

THE REGULATORY REFORM (SPECIAL OCCASIONS LICENSING) ORDER 2002

STATEMENT BY THE DEPARTMENT FOR CULTURE, MEDIA AND SPORT

INTRODUCTION

This statement is laid before Parliament in accordance with section 8(5) of the Regulatory Reform Act 2001 (“the 2001 Act”) together with a draft of the Regulatory Reform (Special Occasions Licensing) Order 2002 (“the draft Order”) which we intend to make under section 1 of that Act. The purpose of the Order is to amend the Licensing Act 1964 (“the 1964 Act”) so as to relax permitted licensing hours for 12 hours after the normal end of permitted hours on each future New Year’s Eve after the coming into force of the draft Order.

BACKGROUND

2. A document was laid before Parliament on 24 July 2002 in accordance with section 6(1) of the 2001 Act, in the form of a draft of the Order and an Explanatory Memorandum. Reports were subsequently made by the Delegated Powers and Regulatory Reform Committee of the House of Lords (Twenty-seventh Report, Session 2001/02) on 16 October 2002 and the Regulatory Reform Committee of the House of Commons (First Report, Session 2002/03) on 19 November 2002.

REPRESENTATIONS MADE DURING THE PERIOD OF PARLIAMENTARY CONSIDERATION (Section 8(5)(a) of the 2001 Act)

3. No written representations were received by the Department for Culture, Media and Sport regarding the document and accompanying draft order during the period in which it was being considered by the responsible Parliamentary Committees or during the period of the summer Parliamentary recess. Oral representations from the British Beer and Pub Association (BBPA); the Association of Licensed Multiple Retailers (ALMR); Business in Sport and Leisure (BISL); and the Federation of Licensed Victuallers’ Association (FLVA) encouraged the Government to press on with the proposal so that it would allow a relaxation for New Year's Eve 2002 even though the draft Order could only be brought force a shortly before that date. The Government responded by indicating that it would be for the Select Committees to decide whether the draft Order could be brought into force that late and still preserve adequate protection for local residents, and then ultimately for Parliament to consider their recommendations.

PARLIAMENTARY REPORTS (Section 8(5)(a) of the 2001 Act)

4. The House of Lords Delegated Powers and Regulatory Reform Committee reported on 16 October 2002 (Twenty-seventh Report, Session 2001-02) that it was content to allow the draft Order to proceed to the second stage of Parliamentary scrutiny
5. The House of Commons Select Committee on Regulatory Reform reported on 19 November 2002 (First Report, Session 2002-03) and indicated its satisfaction that the draft Order met the requirements of the 2001 Act but expressed serious concern about the timing of the laying of the draft Order in Parliament and the short period of time in which applicants would be able to seek restriction orders between the making of the Order, if it is approved by both Houses of Parliament, and 31 December 2002 (the first New Year's Eve potentially affected). But the Committee concluded that the Government's proposals should be allowed to proceed to the second stage of Parliamentary scrutiny. However, the Committee added an important proviso to their clearance of the proposal.
 5. Following questioning of the Minister responsible, the Committee considered that it was vital that adequate publicity be given to the ability of local residents, local authorities and the police to apply for restriction orders prior to the coming into force of the draft Order. Assuming that the draft Order could not be brought into force before 20 December (if approved by both Houses of Parliament), in order for applicants to have sufficient time to apply for and to be granted restriction orders by the courts, they would need to apply on the day it came into force. They therefore sought an undertaking from the Government that publicity would be given to the potential powers to seek restriction orders and the likely timing of the draft Order well before it came into force.
 6. Accordingly, on 4 December 2002 the Government issued a press notice concerning the possible future timetable for the implementation of the draft Order. The press statement was carefully worded to highlight the need for possible objectors to start thinking immediately about their wish to seek restriction orders; and to avoid any suggestion of pre-empting Parliamentary decisions concerning the Government's proposals. The press statement was regionalised in England and Wales by the Central Office of Information press offices; and appears on the DCMS website as well as on UK online. This was a first step in ensuring that that local residents and licensees are aware of their rights if the Order is approved by both Houses of Parliament.
 7. The Government also agreed to repeat the press notice as soon as the second stage of Parliamentary scrutiny is complete.

8. The terms of the draft Order were sent to all local authorities, police forces and magistrates' courts on 12 December and placed on the Government websites.

9. The Government is extremely grateful for the assistance that both Committees and their officials have provided in processing the draft Order so far and seeks the Committees further assistance by asking them to report immediately at the second stage of Parliamentary scrutiny which would normally last for three weeks. The Government sought to facilitate the Committees' consideration by providing them with draft versions of this Explanatory Statement and the accompanying draft Order on 11 December 2002.

CHANGES MADE TO THE DRAFT ORDER (section 8(5)(b) of the 2001 Act)

10. The draft Order has not been amended since it was first laid before the Committees on 24 July 2002 as neither Committee has raised issues of substance concerning its content.

KEELING SCHEDULE AND CONSOLIDATED TEXT

11. The effect of the draft Order on the Licensing Act 1964 is shown in the attached Keeling Schedule and consolidated text.

Department for Culture, Media and Sport
17 December 2002