

## **Forum submission in respect of the Highland Licensing Board Policy Statement.**

### **1/. Children and Young Persons access.**

It has become noticeable through a number of recent applications to the Board that Children's access to many Premises which are primarily food led is being requested in Operating Plans to be unaccompanied. This seems to reflect that Children of secondary school age are of sufficient maturity to enter Premises to purchase food and soft beverages without an accompanying adult.

Premises which do not have a wet sales bar but serve customers by way of table service only seem particularly suited to this, Pizza Hut, Nando's Frankie and Benny's and others to name but a few of a growing trend of family and youth friendly restaurants. It seems a perfectly safe environment for children of secondary school age( 12 years and above) to access unaccompanied and preserve the ethos of the fifth Licensing Objective of Protecting Children and Young Persons from harm.

It is suggested that the Board may wish to produce guidance within their Policy Statement allowing persons aged 12 and above to access premises unaccompanied which are food led and have no bar counter which provides a drinking location for customers particularly up until a cut off time of say 21.00hrs. Criteria for consideration would be food led, no bar counter, and whether there was a designated seating area for children /young persons.

### **2/. Premises holding a Provisional Licence opening prior to Confirmation of Premises Licence.**

It is requested that the Board give consideration to developing a policy in circumstances where Operators who have secured a Provisional Premises Licence but are not quite ready to Confirm their Licence can apply for Occasional Licences. Due cognisance requires to be given to the Licensing Objectives particularly Objective 2 concerning Public Safety; the condition of the Premises requires to be suitable for use in respect of the sale of alcohol(section 59(6)(d)(ii)).

Applications for early opening are commonly made by way of an Occasional Licence Application it is suggested that any policy should require submission by the Applicant a Section 50 certificate from Building Standards, or a permission for the temporary occupation or use of the premises under section 21(3) of the Building(Scotland)Act 2003 as sufficient evidence of the premises suitability to be open for business.

### **3/. Best Practice Voluntary Organisations .**

Many Voluntary Organisations utilise Occasional Licences as a way on assisting fund generation from events. Several of these are on a repeat basis. The Forum would wish the Highland Licensing Board to consider recommending within the Licensing Policy Statement that those Voluntary Organisations who yearly use their full quota or a substantial part of their quota of Occasional Licences should either get a designated person to undertake a Personal Licence holders course and thereafter

training volunteers who will regularly run the bar at functions, or alternatively the Voluntary Organisation should arrange for the 2 hour Licensing Training required by staff working in licensed premises be given to a cadre of volunteers who will service bars on behalf of the Organisation.

Such best practice should hopefully ensure regular bars run by Voluntary Organisations are run in accord with the Licensing Objectives and to a standard in line with the general licensed trade.

#### **4/. Staff Training Records at Outdoor events.**

In the Highlands many outside events are held under the Authority of Occasional Licences in respect of bar provision. A current Local Licensing Condition Q can be placed on Occasional Licences, largely those applied for by a Premises or Personal Licence holder to provide staff to sell or serve alcohol who have completed two hours Licensing Training as specified in regulations. The Forum wishes the Board to introduce a further local condition requiring a copy of the members of staff training record to be kept on site for the duration of the Occasional Licence. This would help assist the integrity of Licensing checks carried out by the Police and LSO's and support the Licensing Objectives.

#### **5/Policy - Distilleries.**

In recent years there has been a substantial increase in the number of traditional and new businesses distilling spirits and craft beers offering tours of their premises and more specialist tasting sessions for connoisseurs.

In terms of the Licensing (Scotland) Act 2005 premises fall within fees category 1 if their main function is to provide a visitor attraction and any sale of alcohol ( which must be for consumption off the premises) is considered to be incidental to other activities carried out on the premises.

The term "visitor attraction" is not defined in the Act and the Board has used the British Tourist Authority's broadly accepted definition " The attraction must be permanently established excursion destination, a primary purpose of which is to allow public access for entertainment, interest, and education, rather than being primarily a retail outlet, or a venue for sports, film, or theatrical performances. It must be open to the public without prior booking, and should be capable of attracting day visitors or tourists" when considering relevant matters.

