

The Highland Licensing Board

Meeting – 29 March 2016

Agenda Item	6
Report No	HLB/020/16

Extension of the period of the Board's licensing policy statement 2013-16

Report by the Clerk to the Licensing Board

Summary

This Report invites the Board to note the extension of the period of its existing licensing policy statement 2013 -16 to 4 November 2018 and to agree that, in the interim, should any individual sections of the main statement require review, this be dealt with by the supplementary policy statement process.

1. Background

- 1.1 The Board adopted its current licensing policy statement in October 2013. It came into effect on 1 December 2013 and, under the current provisions of the Licensing (Scotland) Act 2005 (the 2005 Act), would normally have continued in effect for three years, until 30 November 2016.
- 1.2 A supplementary policy statement on extended hours was adopted by the Board on 16 June 2015 and this would normally have continued in effect until the same date as the main policy statement.
- 1.3 Under the current provisions of the 2005 Act the Board would therefore have required to undertake a licensing policy statement statutory consultation process in the course of 2016 with a view to publishing a new policy statement by no later than 1 December 2016.
- 1.4 However, with effect from 30 September 2016, the Air Weapons and Licensing (Scotland) Act 2015 (the 2015 Act) will amend the policy statement period from three years to four.
- 1.5 In addition, transitional arrangements under The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No. 4, Transitional and Saving Provisions) Order 2016 will provide that current policy statements (which would otherwise have had to be replaced by 1 December 2016) will continue in effect until the date occurring 18 months after the local government election on 4 May 2017. Publication of a new policy statement will therefore not be required until 4 November 2018 and the statement will thereafter require to be replaced every four years from that date.

- 1.6** The 2015 Act does give Boards discretion to decide that the licensing policy period to which their policy statement relates may begin earlier than the date 18 months after the next local government election. This would allow the Board to adhere to its current policy statement replacement date of 1 December 2016 if it so wishes.
- 1.7** However, the transitional provisions also allow Boards to continue to publish supplementary policy statements to their existing policy statements (as continued in force by the transitional arrangements). It is considered therefore that bringing forward the date of the next full policy statement to a date earlier than 4 November 2018 is unnecessary as, should the Board, in the interim, identify any parts of the existing policy statement which it considers need to be reviewed, this can be dealt with by the supplementary policy statement process.

4.0 Recommendation

- 4.1** The Board is invited to note the extension of the period of its existing licensing policy statement 2013-16 to 4 November 2018 and to agree that, in the interim, should any individual sections of the statement need to be reviewed, this be dealt with by the supplementary policy statement process

Date: 4 March 2016

Author: Susan Blease

Background Papers: Licensing Policy Statement 2013 – 16
Air Weapons and Licensing (Scotland) Act 2015