

The Highland Licensing Board

Meeting – 12 May 2015

Agenda Item	6.
Report No	HLB/043/15

Supplementary Policy Statement on Extended Hours

Report by the Clerk to the Licensing Board

Summary

This Report invites the Board to consider the responses received to the consultation on the introduction of a supplementary policy statement on extended hours for special events of local or national significance and to decide whether to introduce such a statement.

1. Background

- 1.1 Under section 68 of the Licensing (Scotland) Act 2005 the Board has discretion, on the application of a premises licence holder, to 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 Where the Board is so satisfied, it is open to the Board to permit extended hours outwith the normal permitted operating hours of the premises and, indeed, outwith the premises licence core hours set out in the Board's Policy Statement or beyond the normal guideline that the maximum continuous period during which alcohol should be sold should not exceed 14 hours. The decision in each case depends on whether the Board considers that the hours sought are justified by the nature of the special event or occasion and would not conflict with any of the licensing objectives.
- 1.4 The Board's Policy Statement currently identifies the annual festive period as a special event of local or national 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.
- 1.5 A public consultation has now taken place on whether the Board should specify, in a supplementary policy statement, other special events of local or national significance for which similar extended hours will generally be granted.

- 1.6 The consultation responses received are appended to this Report.

APPENDIX 1 contains the response from the Highland Licensing Forum. This is not a single response from the Forum as a body but, instead, a collection of the responses received by the Clerk to the Forum from some of the individual Forum members and representatives to the Forum. These responses came from two licensed trade representatives, one resident member, the Police Scotland representative, the Public Health representative, the Highland Alcohol and Drug Partnership (HADP) representative and the Care and Learning representative (formerly known as the Education and Social Care representative).

APPENDIX 2 contains the collated responses submitted using the Consultation Questionnaire provided. These responses came from the three Highland Licensing Standards Officers, eleven Community Councils, one licensee and one private individual.

APPENDIX 3 contains other responses which were submitted by letter or email. These came from TLT Solicitors on behalf of Punch Partnership Limited (premises licence holder for eleven licensed premises in Highland), Greene King Brewing and Retailing Limited (premises licence holder for six licensed premises in Highland) and Ramsay McGhee on behalf of the Inverness, Highland and Islands Licensed Trade Association.

- 1.7 Although also consulted separately as statutory consultees, Police Scotland and NHS (Highland) did not submit their responses directly. The responses by their representatives to the Forum, however, represent the official position of each of these statutory consultees.
- 1.8 It should be noted that the Board agreed at its meeting on 6 January 2015 that extended hours for special events or occasions to be catered for on the premises (under section 68(1)(b)(i) of the Act) should not be included in the consultation exercise. It was not considered that a policy statement on extended hours for such premises-specific events might be of benefit. The consultation accordingly related only to whether to introduce a policy statement on extended hours for special events of local or national significance under section 68(1)(b)(ii) of the Act.

2. Consultation responses

- 2.1 The consultation has produced a fairly mixed reaction. Responses to the specific questions asked are summarised below

2.2 Question 1: Do you consider that the Highland Licensing Board should introduce a supplementary policy statement identifying the special events of local or national significance, in addition to the festive period, for which applications for extended terminal hours will generally be considered favourably?

2.2.1 The majority of responses from Community Councils, the Licensing Standards Officers and the licensed trade were in favour of the principle of introducing a supplementary policy statement of this nature to assist licence holders in forward planning for events. Others considered that the convenience of licence holders was not a sound basis for this type of policy.

2.2.2 The statutory consultees, Police Scotland and NHS (Highland), and the Licensing Forum representatives from the HADP and the Council's Care and Learning Service were particularly opposed to the proposal. They are strongly of the view that extended hours should continue to be applied for, and applications considered, individually on a case by case basis. In particular, Police Scotland consider it important that they have sight of each extended hours request received to ensure that appropriate enquiry can be carried out and appropriate planning can be put in place so as not to impact adversely on the public.

2.2.3 In considering the principle of introducing a supplementary policy statement on extended hours, the difficulty facing the Board is therefore the issue of how to give licence holders a greater degree of certainty as to the special events for which extended hours are likely to be granted, while at the same time retaining the opportunity for scrutiny of individual cases by the Police and, indeed, the Board itself.

2.2.4 Possible ways of achieving both ends are considered more fully at section 2.7 below.

2.3 Question 2: If your answer to Question 1. is yes, do you consider that the following are special events of local or national significance which should be included?

2.3.1 The events listed for the purposes of the consultation were

- Easter weekend (Friday and Saturday nights),
- Halloween (31 October and the Friday and Saturday nights immediately before and after 31 October)
- the 6 Day Trials and Downhill Bike Championship in Fort William
- the National Mod
- Burns Night (25 January and the Friday and Saturday nights immediately before and after 25 January)
- St Andrews Night, (30 November and the Friday and Saturday nights immediately before and after 30 November), and
- Major sporting events in Highland.

- 2.3.2** Most of the respondents who were opposed to the principle of introducing a supplementary policy expressed no view on the individual events listed.
- 2.3.3** Notable exceptions, however, were NHS Highland (through the Public Health representative to the Forum), the HADP and the Council's Care and Learning representative to the Forum. They each commented that sporting events (such as the 6 Day Trials, the Downhill Bike Championship and other major sporting events) should not be included in any supplementary policy statement. They considered that any association between alcohol consumption and sport should be minimised, in keeping with national policies restricting alcohol at sporting events.
- 2.3.4** Those who supported the principle of having a supplementary policy expressed diverse views on the events listed. These are too diverse to summarise and can be read in full in Appendices 1, 2 and 3.
- 2.3.5** If minded in principle to introduce a supplementary policy, the Board will require to agree which of the events listed should be identified in the policy as special events of local or national significance.
- 2.3.6** In relation to each special event which the Board may decide to include in any supplementary policy statement, the Board will also have to agree the dates around these events on which extended hours are likely to be granted. These will require to be specified in the supplementary policy statement for the sake of clarity.
- 2.4** **Question 3. What, if any, other special events of local and national significance do you consider should be included and why?**
- 2.4.1** Additional events suggested by respondents and which the Board may wish to consider including are as follows:
- Local Highland Games
 - Loopallu, Ullapool
 - Ullapool Skiff Regatta
- 2.4.2** The Licensing Standards Officers also suggested including world-wide televised sporting events such as the Olympic Games, rugby and football World Cups and American Superbowl. Where, however, such televised events are being screened live within a licensed premises and are outwith normal operating hours, this would be classed as a "special event or occasion to be catered for on the premises", and extended hours may be sought on that basis.

2.4.3 The timing of such live screenings will vary considerably and it would accordingly not be possible to specify in advance, by means of a supplementary policy statement, appropriate hours for such events. It is recommended therefore that applications for extended hours for such live screenings on individual premises continue to be dealt with on a case by case basis, with applications under section 68 of the Act being required in each case.

2.5 Question 4: Do you agree that the following extended terminal hours should generally be granted for any special events to be included in a supplementary policy?

Late opening premises – 0400 hours

Other on-sales premises – 0200 hours

2.5.1 Two of the Community Councils who responded to the consultation supported the principle of introducing a supplementary policy but then opposed the hours proposed. They offered no alternative proposal as to the hours they would instead support. Another opposed the principle of introducing the policy but supported the extended hours proposed. It is difficult to draw any conclusion, therefore, from these particular responses.

2.5.2 In general, however, those who opposed the principle of introducing the policy also opposed the hours proposed, while those who supported the principle also supported the proposed hours.

2.5.3 As the Board will be aware, the hours proposed are the same as those currently generally permitted under the Board's festive period policy. If the Board is minded to introduce a similar policy in respect of other special events of local or national significance, it would seem reasonable to identify in the policy the same extended hours as for the festive period.

2.6 Question 5: For special events of only local significance, should extended terminal hours in terms of any supplementary policy statement be restricted to premises which the Board considers lie within the locality of the event?