It is now common place for such visitor attractions to choose to sell alcohol for consumption on the premises to allow for the sale of samples over and above those which may normally be included wholly free as part of a tour of the premises and, as such, fewer premises now choose to remain within Category 1 for fee purposes.

Board policy hours for on-sales are, generally 1100 hrs to 0100 hrs the following day and off-sales hours set by the Scottish Government are 1000 to 2200 hrs daily. Premises which are substantially food-led may sell alcohol for consumption on the premises from 0900 hrs in accordance with the terms of the Board's policy for licensed core hours in food-led operations.

In support of general tourist trade and an increase in cruise ship visits and excursions many distilleries wish to accommodate tours commencing prior to 1000 hrs and the Board has accepted,

on a case by case basis, that the sale of alcohol for consumption on the premises prior to 1100 hrs may be reasonable if the sale is linked to participation in a formal tour or tasting session.

It is also now increasingly common for specialist off-sales shops to offer tasting sessions on their premises subject to appropriate details being included in their premises licence operating plan

It may now be appropriate for Board policy to include a specific reference to distillery and like premises and specialised off-licences in respect of their licensed hours to assist licence holders and applicants. Any change to current licensed hours for on-sales will have to be made by application for a non-minor variation.

## Suggested policy

### 2. Premises Licence Core Hours

#### 2.1 Alcohol Producers and Specialist off-sales providers.

These are premises which, in respect of alcohol producers, are a destination falling within the broad definition of a visitor attraction and which are permitted to sell alcohol by on-sales and off-sales.

On-sales of alcohol may be permitted from (0900 hrs) on any day provided that such a sale is a part of a formal tasting or sampling session and a condition to that effect may be imposed.

#### Specialist Off-sales Providers

These are retail premises which are exclusively or mainly stocked with alcoholic products for sale for consumption off the premises and offer tutored tasting and sampling of products on the premises and in respect of which a charge may be made for the product.

On-sales of alcohol may be permitted from 1000 hrs on any day provided that such a sale is a part of a formal tasting or sampling session. And a local condition to that effect may be imposed. Licence holders are encouraged not to offer free samples of alcoholic products prior to 1000 hrs whether or not as a part of a formal tasting or sampling session.

It should be noted that weights and measures regulations relating to the sale of certain spirits and other alcoholic products may apply and advice or guidance should be sought from Highland Council Trading Standards.

## **6/.FESTIVE PERIOD EXTENDED HOURS POLICY 2018/19.**

Applications to extend permitted hours to the following terminal hours over the Festive Period 2016/17 will generally be granted unless, in any particular case, the Board consider that there are material reasons to refuse the application:

Description of Premises:

Terminal Hour: Period which may be applied for:

Late night opening premises

(as defined in section 2.1 of the Board's Policy Statement 2013-18)

0400 hrs From Friday 14 December 2018 (allowing extensions to licensed hours commencing Thursday 13 December into Friday 14 December);

To Thursday 3 January 2018 (allowing extensions to licensed hours commencing on Wednesday 2 January into Thursday 3 January only).

Other on-sales premises

0200 hrs

- Premises which have, within the 'Seasonal Variations' section of their operating plan, a statement to the effect that they will open for such extended hours as the Board has agreed for the festive period (above) will not require to lodge applications for festive period terminal hours but should give notice as detailed below.

- Premises licences which include such statements in their operating plan are requested, however, to submit to the Board and to Police Scotland, prior to 1 December 2018, notice of the dates within the festive period on which it is intended that the premises open until the festive period terminal hour for that category of premises. Please note that for certain premises, this notice requirement is a condition of the premises licence and accordingly must be adhered to.

- All other premises must lodge extended hours applications if they wish to open for the festive period hours. A large number of applications are likely to be received, all of which require to be referred to Police Scotland and the Licensing Standards Officer, who have up to 10 days to respond before they can be determined. Therefore you are advised to lodge your completed

application(s) by no later than Friday 23 November 2017. Applications received after this date may not be processed in time.

- The application fee for an Extended Hours application for the festive period is £10.00.