

The Highland Licensing Board

Meeting – 6 January 2015

Agenda Item	7
Report No	HLB/005/15

Supplementary Policy Statement on Extended Hours

Report by the Clerk to the Licensing Board

Summary

This Report invites the Board to consider whether to go to consultation on the introduction of a supplementary policy statement identifying specific events and occasions, in addition to the festive period, in which applications for extended terminal hours will generally be considered favourably.

1. Background

- 1.1 Under section 68 of the Licensing (Scotland) Act 2005 the Board may, on the application of a premises licence holder, extend the licensed hours of the premises by such period as is specified in the application or by such other period as the Board consider appropriate.
- 1.2 Before granting extended hours in respect of any premises, the Board must first be satisfied that it is appropriate to do so in connection with either:
 - (i) a special event or occasion to be catered for on the premises, or
 - (ii) a special event of local or national significance.
- 1.3 The Board's Policy Statement identifies the annual festive period as an occasion of significance during which the Board will generally grant applications to extend the terminal hour to 0400 at late opening premises and to 0200 hours at other on-sales premises.
- 1.4 Under the Board's Scheme of Delegation, extended hours applications can be granted by the Clerk where the hours applied for are within policy and there is no notice of objection from the Chief Constable.
- 1.5 If the hours sought are outwith policy or there is a notice of objection from the Chief Constable the application must be referred to the Convener for determination.
- 1.6 Recent applications for extended hours (similar to festive period terminal hours) at Halloween were refused by the Convener on the basis that the hours sought were outwith the core hours identified in the Board's Policy Statement and, other than the festive period, no specific occasions on which such extended hours are considered appropriate are identified in the Policy Statement.

- 1.7** This raised the question as to whether the Board might wish to consider developing a supplementary policy statement specifying events and occasions (in addition to the festive period) in respect of which applications for extended terminal hours similar to those allowed during the festive season would generally be granted in the absence of any other material reason to refuse them.
- 1.8** If the Board is minded to consider developing such a policy, the Board's proposals would require to go out to public and statutory consultation prior to the Board's reaching a final decision as to whether to introduce a supplementary policy statement and as to what the terms of such a policy statement should be.
- 1.9** Although consultation would include an invitation to those in favour of introduction of a supplementary policy statement to suggest the occasions and events which should be included, the Board may wish to agree a provisional list of such occasions and events on which to specifically consult.

4.0 Recommendation

4.1 The Board is invited

- (i) to consider whether to go to consultation on a proposal to introduce a supplementary policy statement identifying specified events and occasions, in addition to the festive period, in respect of which applications for extended terminal hours may be considered favourably, and
- (ii) if the Board agrees to go to consultation on such a proposal, to reach a view on what specified events and occasions, and what dates surrounding those events and occasions, should be included in the proposal.

Date: 12 December 2014

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Background Papers: Licensing Policy Statement 2013 - 16