2.6.1 All respondents to this question agreed that if extended hours for special events of local significance are to be granted, they should apply only to premises which lie within the locality of the event.

2.6.2 The Licensing Standards Officers suggest in their response that the "locality" should be identified as the relevant town or village in which the event takes place and, in the case of events in Inverness, only those parts of the city which traditionally support the late night economy. They recognise, however, that for certain large events such as the National Mod the "locality" may require to include surrounding towns or villages.

- 2.6.3** A statement to this effect can be included in the policy statement should the Board decide to introduce one, with the caveat that the Board reserves the right to refuse extended hours for any special event of local significance if, in the opinion of the Board, the premises is outwith the locality of the event.
- 2.7** **Question 6: Should licence holders be permitted to avoid having to lodge individual applications for extended hours for the special events specified in any supplementary policy statement by varying their operating plan to include a statement that they will open, during those events, for such extended hours as the Board has agreed in its supplementary policy?**
- 2.7.1** Many respondents considered that this practice should be allowed in the interest of reducing the work/cost involved for both licence holders in lodging, and the Board in processing, individual extended hours applications. The fee for an extended hours application is fixed by Scottish Government regulations at only £10. There is, however, a fair amount of paperwork involved in processing each application, albeit much of this is now dealt with electronically.
- 2.7.2** This practice of avoiding the need for section 68 applications by including an appropriate statement in operating plans is currently permitted by the Board in respect of the festive period. Various premises in Highland include, under the "Seasonal Variations" section of their operating plan, a statement to the effect that they intend to open for such extended hours as have been agreed for the festive period in terms of the Board's Statement of Licensing Policy. The Board does not require individual extended hours applications from those premises for extended opening hours during the festive period, provided the extended hours are as stated in the Board's Statement of Licensing Policy.
- 2.7.3** Some of these premises licences have a condition attached to them requiring the licence holder to notify Police Scotland and the Board, 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. Some older premises licences do not, however, have this condition, having been granted before the practice of imposing the notification condition was adopted. The notification condition can only be added to these older licences if or when the licence holder applies for a variation of the licence.
- 2.7.4** Consequently, it is already the case in respect of premises with festive period "Seasonal Variation" statements that the Police (and indeed the Licensing Standards Officers) sometimes have difficulty finding out which premises have, or should have, submitted the appropriate notification when taking advantage of festive period extended hours.

- 2.7.5** As mentioned at section 2.2 above, Police Scotland have serious concerns about extending this “Seasonal Variation” statement practice to other special events of local or national significance throughout the year. They have particular concern that this will create resourcing issues for them, making it difficult for them to ensure appropriate event planning is in place and reducing their ability to keep people safe.
- 2.7.6** The Police would be consulted at the stage at which a premises licence holder applies to vary their operating plan to include a “Seasonal Variation” statement in respect of any special events of local or national significance identified in a supplementary policy statement. This would be classed as a major variation and the Police would therefore have opportunity to object to that variation being granted. If the variation is granted, however, the Police would thereafter have no opportunity to object to extended opening at the premises for any event covered by the “Seasonal Variation” statement.
- 2.7.7** There is a further issue in that some existing “Seasonal Variation” statements are sufficiently loosely worded as to give rise to the argument that they will cover any extended hours available in terms of the Board’s Statement of Licensing Policy. A typical example is the statement that the premises “intend to take advantage of any additional hours which may be available in terms of the Board’s statement of licensing policy, including the festive season”. This would arguably allow extended hours opening for any special event which the Board has identified in policy as one for which extended hours will generally be allowed.
- 2.7.8** In light of the above issues, if the Board is minded in principle to introduce a supplementary policy statement on special events of local or national significance, the Board is invited to consider the following options as possible ways of accommodating (a) the licensed trade’s desire for greater certainty as to special events in respect of which extended hours are likely to be granted, (b) the concerns of Police Scotland and (c) the need for the Board itself to retain a degree of control over extended hours opening for special events.
- 2.7.9 Option 1**
- Allow extended hours opening for any of the special events of local or national significance which the Board identifies in its supplementary policy statement but only where an application under section 68 has first been lodged with and granted by the Board.

2.7.10 Option 2

Allow extended hours opening for any of the special events of local or national significance which the Board identifies in its supplementary policy statement only where an application under section 68 has first been lodged with and granted by the Board **unless** the premises licence has been varied (by major variation application) to include a statement, under the "Seasonal Variations" section of the operating plan, that the premises "*will open for the extended hours identified in the supplementary policy statement for the following special events of local or national significance: ...*".

It should be a requirement that the specific events for which the premises intend to open for extended hours be listed individually in the major variation application and these would then be listed in the operating plan if the application is granted. This will ensure clarity as to the events for which the premises may open for extended hours.

It should also be stipulated in the supplementary policy statement that any existing statement as to extended hours opening included in the "Seasonal Variations" section of an operating plan will not be deemed to apply to the special events of local or national significance identified in the supplementary policy statement. Again, this is to ensure clarity as to the events for which the premises may open for extended hours.

It should further be stipulated that the grant of any such major variation application will be subject to a condition requiring the licence holder to submit to the Board and Police Scotland, at least 28 days before the date of each special event, notice of their intention to open for extended hours on the date of the event.

2.7.11 Option 1 is clearly the option which statutory consultees, Police Scotland and NHS (Highland) would prefer in the event that the Board chooses to introduce a supplementary policy statement on this issue. It would also ensure that the Board retains the power to refuse extended hours for a special event of local or national significance at any premises, without having to undertake a full premises licence review process. Furthermore, it would ensure absolute clarity at all times as to which premises are entitled to stay open for extended hours during any particular special event.

2.7.13 Option 2 would not entirely meet the concerns of the statutory consultees. Moreover, it would lead to the situation whereby, where a premises licence has been varied to include a "Seasonal Variation" statement allowing avoidance of the requirement to lodge an extended hours application for particular special events, the Board could only prevent extended hours opening at that premises for any of those events by undertaking a premises licence review. Compliance with the advance notification condition would be as difficult to monitor as it currently is for festive period extended hours.

- 2.7.14** In theory, however, this second option would nonetheless provide at least some measure of advance warning to Police Scotland and the Board as to which premises were to be opening for extended hours for particular special events.
- 2.7.15** Should the Board be minded to favour **Option 2**, it should be noted that the representations made on behalf of some premises licence holders (see Appendix 3) include a proposal that the Board consider a special discounted fee (£150) for lodging an application for a major variation to add a "Seasonal Variation" statement which would allow extended hours opening for the special events (additional to the festive period) included in the supplementary policy statement. The normal fee for a major variation application is £72 for clubs, visitor attractions and premises with nil rateable value and between £288 and £721 for other premises depending on their rateable value.
- 2.7.16** However, while fees for major variation applications are fixed at the discretion of the Board, the legislation also requires that the fees charged by the Board meet the cost of administering the liquor licensing regime in the Board's area. The fees for major variation applications have been fixed by the Board on this basis. As the true cost of processing each major variation application is more or less the same irrespective of the nature of the major variation sought, introduction of a discounted rate for a particular type of major variation would accordingly lead to a deficit in income and a failure to meet costs. It is therefore not recommended that the Board accept the discounted fee proposal made by some of the licensed trade.

3.0 Recommendation

3.1 The Board is invited:

- (i) to consider the consultation responses attached at Appendices 1, 2 and 3 to this Report and to decide whether to introduce a supplementary policy statement on extended hours for special events of local or national significance, and
- (ii) if the Board is minded to introduce such a supplementary policy statement, to agree the principal terms of the statement and the special events (and dates) to be identified in it and to require the Clerk to the Board to submit a draft supplementary policy statement incorporating those terms to the next meeting of the Board for final approval.

