

The Highland Licensing Board

Meeting – 6 November 2018

Agenda Item	7
Report No	HLB/111/18

Draft supplementary policy statement on extended hours for the festive period

Report by the Clerk to the Licensing Board

Summary

This report invites the Board to agree the terms of a draft supplementary policy statement on extended hours for the festive period to be published for consultation.

1. Background

- 1.1 On 24 September 2018, the Board agreed the terms of its Policy Statement 2018-2023.
- 1.2 In the course of debate on the full Policy Statement, the Board agreed to leave the current policy on extended hours for the festive period unchanged for the festive period 2018/2019, but to consider changing this policy for festive periods in future years.

2. Current policy

- 2.1 Current policy provides that extended hours will generally be granted for on sales of alcohol over a period of approximately three weeks over the festive period. The precise period is identified each year by the Clerk, agreed in consultation with the Convener of the Board and publicised to the licensed trade from around end August each year to give them ample time to lodge applications for any festive period extended hours they seek. In 2018/19, the period has been agreed and publicised as:
 - From Friday 7 December 2018 (allowing extensions to licensed hours commencing Thursday 6 December into Friday 7 December)
 - Until Wednesday 2 January 2019 (allowing extensions to licensed hours commencing on Tuesday 1 January into Wednesday 2 January)
- 2.2 The extended hours which are generally granted are fixed in the Policy Statement and are:
 - To 0400 hours (instead of 0300 hours) at late opening premises (i.e. premises offering significant entertainment from no later than 2200 hours) if significant entertainment is being offered in the premises and the consumption of alcohol is ancillary to this.

- To 0200 hours (instead of 0100 hours) at all other on sales premises (pubs, hotels, restaurants, etc).

2.3 In granting these extended hours at licensed premises (or in granting occasional licences at unlicensed premises for these festive period hours), the Board can impose such additional conditions as considered necessary or expedient for any of the licensing objectives. In particular, where hours are extended beyond 0100 hours, the Board can apply local conditions equivalent to the late opening premises mandatory conditions which are set out at Appendix 6 of the Board's Policy Statement.

2.4 Licence holders wishing to extend their licensed hours to these later terminal hours during the festive period must lodge an application under section 68 of the Act, requesting these extended hours on all or any of the dates annually agreed. However, where the premises licence includes, within the "Seasonal Variations" section of the operating plan, a statement to the effect that the premises will open for such extended hours as the Board may agree each festive period, the licence holder is not required to lodge extended hours applications for the festive period terminal hours. The holders of such licences must, however, give notice to the Board and Police Scotland, prior to 1 December each year, of the dates within the festive period on which it is intended that the premises will open until the festive period terminal hour for that category of premises.

2.5 In practice, some licence holders tend to apply for, or give notice of, festive period opening hours throughout the three-week festive period identified by the Board each year. They do not then necessarily open to the later hour on every night during the festive period. This is particularly the case from Sunday to Wednesday in each week included in the festive period. Police Scotland are nonetheless having to patrol town centres on these nights on the off chance that there may be revellers leaving pubs at 0200 hours or clubs and hybrid premises at 0400 hours.

2.6 In addition, normal core licensed hours for late opening premises (i.e. those offering significant entertainment on certain nights of the week) are 1100 hours to 0100 hours on Sundays, Mondays, Tuesdays and Wednesdays and 1100 hours to 0300 hours on Thursdays, Fridays and Saturdays (if significant entertainment is being provided on these latter three nights of the week). However, the Board's festive period policy, as currently worded, could suggest entitlement to apply for, or give notice of, opening until 0400 hours on each night of the week throughout the festive period. Police Scotland have highlighted this anomaly.

3. Proposed new policy

3.1 To address these issues, it is proposed that changes to the Board's festive period policy be consulted upon and considered. Informal consultation by the Licensing Standards Officer and various Pub Watch members has already

indicated that licensed trade members themselves may not be opposed to these modest changes. The text of the proposed changes would read as set out at subparagraphs 3.1.1 to 3.1.3 below.

3.1.1 **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 if significant entertainment is being provided).

With effect from 3 January 2019, these premises will generally be granted the following extended hours on the following days within the festive period dates identified annually by the Board:

- **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.

3.1.2 **Other on sales premises**

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

With effect from 3 January 2019, these premises will generally be granted the following extended hours on the following days within the festive period dates identified annually by the Board:

- **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.

3.1.3 All premises

With effect from 3 January 2019, **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 generally not 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.

Recommendation

The Board is invited to agree that the proposals at section 3. of this report be published for consultation as a draft supplementary policy statement

Date: 16 October 2018

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Background Papers: Licensing (Scotland) Act 2005, Policy Statement 2013-2018 and agreed Policy Statement 2018-2023