

THE HIGHLAND LICENSING BOARD

CONSULTATION

ON PROPOSED SUPPLEMENTARY POLICY STATEMENT ON EXTENDED HOURS DURING THE FESTIVE PERIOD

Background

The Highland Licensing Board is required under the Licensing (Scotland) Act 2005 to publish a statement of its policy with respect to the exercise of its functions under the Act.

The Board's latest statement is the Policy Statement 2018-2023 which came into effect on 4 November 2018. You will find this at

https://www.highland.gov.uk/downloads/file/19898/highland_licensing_board_policy_statement_2018-21

At the time of agreeing the terms of the Policy Statement 2018-2023, the Board agreed to leave the current policy on extended hours for the festive period unchanged for the festive period 2018/2019.

However, in response to a suggestion by Police Scotland, the Board also agreed to consider changing this policy for festive periods in future years, by means of a supplementary policy statement.

In summary, the policy change suggested would mean that instead of supporting festive period extended hours at on sales premises throughout the whole of the three-week festive period identified and publicised by the Board each year, the policy would only support extended hours on Thursdays, Fridays and Saturdays falling within that period. The policy would, however, also support extended hours on Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's day if these did not fall on a Thursday, Friday or Saturday.

The extended hours supported by the policy would themselves remain unchanged. These are:

- to 0400 hours for late opening premises on nights when they are offering significant entertainment from 2200 hours and are usually licensed to 0300 hours for that purpose, and
- to 0200 hours for all other premises

The proposed change would therefore simply restrict the days of the week during the festive period in which these extended hours will generally be granted.

This has come about because, in practice, there are few premises which open for the full extended festive hours from Sunday to Wednesday during the festive period. However, as a precaution, licence holders sometimes nonetheless either apply for

festive period extensions on these days of the week, or give advance notice under their “seasonal variation” entitlement that they intend to open for the extended festive hours on these days of the week.

The proposed change to the policy would give greater clarity as to precisely which nights, during the festive period, premises will be opening for the extended festive hours. This in turn would better support the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance, as it would allow Police Scotland to better direct resources from Sunday to Wednesday during the festive period, rather than having to patrol town centres at 0200 hours and 0400 hours on those days of the week on the off chance that there may be people leaving premises at those hours.

Terms of the proposed supplementary policy

As the dates for the festive period 2018/2019 have already been published by the Board and notified to licence holders, with the assumption that, under current policy, the festive extended hours will be available on all nights of the week throughout the published three-week period, it is proposed that the supplementary policy, if adopted, should have effect only from the 2019/2020 festive period onwards.

The terms of the proposed supplementary policy are as follows:

1. Festive period hours

In respect of grants of applications for extended hours over the festive period, and in respect of “seasonal variations” in premises licence operating plans which, subject to the requirement to notify the Board in advance, allow opening during the festive extended hours supported under the Board’s festive period hours policy, the Highland Licensing Board Policy Statement 2018-2023 is hereby amended as follows. **This amended policy will apply only to festive period extended hours applications and notifications for and after the festive period 2019/2020.**

1.1 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.

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) 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) 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.

1.2 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 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 **0200 hours** the following morning.

1.3 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.

2. 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, with appropriate modifications to align with the above new restrictions. In summary, these terms 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 if the Board considers this necessary or expedient for the purposes of any of the licensing objectives;
- 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 hours, but these applications should be restricted to the particular days identified in the proposed 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 the proposed 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 by no later than 1 December each year, and
- 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 proposed supplementary policy statement.

You are invited to submit your views and comments on the above proposals for the Board's supplementary policy statement on extended hours over the festive period **by no later than 15 December 2018.**

Responses can be submitted by letter or email and should be addressed to:

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