Date: 27 April 2015

Author: Susan Blease

Background Papers: Licensing Policy Statement 2013 – 16

Consultation Questionnaire

Respondent's details:
Name: Highland Licensing Forum per Fiona Sinclair, Clerk and Legal Adviser
Address: Council Offices, Girnigoe Street, Wick KW1 4HW
Email: fiona.sinclair@highland.gov.uk
Tel: 01955 609504
Date of submission of consultation response: 16 April 2015

<p>1. Do you consider that the Highland Licensing Board should introduce a supplementary policy statement identifying the special events of local or national significance, in addition to the festive period, for which applications for extended terminal hours will generally be considered favourably?</p>		
<p>Yes: <i>Two Licensed Trade representatives said Yes.</i></p>	<p>No: <i>The majority of Forum members who responded (the Police Scotland representative, the Public Health representative, the HADP representative and the Care and Learning representative) said No, stating that applications for extended hours should be considered on a case by case basis (see reasons in bold below).</i></p> <p><i>The Public Health representative and the Care and Learning representative emphasised that in the event that the Board decided to introduce any such supplementary policy the policy should not extend to sporting events, nor to events which are organised predominately for children and young people in an educational setting.</i></p>	<p>No objection: <i>One resident member stated that she would have no objection to introduction of the policy provided that the location of premises to which the policy might apply is considered on a case by case basis. The resident expressed concern for hotel guests and residents of properties in the vicinity of late night venues. The resident member did not complete any other questions on the questionnaire.</i></p>
<p>Reasons: <i>The Licensed Trade representatives did not provide reasons for the answer.</i></p> <p><i>The Police Scotland representative, the Public Health representative, the HADP representative and the Care and Learning representative explain that extended hours should be applied for and applications considered on a case by case</i></p>		

basis.

Police Scotland explains that it requires to deploy resources appropriately with the overriding principle of Keeping People Safe; if extended hours are to be issued on a regular basis this could have a detrimental effect on those resources and reduce the ability of Police Scotland to keep people safe. Furthermore, it is important for Police Scotland to have sight of each request received for extended hours to ensure that appropriate enquiry can be carried out, each request can then be assessed individually and appropriate event planning can be put in place so as not to impact adversely on the public.

The HADP representative explains the rationale behind the HADP position as follows: to introduce a supplementary policy statement identifying additional events for which applications for extended terminal hours will generally be considered favourably is likely to increase the availability of alcohol and therefore risk increasing levels of harm. It would also serve to further normalise the consumption of alcohol by encouraging opportunities for increased consumption at special events of local and national significance. HADP agrees with the submissions put forward by the partners in Police Scotland and Public Health. It is the HADP view that it would be best practice to consider applications on a case by case basis as this would be the most effective approach to protecting public health and keeping people safe.

The Public Health representative explains that any association between alcohol consumption and sport should be minimised in keeping with national policies restricting alcohol at sporting events¹. Furthermore, events organised within an educational establishment where the target audience is young people under the age of 18 should not be included in this supplementary policy statement. From a population based approach it is important to give out sensible drinking messages to adults and young people because of the long term harms arising from alcohol misuse. Protecting young people is one of the objectives within the Alcohol etc (Scotland) Act 2010 and is in keeping with national policies of restricting alcohol availability. Although the numbers of applications in these circumstances are likely to be small, it is the totality of measures that make a difference, relating to overall availability and promotion. The Care and Learning representative agrees with the Public Health representative's comments.

2. If your answer to Question 1. is yes, do you consider that the following are special events of local or national significance which should be included?

The majority of Forum members did not answer Question 2 as their answer to Question 1 was No.

One Licensed trade representative answered this question but did not provide reasons to support the answers. The other trade representative expressed support for all the proposals in the questionnaire but did not answer the different sections of this question and did not provide reasons for the position.

Easter weekend (Friday and Saturday night)	Yes: One Licensed Trade representative said Yes	No:
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<i>Reasons: The Licensed Trade representative did not provide reasons.</i>		
Halloween (31 October and the Friday and Saturday nights immediately before and after 31 October)	Yes:	No: One Licensed Trade representative said No
<i>Reasons: The Licensed Trade representative did not provide reasons.</i>		

The 6 day trials, Fort William	Yes: One Licensed Trade representative said Yes	No: The Public Health representative and the Care and Learning representative both emphasised their position in relation to alcohol at sporting events.
<i>Reasons: The Public Health representative and the Care and Learning representative emphasised that sporting events, of local or national significance should not be included in this supplementary policy statement. Any association between alcohol consumption and sport should be minimised and is in keeping with national policies of restricting alcohol at sporting events. The Licensed Trade representative did not provide reasons.</i>		

The Downhill Bike Championships, Fort William	Yes:	No: The Licensed Trade representative said No.
<i>Reasons: The Public Health representative and the Care and Learning representative emphasised that sporting events, of local or national significance should not be included in this supplementary policy statement. Any association between alcohol consumption and sport should be minimised and is in keeping with national policies of restricting alcohol at sporting events. The Licensed Trade representative did not provide reasons.</i>		

The National Mod	Yes: One Licensed Trade representative said Yes	No:
<i>Reasons: The Licensed Trade representative did not provide reasons.</i>		

Burns Night (25 January and the Friday and Saturday nights immediately before and after 25 January)	Yes:	No: One Licensed Trade representative said No.
<i>Reasons: The Licensed Trade representative did not provide reasons.</i>		

St Andrews Night (30 November and the Friday and Saturday nights immediately before and after 30 November)	Yes:	No: <i>One Licensed Trade representative said No.</i>
Reasons: <i>The Licensed Trade representative did not provide reasons.</i>		

Sporting events in Highland which the Board considers to be major events	Yes: <i>One Licensed Trade representative said Yes.</i>	No:
Reasons: <i>The Public Health representative and the Care and Learning representative emphasised that sporting events, of local or national significance should not be included in this supplementary policy statement. Any association between alcohol consumption and sport should be minimised and is in keeping with national policies of restricting alcohol at sporting events¹.</i> The Licensed Trade representative did not provide reasons.		

3. What, if any, other special events of local and national significance do you consider should be included and why? (You can add more comments on this at Box 7 below if you run out of space here)

One Licensed Trade representative suggested the Isle of Skye Highland Games and Music Festivals. The other Licensed Trade representative made no suggestions.

The Police Scotland representative states again that extensions should be applied for on a case by case basis and refers to the points he made and the reasons given in response to question 1 of this questionnaire.

The Public Health representative, the Police Scotland representative, the HADP representative and the Care and Learning representative emphasised the importance of considering events on a case by case basis, and referred to the reasons given in response to question 1. The Public Health representative stated that events organised within an educational establishment where the target audience includes young people under the age of 18 should not be included in this supplementary policy statement. From a population based approach it is important to give out sensible drinking messages to adults and young people because of the long term harms arising from alcohol misuse. Protecting young people is one of the objectives within the Alcohol etc (Scotland) Act 2010 and is in keeping with national policies of restricting alcohol availability.

4. Do you agree that the following extended terminal hours should generally be granted for any special events to be included in a supplementary policy:

<p>Late opening premises (i.e. premises which offer significant entertainment and which are already licensed to open on Thursdays to Saturdays until 0300 hours the following day)</p>	<p>0400 hours</p>	<p>Yes: <i>The Licensed Trade representatives said Yes</i></p>	<p>No: <i>The Police Scotland representative, the Public Health representative, the HADP representative and the Care and Learning representative all said No.</i></p>
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Reasons: *The Police Scotland representative, the Public Health representative, the HADP representative and the Care and Learning representative refer to their answers to question 1. The Licensed Trade representatives did not provide reasons.*

<p>Other on-sales premises</p>	<p>0200 hours</p>	<p>Yes: <i>The Licensed Trade representatives said Yes</i></p>	<p>No: <i>The Police Scotland representative, the Public Health representative, the HADP representative and the Care and Learning representative all said No.</i></p>
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Reasons: *The Licensed Trade representative did not provide reasons. Other respondents refer to their answer to question 1. The Police Scotland representative states again that he believes extended hours should be applied for on a case by case basis.*

5. For special events of only local significance, should extended terminal hours in terms of any supplementary policy statement be restricted to premises which the Board considers lie within the locality of the event?

