

THE HIGHLAND LICENSING BOARD

SUPPLEMENTARY POLICY STATEMENT ON EXTENDED HOURS DURING THE FESTIVE PERIOD

The following supplementary policy statement was adopted by the Highland Licensing Board on 18 January 2019 as superseding the third paragraph of section 2.3 of the Board's Policy Statement 2018-2023 with effect from the festive period 2019/20 onwards.

1. Late opening premises:

These are premises currently licensed for on sales on Sunday, Monday, Tuesday and Wednesday up to 0100 hours the following morning and on Thursday, Friday and Saturday up to 0300 hours the following morning (if significant entertainment is being provided from no later than 2200 hours). These include "hybrid" premises which operate as a general on sales premises during the day but then offer significant entertainment from a certain point on Thursdays, Fridays and/or Saturdays when they open beyond 0100 hours.

These premises will generally be granted the following extended hours on the following days within the festive period dates identified annually by the Board, unless the Board considers that there are material reasons to refuse to grant these hours:

- **on Thursdays, Fridays and Saturdays, and on Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day** (irrespective of which days of the week these fall on) –
 - sale of alcohol for consumption on the premises may be permitted up to 0400 hours the following morning if significant entertainment (as defined at section 2.1 of the Board's main Policy Statement 2018-2023) is being provided in the premises continuously from no later than 2200 hours on these days, and
 - if no significant entertainment (as defined in section 2.1. of the Board's main Policy Statement 2018-2023) is being provided in the premises continuously from no later than 2200 hours on these days, sale of alcohol for consumption on the premises may be permitted up to 0200 hours the following morning.

For the avoidance of doubt, the late opening mandatory conditions (see details of these at section 4. i. to vi. below) which are imposed on late opening premises licences (including "hybrid" premises) will apply to these premises during the festive period, whether they are open to 0400 hours or open to 0200 hours as set out above.

2. Other on sales premises:

These are premises currently licensed for on sales on Monday to Sunday to 0100 hours the following morning.

These premises will generally be granted the following extended hours on the following days within the festive period identified by the Board, unless the Board considers that there are material reasons to refuse to grant these hours:

- **on Thursdays, Fridays and Saturdays, and on Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day** (irrespective of which days of the week these fall on) –
 - sale of alcohol for consumption on the premises may be permitted up to 0200 hours the following morning.

3. All on sales premises:

On Sundays, Mondays, Tuesdays and Wednesdays falling within the festive period dates identified annually by the Board, and unless Christmas Eve, Christmas Day, Boxing Day, Hogmanay or New Year's Day fall on any of these days of the week, extended hours sought by reason only of it being the festive season will not generally be granted. Applicants seeking extended hours on any of those days of the week will require to show that the additional hours are required for some other special event or occasion to be catered for on the premises, or for a special event of local or national significance other than just the fact that it is the festive season.

4. Other policy terms

In all other respects (apart from the above restrictions) the terms of the Board's current festive period policy, as set out in its full Policy Statement 2018-2023, will apply subject to adjustment to align with the above restrictions. In summary, these terms, as so adjusted, are as follows.

- The Clerk to the Board, in consultation with the Convener of the Board, will fix annually the specific dates between which the festive period extended hours will generally be granted.
- Additional conditions, such as conditions equivalent to the late opening mandatory conditions set out at Appendix 6 of the Board's full Policy Statement, may be imposed by the Board when granting applications to extend hours beyond 0100 hours (at premises to which the mandatory late opening conditions set out in The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 SSI 2007/336 have not already been imposed by the Board) if the Board considers this necessary or expedient for the purposes of any of the licensing objectives. These conditions may include any one or more of the following requirements:

- i. a requirement to have a person trained in administering first aid present on the premises from 0100 hours on any day when the premises are open at that time and until the premises next close,
- ii. a requirement to have a designated person who is the holder of a personal licence present on the premises from 0100 hours on any day when the premises are open at that time and until the premises next close,
- iii. a requirement to have written policies in existence concerning evacuation of the premises and the prevention of misuse of drugs on the premises,
- iv. a requirement to have a CCTV system installed on the premises to the satisfaction of Police Scotland and to keep it in good working order,
- v. a requirement to have persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises, and
- vi. a requirement to have a person who holds a licence granted under section 8 of the Private Security Industry Act 2001 positioned at every entrance to the premises from 0100 hours on any day when the premises are open at that time and until the premises next close.

Equivalent conditions may also be imposed by the Board on premises which are not normally open after 0100 hours but which seek to include, via their operating plans, an entitlement to benefit from such “seasonal variations” as are generally permitted under the Board’s Policy Statement and which may therefore be intending to open until later than 0100 hours on the days generally permitted under this supplementary policy statement.

- Licence holders who do not have, within the “seasonal variations” section of their policy statement, a statement to the effect that they will open for the festive extended hours on the dates supported by the Board’s festive period policy, will continue to require to lodge applications under section 68 of the Licensing (Scotland) Act 2005 requesting these extended hours, but these applications should be restricted to the particular days identified in this supplementary policy statement.
- Licence holders who do have such a “seasonal variation” statement in their operating plan will still require only to give notice of their intention to open during the festive period dates for the hours agreed annually by the Board, but the days on which they may open for these hours will be restricted to those identified in this supplementary policy statement.
- Given the large number of extended hours applications received each year for the festive period, and the timescales for the Board’s statutory consultations on these applications, licence holders should lodge their applications for festive period extended hours by no later than 1 December each year.
- Over the festive period, the Board’s policy on festive extended hours will be treated also as the policy on hours for occasional license applications in respect of unlicensed premises, but only in accordance with the days identified within this supplementary policy statement.