch British talent in the Olympics over multiple weeks. How does he anticipate this Bill—this future Act, hopefully—applying to the Olympic games?

Chris Philp: It will depend on the circumstances. My hon. Friend mentions the time zone. I am trying to think this through on my feet. If the games are taking place during the day in Los Angeles, they would be likely to take place during the afternoon, the evening and the early hours of the morning in the UK. The Olympics last for two or three weeks. Whether it would be appropriate to have all pubs, working men's clubs—everything—open until 3 or 4 o'clock in the morning for two or three weeks is a question that would have to be carefully considered at the time and viewed through the prism of public order and so on.

Mrs Lewell-Buck: Will the Minister clarify that the power is to be used at exceptional times and for exceptional events, and that forward planning will not be dispensed with? For events that are already known about, the usual consultation will take place with licensed premises, the police and local authorities, and they will be planned for in the usual way. Will the Minister clarify that this power is for exceptional circumstances that cannot be forward-planned?

Chris Philp: I am happy to confirm that the hon. Member has put it correctly. As she says, the power is designed for exceptional circumstances where at short notice—I stress “at short notice”—something happens like a team getting into a final that takes place only four or five days later. Obviously there can be more thorough planning for things like the Olympics, which we know about five or 10 years in advance. The Bill is for exceptional circumstances. I completely agree with the hon. Member's characterisation of the position.

Wera Hobhouse: Has this short discussion not illustrated my point that we should look more widely at changing the licensing regime, because it is not really fit for purpose? We now live in a global world, and sometimes there are events, even if they are planned, that do not fit in with our licensing regime.

Chris Philp: I am not sure I agree. When there is plenty of notice, as with the Olympics, there is plenty of time to plan and make arrangements if appropriate. The Los Angeles Olympics are a number of years away.

As I say, I am not convinced that having all the pubs and bars open until 3 or 4 o'clock in the morning for three or four weeks over the summer would be a good idea.

There is plenty of time to make such arrangements under the current licensing regime. The only problem that we have found is with very short-notice situations, particularly when Parliament is not sitting. With the men's Euros semi-final, Parliament was sitting and it was possible to make an arrangement at short notice. In my view, the circumstances that arise when Parliament is not sitting are the only lacuna. All other circumstances can be accommodated within the current licensing regime.

I have spoken for rather longer than I had intended, as I wanted to take interventions, but my voice is now getting a bit croaky. I conclude by congratulating the hon. Member for South Shields again on taking the initiative and shepherding the Bill with such charm and aplomb.

Mrs Lewell-Buck: I thank the Minister for his words of support, and I thank all members of the Committee. It might be worth noting, even though it has not come up in the discussion today, that we are not removing Parliament's say on these matters. Under the negative statutory instrument procedure, hon. Members can pray against an order once it is made. Will the Minister confirm that that is correct? [*Interruption.*] The officials are nodding. I thank them for their support with drafting the Bill and getting it to this stage.

This is a small, technical piece of legislation, but it will give a massive boost to our hospitality venues and to our communities coming together at times of national celebration. I very much look forward to joining my constituents in one of our many locals to celebrate the next important national event.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Bill to be reported, without amendment.

9.44 am

Committee rose.