Yes: **All respondents said Yes.**

No:

Reasons: *The Police Scotland representative said that as detailed above, he believes extended hours should be applied for on a case by case basis. However, should the decision be made that extended hours be granted then they should apply to premises which lie within the locality of the event. Otherwise the process may become unmanageable if licensed premises out*

with are given carte blanche to apply whenever an event is taking place in the Highland area. Furthermore, should this be allowed to happen then licensed premises throughout Scotland could well have an argument to say they should also be given an extension.

The Public Health representative, the Care and Learning representative and the HADP representative referred to their answer to question 1.

The Licensed Trade representative did not provide reasons.

6. Should licence holders be permitted to avoid having to lodge individual applications for extended hours for the special events specified in any supplementary policy statement by varying their operating plan to include a statement that they will open, during those events, for such extended hours as the Board has agreed in its supplementary policy?

Yes: The Licensed Trade representatives said Yes.

No: The Police Scotland representative, the Public Health representative, the HADP representative and the Care and Learning representative all said No.

Reasons: The Licensed Trade representatives did not provide reasons.

Other respondents refer to their answer to question 1. The Police Scotland representative states again that he believes extended hours should be applied for on a case by case basis.

7. Please use the space below to include any other comments you wish the Board to consider in relation to this matter. Continue on a separate sheet if required.

The Police Scotland representative said that he is unable to see how extending terminal hours for numerous events without Police enquiry, and without notification to Police so resourcing can be reviewed and bolstered if required, fits in with the five objectives which must always be linked to the sale of alcohol as per Section 4 of the Licensing (Scotland) Act 2005:-

- 1. Preventing Crime and Disorder*
 - 2. Securing Public Safety*
 - 3. Preventing Public Nuisance*
 - 4. Protecting and Improving Public Health*
- Protecting Children from Harm*

The Public Health representative, the HADP representative and the Care and Learning representative said that applications for extended hours should be considered on a case by case basis. They agreed that associations between alcohol consumption and sport should be discouraged and this is in line with current national policy. A population approach to reducing alcohol harm is through restricting alcohol advertising at sporting events. The Licensing Board can contribute to this population approach by excluding these sporting events in this supplementary policy¹.

The Public Health representative and the Care and Learning representative said that events organised within an educational establishment where the target audience is young people under the age of 18 should not be included in this supplementary policy statement. From a population based approach it is important to give out sensible drinking messages to adults and young people because of the long term harms arising from alcohol misuse. Protecting young people is one of the objectives within the Alcohol etc (Scotland) Act 2010 and is in keeping with national policies of restricting alcohol availability.

Although the numbers of applications in these circumstances are likely to be small, it is the totality of measures that make a difference, relating to overall availability and promotion.

Ref

***Health First Strategy: an evidence based alcohol strategy for the UK (2013)
Alcohol Focus, British Liver Trust and the University of Stirling, Pub by
University of Stirling***

1. ***<http://www.alcohol-focus-scotland.org.uk/media/1074/health-first-strategy.pdf>***

SUPPLEMENTARY POLICY STATEMENT : EXTENDED HOURS FOR SPECIAL EVENTS OF LOCAL OR NATIONAL SIGNIFICANCE

CONSULTATION QUESTIONNAIRE RESPONSES

QUESTION 1 : Do you consider that the Highland Licensing Board should introduce a supplementary policy statement identifying the special events of local or national significance (in addition to the Festive Period) for which applications for extended hours will generally be considered favourably?	
Number answering yes: 11	Highland Licensing Standards Officers (x 3), Nairn River CC, Conon Bridge CC, Balloch CC, Fort Augustus & Glenmoriston CC, Strathglass CC, Lochardil & Drummond CC, Sunart CC, Arch Inn, Ullapool,
To provide guidance for licence holders and enable forward planning for events on the premises or for events of a local or national significance. And further to ensure that applications are determined on an equitable basis irrespective of precedent or the policy of former Divisional Boards.	Highland Licensing Standards Officers
Will assist licensees in planning events.	Conon Bridge CC
To ensure consistency and transparency in the way such applications are dealt with.	Balloch CC
Easier administration and would allow better planning for events.	Fort Augustus & Glenmoriston CC
Highland relies on tourism for a great deal of income and employment so if this helps that industry, we would support it.	Strathglass CC
We agree that a supplementary policy statement would provide greater certainty.	Lochardil & Drummond CC

It seems a sensible idea.	Sunart CC
For consistency and ease of forward planning.	Arch Inn, Ullapool
Number answering no: 5	Nairn West CC, Caithness West CC, Ferintosh CC, Morar CC 1 x individual
<p>The justification for the proposal is unpersuasive. The convenience of licence holders is not a sound basis for policy which in effect sets a default position of automatic approval without consideration of the detail of specific applications.</p> <p>In effect this renders redundant one of the key functions of the Licensing Board – to take a considered view of all the relevant circumstances and to make a judgment as to the public interest.</p> <p>Moreover, the supplementary policy statement as outlined is insufficiently precise. It leaves things a bit ‘fuzzy’ over exactly what events or occasions are deemed to be “special”. What might be special to some people might be meaningless or trivial to others.</p>	Nairn West CC
After our last Caithness West Community Council meeting it was felt that the extended hours would not affect our area, but that it was felt that to allow pubs and clubs to open until 4 am would not benefit the community. It was thought that there would be excess noise and the possibility of disruption. To allow this to happen Police Scotland would have to employ more people to monitor.	Caithness West CC
There is no demand from our on-sales premises or residents for this supplementary policy. Indeed our on-sales premises have rejected the need for this.	Ferintosh CC
This was discussed at last night’s Morar CC meeting and we all agreed we were happy with the status quo in this respect.	Morar CC

<p>The reason for this is that we felt there was enough scope within the present arrangements. We - and one of us is a former publican - saw no advantage to easing the restrictions on late opening in this area. We have past experience here that late drinking often increases the likelihood of disturbance and potential violence, in particular during the busier months, in what is otherwise a quiet and peaceful area.</p> <p>Morar itself has only one licensed premises, and we feel fortunate that it is reopening to the public this summer and will provide a much-needed social hub for the community.</p> <p>However it is in close proximity to housing, and at one point in the past, when it was poorly run by previous owners, there was frequent early morning disturbance during the summer months. A couple of nearby residents keep poor health and such disturbance can be stressful for them and detrimental to their wellbeing.</p> <p>We are not being killjoys, just realistic about what is best for our community, and we feel that this community is best served by somewhere which is open and welcoming to people throughout the day and into the evening, but with occasional late opening for events of local and community significance, which can be planned in advance.</p> <p>Furthermore, there are implications for policing, and since this is now controlled from Fort William access to the service isn't so easy or immediate as it once was.</p>	<p>Morar CC (continued)</p>
<p>The festive period is so called because it is the time of year when a large proportion of the population celebrate and take time off work. People living close to licensed premises will be prepared to accept that there may be a bit of early morning disturbance at this time. Normal licensing hours still allow for plenty of time for celebratory activity at other times of the year and it seems unfair to expect the majority of folk who would not be drinking very late to have to put up with additional disruption on a almost routine basis, particularly if they have to work the next day.</p>	<p>Individual</p>

<p>If there is any particular reason why folk celebrating on these occasions or attending specific events wish to have an event that would require a later license, then I fail to see the problem of making a specific application which can then be approved or not on its merits.</p>	<p>Individual (continued)</p>
<p>If we allow carte blanche for Halloween or the Mod then where do we draw the line? Why not bonfire night, conferences or Alex Salmond's birthday? The line is currently very clear cut and sensible with the festive season. Let's keep it that way.</p>	

<p>QUESTION 2 : If your answer to Question 1. is yes, do you consider that the following are special events of local or national significance which should be included?</p>	
<p>Easter weekend</p>	
<p>Number answering yes: 4</p>	<p>Conon Bridge CC Strathglass CC, Lochardil & Drummond CC, Arch Inn, Ullapool,</p>
<p>Potentially more tourists in the area.</p>	<p>Conon Bridge CC</p>
<p>National significance, school holiday period and generally the start of the tourist season.</p>	<p>Strathglass CC</p>
<p>High tourist demand.</p>	<p>Arch Inn, Ullapool</p>
<p>Number answering no: 8</p>	<p>Highland Licensing Standards Officers (x 3) Nairn West CC, Nairn River CC, Balloch CC, Sunart CC, Fort Augustus & Glenmoriston CC</p>
<p>Not an event traditionally associated with a requirement for extended hours.</p>	<p>Highland Licensing Standards Officers</p>
<p>Easter is still primarily a religious festival. There is no obvious rationale for an automatic presumption of extended licensing hours for the serving of alcohol beyond 'normal' hours over this weekend.</p>	<p>Nairn West CC</p>

The justification for any specific extensions should be considered by the Board on their individual merits.	Nairn West CC (continued)
As this is essentially a religious festival extension of hours is not considered appropriate.	Balloch CC
This is a religious event and does not require an alcohol input.	Fort Augustus & Glenmoriston CC
Little significance to licensing hours.	Sunart CC
Halloween	
Number answering yes: 2	Strathglass CC, Lochardil & Drummond CC
No specific reasons, a much less significant event. Might herald the end of the tourist season.	Strathglass CC
Number answering no: 10	Highland Licensing Standards Officers (x 3) Nairn West CC, Nairn River CC, Conon Bridge CC, Balloch CC, Fort Augustus & Glenmoriston CC, Sunart CC, Arch Inn, Ullapool
We are of the opinion that Halloween is not an event of such local or national significance that blanket extended hours are required. If premises plan a special event with sufficient reason to justify extended hours the application can be considered on its own merits. If a location, other than an individual premises, becomes a destination of choice for a highly organised and popular celebration of Halloween, publication of a policy can then be considered.	Highland Licensing Standards Officers
There is absolutely no justification for extending licensing hours for an occasion that is primarily focused on children's parties and celebrations.	Nairn West CC
Mainly a festival for children.	Conon Bridge CC

As this festival is supposed to be primarily for children extension of licensing hours is not considered relevant or appropriate.	Balloch CC
This is a children's event with fireworks and bonfires and should not have alcohol present.	Fort Augustus & Glenmoriston CC
Little significance to licensing hours.	Sunart CC
See no benefit.	Arch Inn, Ullapool
6 Day Trials, Fort William	
Number answering yes: 7	Highland Licensing Standards Officers (x 3), Conon Bridge CC, Fort Augustus & Glenmoriston CC, Sunart CC, Arch Inn, Ullapool
For the final Friday and Saturday of the trials only. A considerable number of visitors from this country and overseas are attracted to the area for this event. A small number of premises traditionally apply for extended hours in conjunction with providing entertainment on the premises and to cater for spectators, teams and organisers who are engaged in competition related matters into the later evening.	Highland Licensing Standards Officers
This event attracts many visitors and spectators who should have a variety of attractions and functions.	Fort Augustus & Glenmoriston CC
A major sporting event which brings large numbers of visitors.	Sunart CC
Local benefit.	Arch Inn, Ullapool
Number answering no: 2	Balloch CC, Strathglass CC
Current hours considered adequate.	Balloch CC

More a local event, am not sure how widely this event impacts on all of Highland area. More applicable to the local area to decide if they want changes for themselves. Do not think this should extend across the whole region.	Strathglass CC
Downhill Bike Championships, Fort William	
Number answering yes: 7	Highland Licensing Standards Officers (x 3), Conon Bridge CC, Fort Augustus and Glenmoriston CC, Sunart CC, Arch Inn, Ullapool
For the Friday and Saturday of the competition only. A considerable number of visitors from this country and overseas are attracted to the area for this event. A small number of premises traditionally apply for extended hours in conjunction with providing entertainment on the premises and to cater for spectators, teams and organisers who are engaged in competition related matters into the later evening.	Highland Licensing Standards Officers
Similar reasons to the 6 day trials.	Fort Augustus and Glenmoriston CC
A major sporting event which brings large numbers of visitors.	Sunart CC
Local benefit.	Arch Inn, Ullapool
Number answering no: 2	Balloch CC, Strathglass CC
Current hours considered adequate.	Balloch CC
More a local event, am not sure how widely this event impacts on all of Highland area. More applicable to the local area to decide if they want changes for themselves. Do not think this should extend across the whole region.	Strathglass CC

The National Mod	
Number answering yes: 10	Highland Licensing Standards Officers (x 3), Nairn West CC, Conon Bridge CC, Balloch CC, Fort Augustus and Glenmoriston CC, Lochardil & Drummond CC, Sunart CC, Arch Inn, Ullapool
A considerable number of visitors from this country and overseas are likely to be attracted to a broad locality for this event and there is an expectation that later hours will be available on premises where traditional ceilidhs and fringe activities take place.	Highland Licensing Standards Officers
On the basis that this is a national, public, cultural event, it would be reasonable to presume that extension of licensing hours would be acceptable.	Nairn West CC
Extension considered appropriate as programme frequently finishes late or overruns stated times.	Balloch CC
Major cultural event which brings many visitors.	Sunart CC
Local benefit.	Arch Inn, Ullapool
Number answering no: 1	Strathglass CC
As above. Just do not know much about it.	Strathglass CC
Burns Night (25 January and Friday and Saturday nights immediately before and after 25 January)	
Number answering yes: 4	Conon Bridge CC, Fort Augustus and Glenmoriston CC, Strathglass CC, Lochardil & Drummond CC
Allows the event celebrations to be spread over 2 weekends.	Fort Augustus and Glenmoriston CC,
A national event.	Strathglass CC

Number answering no: 8	Highland Licensing Standards Officers (x 3), Nairn West CC, Nairn River CC, Balloch CC, Sunart CC, Arch Inn, Ullapool
Not an occasion of national significance associated traditionally with a requirement for extended hours.	Highland Licensing Standards Officers
While Burns was not averse to a dram or two, it does not automatically follow that celebrating his life and work necessitates the serving of alcohol beyond (<i>sic</i>) 0200 or 0400, nor on dates other than that specified as Burns Night. Burns Suppers and associated celebrations normally take place as evening meals, not late night/early morning parties.	Nairn West CC
No, done at individual places.	Nairn River CC
Current hours considered adequate.	Balloch CC
Very few events take place on the actual night of 25 th January.	Sunart CC
No benefit.	Arch Inn, Ullapool
St Andrews Night (30 November and Friday and Saturday nights immediately before and after 30 November)	
Number answering yes: 6	Nairn West CC, Nairn River CC, Conon Bridge CC, Fort Augustus and Glenmoriston CC, Strathglass CC, Lochardil & Drummond CC
It could be argued that St Andrews' night celebrations might reasonably extend beyond normal licensing hours. But the automatic presumption of approval for all such events, and for two additional nights other than 30 November, is much too loose and extensive a concession. Restriction to the date itself is appropriate.	Nairn West CC
Yes, if celebrations are held.	Nairn River CC

Allows the event celebrations to be spread over 2 weekends.	Fort Augustus and Glenmoriston CC
A national event.	Strathglass CC
Number answering no: 6	Highland Licensing Standards Officers (x 3), Balloch CC, Sunart CC, Arch Inn, Ullapool
Not an occasion of national significance associated traditionally with a requirement for extended hours.	Highland Licensing Standards Officers
Current hours considered adequate.	Balloch CC
Very few events take place.	Sunart CC
No benefit.	Arch Inn, Ullapool
Major sporting events in Highland	
Number answering yes: 9	Highland Licensing Standards Officers (x 3), Nairn River CC, Conon Bridge CC Balloch CC, Fort Augustus and Glenmoriston CC, Lochardil & Drummond CC, Sunart CC, Arch Inn, Ullapool
Only on Friday and/or Saturday nights and if the event is high profile and likely to attract a significant number of competitors and spectators. It would be expected that major events will be planned well in advance and an early approach from organisers would allow the Board to consider whether or not a policy for extended hours is appropriate.	Highland Licensing Standards Officers

Will help tourism.	Nairn River CC
The licensing board uses its discretion and has control over applications.	Fort Augustus and Glenmoriston CC
Major sporting events bring a large number of visitors.	Sunart CC
Local benefit.	Arch Inn, Ullapool
Number answering no: 2	Nairn West CC, Strathglass CC
This is a hopeless basis for formal regulation, since it fails to set out the criteria which the Board would use to assess what constitutes a "major event". Such criteria need to be clear both to the public and to licensees. The formulation as proposed leaves far too much scope for arbitrary, quixotic, or inconsistent decisions which would almost certainly lead to appeals and complaints. Far better to operate a system (as exists at present) where each case for an extension is considered on its merits, in relation to a particular establishment, locality and event, and on the basis of specific evidence.	Nairn West CC
More applicable for the local areas affected to decide their own requirements.	Strathglass CC

Question 3 : What, if any, other special events of local or national significance do you consider should be included and why?	
<p>Loopallu, Ullapool. Attracts a large number of spectators. The festival closes at 2300 hrs on each day following which licensed premises offer entertainment. The Board have promoted a policy for this event in previous years.</p> <p>Ullapool Skiff Regatta - This recently established annual event attracts a considerable number of competitors and spectators. Extended hours, until 0200 hrs, have been granted previously for the benefit of spectators, competitors and visitors. The Board have promoted a policy for this event in previous years.</p>	Highland Licensing Standards Officers

<p>Any special event or occasion to be catered for on premises if the applicant can evidence good reason why the event cannot be accommodated reasonably during core hours. Examples may include world-wide, significant, televised sporting events or occasions such as Olympic Games, rugby and football World Cups, American Superbowl and for private parties where there is a genuine good reason for a later start for the event or occasion.</p> <p>There is a growing appetite for outdoor music festivals within the boundaries of or in proximity to some towns and villages and which, because of possible noises issues, cease their performances around 2300 hrs. Local licensed premises commonly then offer fringe entertainment and may apply for extended hours on a premises specific basis. If an event becomes established the Board may wish to put a promote a policy for such events and particularly when there is a history of demand and engagement with the licensing objectives.</p> <p>It is an unintended consequence of the Board policy on general terminal hours that when a local gala or highland games, being an event of local significance, ends with a marquee or village hall dance, the voluntary organisation can suffer financially while potential customers remain in pubs and hotels until closing time. These events operate with an occasional licence and organisers endeavour to engage a well-known band and need the profits from the bar to pay towards their fee. There may be a case for not permitting extended hours on other licensed premises in the locality on those days but allowing the voluntary organisation occasional licence at the dance venue until 0200 hrs following appropriate consultation on the application.</p>	<p>Highland Licensing Standards Officers (continued)</p>
<p>An obvious category for consideration in this region would be the many local "Highland Games" which are held in localities across the Highlands. They are arguably stronger candidates for the label of "special events" than – for example – Hallowe'en. See also the general comments in response to Q7 below.</p>	<p>Nairn West CC</p>

Highland Games	Nairn River CC
None.	Balloch CC
None.	Ferintosh CC
At discretion of Board.	Sunart CC
Loopallu Festival.	Arch Inn, Ullapool

Question 4 : Do you agree that the following extended terminal hours should generally be granted for any special events included in a supplementary policy?

Late opening premises – 0400 hours

Number answering yes: 10	Highland Licensing Standards Officers (x 3) Conon Bridge CC, Balloch CC, Ferintosh CC, Strathglass CC, Lochardil & Drummond CC, Sunart CC, Arch Inn, Ullapool
In line with current policy for the festive period.	Highland Licensing Standards Officers
This extension appears reasonable.	Balloch CC
Reasonable if premises can justify.	Ferintosh CC
Seems sensible.	Sunart CC
Number answering no: 3	Nairn West CC, Nairn River CC, Fort Augustus and Glenmoriston CC
The rationale for extending to 0400 the hours of a licensed premises already permitted to open until 0300 is tenuous. To adapt a remark made in other contexts.... "if you can't get what you want (or need) by 0300, you don't deserve to carry on until 0400...."	Nairn West CC

No not in Nairn.	Nairn River CC
0300 hrs is already late there should be no need to extend these times.	Fort Augustus and Glenmoriston CC
Other on-sales premises – 0200 hours	
Number answering yes: 10	Highland Licensing Standards Officers (x 3), Conon Bridge CC, Balloch CC, Ferintosh CC, Strathglass CC, Lochardil & Drummond CC, Sunart CC, Arch Inn, Ullapool
In line with current policy for the festive period.	Highland Licensing Standards Officers
The proposed extensions appear reasonable.	Balloch CC
Seems sensible.	Sunart CC
Number answering no: 3	Nairn West CC, Nairn River CC, Fort Augustus and Glenmoriston CC
See comment above (<i>on late opening premises</i>).	Nairn West CC
Any purchases should have been made prior to this hour. This would permit indiscriminate consumption of alcohol.	Fort Augustus and Glenmoriston CC

Question 5 : For special events of only local significance, should extended terminal hours in terms of any supplementary policy statement be restricted to premises which the Board considers lie within the locality of the event?	
Number answering yes: 13	Highland Licensing Standards Officers (x 3), Nairn West CC, Nairn River CC, Conon Bridge CC, Balloch CC, Fort Augustus and Glenmoriston CC, Ferintosh CC, Strathglass CC, Lochardil & Drummond CC, Sunart CC, Arch Inn, Ullapool
The locality for events in respect of which a policy is published should be the relevant town or village and, in respect of Inverness the locality should generally be only the parts of the city which traditionally support the late night economy. Certain events such as the National Mod may require an extension to a locality to include surrounding towns, villages or areas where accommodation is provided.	Highland Licensing Standards Officers
It is perfectly obvious, and also common sense, that concessions in the form of extended hours for a local event should only apply to premises in that locality. To do otherwise would be to make a nonsense of the notion of "local events". To allow an extension in locality or town B just because of a local event in town A, leaves the whole framework incoherent and open to abuse or manipulation.	Nairn West CC
There does not seem to be any good reason to do otherwise.	Balloch CC
The board retains controls.	Fort Augustus and Glenmoriston CC
Want these extensions to help tourism, not just help people to overindulge more frequently.	Strathglass CC
Potential for unrelated applications.	Sunart CC
Number answering no: 0	

Question 6 : Should licence holders be permitted to avoid having to lodge individual applications for extended hours for the special events specified in any supplementary policy statement by varying their operating plan to include a statement that they will open, during those events, for such extended hours as the Board has agreed in its supplementary policy?	
Number answering yes: 10	Highland Licensing Standards Officers (x 3), Nairn River CC, Conon Bridge CC, Fort Augustus and Glenmoriston CC, Strathglass CC, Lochardil & Drummond CC, Sunart CC, Arch Inn, Ullapool
Only if an appropriately worded seasonal variation would allow for extended hours when considered appropriate in terms of a Board policy subject to the condition that licence holders must notify the Board and the police if they intend to take advantage of any period of extended hours. Otherwise an application and fee should be required.	Highland Licensing Standards Officers
The licensing board would be aware of all premises with extended hours.	Fort Augustus and Glenmoriston CC
Make life easier for the small businessman and women.	Strathglass CC
To reduce unnecessary admin.	Sunart CC
Number answering no: 3	Nairn West CC, Balloch CC, Ferintosh CC,
If the purpose of licensing is to manage and regulate, then permitting an arrangement whereby a licence holder can secure automatic extensions just be incorporating a statement in the operating plan removes the principle means by which the Licensing Board exercises proper scrutiny. By definition, special events should be subject to special consent.	Nairn West CC
It is unclear how rigorous operating plans are both in their preparation and in subsequent delivery in accordance with their terms.	Balloch CC

<p>The BCC therefore consider that the Board needs to maintain some control over which premises are permitted to extend their hours, and individual application will enable these to be scrutinised more effectively.</p>	<p>Balloch CC (continued)</p>
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Question 7 : Any other comments

<p>Following informal discussion with licence holders, premises managers and staff in connection with the festive period extended hours it is interesting to note that sales of alcohol after 0100 hrs were less than operators had anticipated. It appears that a large number of customers treated the extended hours as an additional "drinking up" time and left the premises in smaller groups throughout the extra hour rather than en-masse at normal closing. The benefits of that more relaxed approach by the customers will likely be less noise and congestion in town centres, easier access to public transport and a lesser requirement for police to monitor noisy, boisterous groups. There is also some suggestion that night-club patrons are not obliged to queue for entry for extended periods thus reducing the opportunities for frustration and flashpoints.</p>	<p>Highland Licensing Standards Officers</p>
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<p>This entire proposal seems to be based on some peculiar logic. There is widespread national consensus, and popular recognition, of the fact that Christmas and New Year ("the festive season") are a special period of public and private celebration when it is reasonable to permit licensed premises to extend their normal hours.</p> <p>But to use this as a precedent, or a justification, for the automatic presumption of similar extension approval at other times of year is misconceived for two reasons. First, it immediately undermines the "specialness" of the festive season as a period when late-opening is socially acceptable. Second, the "default position" of presumed consent is effectively an abdication of the principal responsibility of the Licensing Board to manage and control the operation of licensed premises in a way which safeguards, and strikes a balance between, the interests of licence holders and their customers on the one hand, and the wider community on the other.</p>	<p>Nairn West CC</p>
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<p>The proposal is deficient in two other respects. It fails adequately to define what might constitute a "special" or "major" or "significant" event. This leave the rules imprecise and the criteria undefined. How might the public, or indeed the licensees, understand how this proposed policy distinguishes between, say, outdoor events like Rock Ness and pop festivals; sporting events based around club premises, like a golf tournament; indoor events like Burns Suppers; and standard calendar dates.</p> <p>The presumption of approval also ignores the crucial question of venue. A key element in consideration of extended hours is the potential impact upon the immediate vicinity. In a town or city centre scenario, presumed consent to an extension of hours – if afforded to one licensed establishment – would then be invoked as a precedent for similar extensions to all others. The licensing board ought to be able to take a view on whether all – or how many – premises in a given locality should be permitted extensions.</p> <p>More serious is the scenario where licensed premises are located in a residential area. In such circumstances the presumption of automatic extended-hours approval, for whatever calendar dates the Board thinks are significant, would be totally unacceptable.</p> <p>A further practical problem is that this proposal, because it sets the default as presumed consent, removes the scope for the licensing authority to scrutinise the details of any particular event, and constrains the exercise of the critical tools which the Board should be using to manage extensions of hours properly – namely the imposition of Late Opening Conditions.</p> <p>In summary, this proposal is ill-judged, open to inconsistent interpretation and quite possibly unworkable in practice.</p>	<p>Nairn West CC (continued)</p>
<p>While generally agreeing that the Licensing Board should introduce a supplementary policy statement, any increase in extended terminal hours is incompatible with the recently introduced drink-drive limits.</p>	<p>Conon Bridge CC</p>

<p>We are generally supportive of extending the hours for truly national events to encourage tourism. So long and the Police, Health and other emergency services feel that the adverse impacts on them (of drink related adverse behaviour) are not too great.</p> <p>For more local events, we feel that the extensions should only apply to those areas.</p>	<p>Strathglass CC</p>
<p>It is understandable that businesses may want to have certainty in advance about the special events they are licensed to open for longer hours during the year and there is social demand for events. However similarly community councils and local residents/interests have a right to know in advance which premises will be given a regular or general (as opposed to individual events) licence for extended hours and for which events. This information should be published. And/or perhaps be subject to an initial consultation at the start of the year for the issuing of this licence.</p>	<p>Lochardil & Drummond CC</p>
<p>Alcohol abuse is a major problem in the community at large. I like a drink as much as anyone but for the sake of the population's health we need to promote sensible drinking. Extending routine licences for these various events / occasions appears to send out the message that the Council sees them as good excuses for overindulging. If people really want to have longer drinking hours then they already have the option to start their sessions earlier in the day.</p>	<p>Individual</p>

OTHER CONSULTATION RESPONSES:

1. TLT Solicitors, on behalf of Punch Partnership Limited, premises licence holder for:

- MacCallums, Inverness
- Gellions, Inverness
- Keg, Inverness
- Blacksmiths, Culloden
- Gunsmiths, Inverness
- Portree Hotel, Portree
- Isles Hotel, Portree
- Ferryboat, Ullapool
- Argyll Hotel, Ullapool
- Chieftain, Inverness
- Eagle Hotel, Dornoch

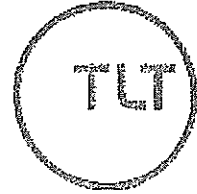
2. Greene King Brewing and Retailing Limited, premises licence holder for:

- Clachnaharry Inn, Inverness
- Claymore Bar, Grantown on Spey
- Jacko's, Nairn
- MacKenzies, Aviemore
- Mallard, Dingwall
- Tailrace Inn, Kinlochleven

3. Ramsay McGhee on behalf of Inverness, Highland and Islands Licensed Trade Association

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Direct tel +44 (0)333 006 1297 Date 18 February 2015
Direct fax +44 (0)141 353 7777 Email allison.smith@TLTsolicitors.com

Please note telephone calls may be recorded for training or regulatory purposes

Dear Sirs

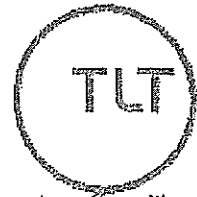
Highland Licensing Board Policy Consultation Concerning Seasonal Variations – Punch Partnership Limited

We write on behalf of our client, Punch Partnership Limited, who are the owner of a number of premises within the Highland Licensing Board jurisdiction. These premises are undernoted below. My clients are aware of the supplementary policy statement on extended hours report which was discussed at the meeting of the Board on 6th January 2015. My clients understand that the Board is conducting a consultation in relation to amending the Policy in respect of categorisation of local or national events in that it may be appropriate that these are subject to the same increase in hours which is given during the festive season.

As you may be aware, Punch Partnership Limited have granted their tenants authority to lodge extended hours applications directly and our understanding from them anecdotally is that they have a mixed response in relation to the success of applications for local events and indeed events which may have a national significance. We are also aware that the processing of extended hours applications may create a drain on resource for the Local Authority in relation to processing times, in that it may be advantageous to allow excepted hours to be contained within the seasonal variation section of the Operating Plan if the Board's position is that such hours should be granted for these prospective additional new events.

Punch Partnership Limited would support the proposition that additional special events should attract an extra hour of trading where the seasonal variations section of the Operating Plan caters for this. If the Board has minded to alter its policy then this would mean that such premises would not have to apply for extended hours applications and instead could rely on the Operating Plan as is and trade the additional hour if they wish. As the Board may be aware, our client's tenants trade their pubs in very difficult economic circumstances and it is encouraging to note that the Highland Licensing Board is open to considering a proposal which would appear to support responsibly run businesses. The latest statistics in relation to alcohol

Letter to Board with policy response



published on the 7th of January 2015 confirms that the on-sales sector continues to suffer with a startling 74% of all alcohol consumed in Scotland purchased from an off-sales premises and therefore it continues to be a difficult climate within which they operate Public House premises. We have also noted a downturn in footfall as a result of the recent changes in drink driving legislation.

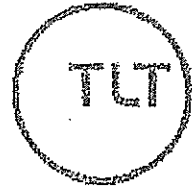
It is our view that the pub remains a very important part of the local community and for many can be a focal point of social interaction and enjoyment. The additional hours for special events throughout the year would be a welcome boost to these responsibly run premises in order to offer that greater facility to their customers who may wish to celebrate a slightly longer evening where there is a local holiday.

The Highland Licensing Board may also wish to be aware that a number of other Licensing Boards in Scotland do allow extended hours outside of the festive season as a part of the seasonal variations permission. Edinburgh Licensing Board famously allows the festival period to be taken as a seasonal variation within which all Public House Premises may open for an additional two hours. The Glasgow Licensing Board allows for a number of local holidays throughout the year including Easter and other local holidays such as the Glasgow Fair to be included within the seasonal variations section of the Operating Plan. There are other examples across the country of this.

Having considered the views of our clients' tenants we suggest that the following series of additional events should be considered in any new policy:-

1. Good Friday
2. Easter Sunday
3. Easter Monday
4. St Andrews Day
5. Halloween
6. Inverness Highland Games

We understand that in terms of the mechanics of any change, it may be the case that some Operating Plans will differ in that some may refer specifically to the Festive season where as others may suggest that the seasonal variations should apply to "any hours" available under the Board's policy. On that basis it may be the case that any change of policy would invite major variation applications for those premises which have tied their seasonal variations sections specifically to the Festive season. It may be appropriate to consider a special discounted fee for the lodgement of a Major Variation seeking to activate any additional seasonal variations. There is precedence for this elsewhere, e.g. in the South Lanarkshire (Lanark) Licensing Board a recent change of policy allowing premises to open at 11a.m. on a Sunday was processed with a specially reduced Major Variation fee of £150. It is accepted of course that any Major Variation under these circumstances would have to go through the usual processes and procedures and be subject to reports and potential representations or objections.



My clients wish to thank the Board for the opportunity to consider a positive steps and the opportunity to give their views in relation to this consultation.

Yours faithfully

TLT LLP

Note:-

MacCallums, 40 Union Street, Inverness, IV1 1PX
Gallions, Bridge Street, Inverness, IV1 1HD
Keg, 30-32 Baron Taylors Street, Inverness, IV1 1QG
Blacksmiths, Keppoch Road, Culloden, IV2 7LL
Gunsmiths, 30 Union Street, Inverness, IV1 1PX
Portree Hotel, Somerled Square, Portree, IV51 9EH
Isles Hotel, Somerled Square, Portree, IV51 9EH
Ferryboat, Shore Street, Ullapool, IV26 2UJ
Argyll Hotel, 18 Argyle Street, Ullapool, IV26 2UB
Chieftan, 2 Millburn Road, Inverness, IV2 3PS
Eagle Hotel, Castle Street, Dornoch, IV25 3SR



GREENE KING
BURY ST EDMUNDS

Our Ref:JJ

12th March 2015

RECORDED DELIVERY

The Clerk
Highland Licensing Board
Town House
High Street
Inverness
IV1 1JJ

Dear Sirs

**Highland Licensing Board
Policy Consultation Concerning Seasonal Variations – Greene King**

We write in response to the policy consultation concerning seasonal variations, we are the owner of a number of premises within the Highland Licensing Board jurisdiction. These premises are undernoted below. We are aware of the supplementary policy statement on extended hours report which was discussed at the meeting of the Board on 6th January 2015 and understand that the Board is conducting a consultation in relation to amending the Policy in respect of categorisation of local or national events in that it may be appropriate that these are subject to the same increase in hours which is given during the festive season.

As you may be aware, Greene King have granted our tenants authority to lodge extended hours applications directly and our understanding from them anecdotally is that they have a mixed response in relation to the success of applications for local events and indeed events which may have a national significance. We are also aware that the processing of extended hours applications may create a drain on resource for the Local Authority in relation to processing times, in that it may be advantageous to allow excepted hours to be contained within the seasonal variation section of the Operating Plan if the Board's position is that such hours should be granted for these prospective additional new events.

Greene King would support the proposition that additional special events should attract an extra hour of trading where the seasonal variations section of the Operating Plan caters for this. If the Board has minded to alter its policy then this would mean that such premises would not have to apply for extended hours applications and instead could rely on the Operating Plan as is and trade the additional hour if they wish. As the Board may be aware, our tenants trade their pubs in very difficult economic circumstances and it is encouraging to note that the Highland Licensing Board is open to considering a proposal which would appear to support responsibly run businesses. The latest statistics in relation to alcohol consumption in Scotland published on the 7th of January 2015 confirms that the on-sales sector continues to suffer with a startling 74% of all alcohol consumed in Scotland purchased from an off-sales premises and therefore it continues to be a difficult climate within which they operate Public House premises. We have also noted a downturn in footfall as a result of the recent changes in drink driving legislation.

It is our view that the pub remains a very important part of the local community and for many can be a focal point of social interaction and enjoyment. The additional hours for special events throughout the year would be a welcome boost to these responsibly run premises in order to offer that greater facility to their customers who may wish to celebrate a slightly longer evening where there is a local holiday.

The Highland Licensing Board may also wish to be aware that a number of other Licensing Boards in Scotland do allow extended hours outside of the festive season as a part of the seasonal variations permission. Edinburgh Licensing Board famously allows the festival period to be taken as a seasonal variation within which all Public House Premises may open for an additional two hours.

GREENE KING PUB PARTNERS

Westgate Brewery / Bury St Edmunds / Suffolk IP33 1QT

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Greene King Pub Partners is a division of Greene King Brewing and Retailing Limited, a company registered in England and Wales with registered number 3298993.
Registered office as above.

The Glasgow Licensing Board allows for a number of local holidays throughout the year including Easter and other local holidays such as the Glasgow Fair to be included within the seasonal variations section of the Operating Plan. There are other examples across the country of this.

Having considered the views of our tenants we suggest that the following series of additional events should be considered in any new policy:-

1. Good Friday
2. Easter Sunday
3. Easter Monday
4. St Andrews Day
5. Halloween
6. Inverness Highland Games

We understand that in terms of the mechanics of any change, it may be the case that some Operating Plans will differ in that some may refer specifically to the Festive season where as others may suggest that the seasonal variations should apply to "any hours" available under the Board's policy. On that basis it may be the case that any change of policy would invite major variation applications for those premises which have tied their seasonal variations sections specifically to the Festive season. It may be appropriate to consider a special discounted fee for the lodgement of a Major Variation seeking to activate any additional seasonal variations. There is precedence for this elsewhere, e.g. in the South Lanarkshire (Lanark) Licensing Board a recent change of policy allowing premises to open at 12a.m. on a Sunday was processed with a specially reduced Major Variation fee of £150. It is accepted of course that any Major Variation under these circumstances would have to go through the usual processes and procedures and be subject to reports and potential representations or objections.

We would like to thank the Board for the opportunity to consider a positive steps and the opportunity to give our views in relation to this consultation.

Yours faithfully
for and on behalf of Greene King Pub Partners

June Jones
Compliance & Commercial Manager

Note:-

Clacknaharry Inn, 17/19 High Street, Clacknaharry, IV3 8RB
Claymore Bar, 12 High Street, Grantown on Spey, PH26 3HB
Jacko's, 44 Harbour Street, Nairn, IV12 4NU
MacKenzies, 125 Grampian Road, Aviemore, PH22 1RL
Mallard, Station Square, Dingwall, IV15 9JD
Tailrace Inn, Riverside Road, Kinlochleven, PH50 4QH

Susan Blease

From: Ramsay McGhee [redacted]
Sent: 16 April 2015 11:34
To: Susan Blease
Subject: RE: HLB extended hours consultation

Dear Susan
I have circulated the proposals to members of the Licensed Trade Executive but have had no response. Working on the principle that I have received no adverse comments then the Association are happy to go with the proposals.
Kindest regards
Ramsay

From: Susan Blease [mailto:Susan.Bleaze@highland.gov.uk]
Sent: 04 March 2015 15:27
To: [redacted]
Subject: HLB extended hours consultation

Dear Ramsay

The Highland Licensing Board consultation document and questionnaire on the possible introduction of a supplementary policy statement on extended hours for special events of local or national significance is now available to download as a Word document on the Council's website at

http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/339/liquor_licence/8

There is a six-week period for response (deadline 17 April 2015) and I look forward to receiving any response the Inverness, Highland and Islands Licensed Trade Association may wish to submit in due course. Responses will be reported to the Board at its meeting on 12 May 2015.

Regards
Susan

Susan Blease
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