

## The Highland Licensing Board

Meeting – 18 January 2019

Agenda Item	6
Report No	HLB/003/19

### Supplementary policy statement on extended hours during the festive period

#### Report by the Clerk to the Licensing Board

##### Summary

This report invites the Board

- a) to consider the responses received during the recent consultation on a draft supplementary policy statement on extended hours during the festive period, and
- b) to decide whether to adopt this as a supplementary policy statement applicable from the 2019/2020 festive period onwards.

#### 1. Background

- 1.1 On 24 September 2018, the Board agreed the terms of its Policy Statement 2018-2023. This came into effect on 4 November 2018.
- 1.2 In the course of debate on the full Policy Statement, the Board agreed to leave the current policy on extended hours for the festive period unchanged for the festive period 2018/2019, but to consider changing this policy for festive periods in future years.

#### 2. Current policy

- 2.1 Current policy provides that extended hours will generally be granted for on sales of alcohol over a period of approximately three weeks over the festive period. The precise period is identified each year by the Clerk, agreed in consultation with the Convener of the Board and publicised to the licensed trade from around end August each year to give them ample time to lodge applications for any festive period extended hours they seek. In 2018/19, the period has been agreed and publicised as:
  - From Friday 7 December 2018 (allowing extensions to licensed hours commencing Thursday 6 December into Friday 7 December)
  - Until Wednesday 2 January 2019 (allowing extensions to licensed hours commencing on Tuesday 1 January into Wednesday 2 January)

2.2 The extended hours which are generally granted are fixed in the Policy Statement and are:

- To 0400 hours (instead of 0300 hours) at late opening premises (i.e. premises offering significant entertainment from no later than 2200 hours) if significant entertainment is being offered in the premises and the consumption of alcohol is ancillary to this.
- To 0200 hours (instead of 0100 hours) at all other on sales premises (pubs, hotels, restaurants, etc).

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

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

### **3. Proposed new policy**

3.1 To address these issues, consultation was carried out in November and December 2018 on a draft supplementary policy statement in the terms set out at subparagraphs 3.1.1 to 3.1.3 below. This was with the intention that, if adopted, this supplementary policy will supersede the section of the existing festive period policy relating to hours (the third paragraph of Section 2.3 of the Policy Statement 2018-2023) with effect from the 2019/2020 festive period onwards. These amended terms are considered to better support the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance, as they will allow Police Scotland to better direct resources on Sundays to Wednesdays during the festive period.

#### **3.1.1 Late opening premises**

These are premises currently licensed for on sales on Sunday, Monday, Tuesday and Wednesday up to 0100 hours the following morning and on Thursday, Friday and Saturday up to 0300 hours the following morning (if significant entertainment is being provided from no later than 2200 hours).

These premises will generally be granted the following extended hours on the following days within the festive period dates identified annually by the Board, unless the Board considers that there are material reasons to refuse to grant these hours:

- **on Thursdays, Fridays and Saturdays, and on Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day** (irrespective of which days of the week these fall on) –
  - sale of alcohol for consumption on the premises may be permitted up to **0400 hours** the following morning if significant entertainment (as defined at section 2.1 of the Board's main Policy Statement 2018-2023) is being provided in the premises continuously from no later than 2200 hours on these days, and
  - if no significant entertainment (as defined in section 2.1. of the Board's main Policy Statement 2018-2023) is being provided in the premises continuously from no later than 2200 hours on these days, sale of alcohol for consumption on the premises may be permitted up to **0200 hours** the following morning.

### 3.1.2 **Other on sales premises**

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

These premises will generally be granted the following extended hours on the following days within the festive period dates identified annually by the Board, unless the Board considers that there are material reasons to refuse to grant these hours:

- **on Thursdays, Fridays and Saturdays, and on Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day** (irrespective of which days of the week these fall on)
  - sale of alcohol for consumption on the premises may be permitted up to **0200 hours** the following morning.

### 3.1.3 **All on sales premises**

**On Sundays, Mondays, Tuesdays and Wednesdays** falling within the festive period dates identified annually by the Board, and unless Christmas Eve, Christmas Day, Boxing Day, Hogmanay or New Year's Day fall on any of these days of the week, extended hours sought by reason only of it being the festive season will not generally be granted. Applicants seeking extended hours on any of those days of the week will require to show that the additional hours are required for some other special event or occasion to be catered for on the premises, or for a special event of local or national significance other than just the fact that it is the festive season.

#### 4. Other policy terms

In all other respects (apart from the above restrictions), the terms of the Board's current festive period policy, as set out in its full Policy Statement 2018-2023 would apply, with appropriate modifications to align with the above new restrictions. In summary, these terms are as follows:

- the Clerk to the Board, in consultation with the Convener of the Board, will fix annually the specific dates between which the festive period extended hours will generally be granted;
- additional conditions, such as conditions equivalent to the late opening mandatory conditions set out at Appendix 6 of the Board's full Policy Statement, may be imposed by the Board when granting applications to extend hours beyond 0100 hours if the Board considers this necessary or expedient for the purposes of any of the licensing objectives;
- licence holders who do not have, within the "seasonal variations" section of their policy statement, a statement to the effect that they will open for the festive extended hours on the dates supported by the Board's festive period policy, will continue to require to lodge applications under section 68 of the Licensing (Scotland) Act 2005 requesting these hours, but these applications should be restricted to the particular days identified in the proposed supplementary policy statement;
- licence holders who do have such a "seasonal variation" statement in their operating plan will still require only to give notice of their intention to open during the festive period dates for the hours agreed annually by the Board, but the days on which they may open for these hours will be restricted to those identified in the proposed supplementary policy statement;
- given the large number of extended hours applications received each year for the festive period, and the timescales for the Board's statutory consultations on these applications, licence holders should lodge their applications by no later than 1 December each year, and
- over the festive period, the Board's policy on festive extended hours will be treated also as the policy on hours for occasional license applications in respect of unlicensed premises, but only in accordance with the days identified within this proposed supplementary policy statement.

#### 5. Consultation responses

- 5.1 During the consultation period (7 November to 15 December 2018), written responses were received from Police Scotland, NHS Highland, Inverness Pub Watch, Lochcarron Community Council and Wick Community Council. These responses are attached at **Appendix 1**. With the exception of the response from Lochcarron Community Council, these written responses were fully in support of the terms of the proposed supplementary policy statement.

5.2 In addition, at the annual joint meeting of the Highland Licensing Forum and the Highland Licensing Board on 4 December 2018, the Forum Chairman and other Forum members present confirmed verbally that they were in support of the proposed supplementary policy statement.

### **Recommendation**

The Board is invited to agree that the terms set out at subparagraphs 3.1.1 to 3.1.3. of this report be adopted as a supplementary policy statement superseding the third paragraph of section 2.3 of the Board's Policy Statement 2018-2023 with effect from the festive period 2019/20 onwards.

Date: 18 December 2018

Author: Susan Blease

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

Appendices: Appendix 1 – Consultation responses

**Susan Blease**

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**From:** Gray, Bruce <Bruce.Gray@scotland.pnn.police.uk>  
**Sent:** 07 November 2018 12:02  
**To:** Susan Blease; Licensing, Highlands and Islands  
**Cc:** Williamson, James  
**Subject:** RE: Consultation on proposed changes to festive period policy

Hi Susan,

Ian Cox sent me a copy of this previously and I think it's fantastic, it has the full backing of Police Scotland N Division. I've also distributed it to the 3 area commanders who cover the Highland, they likewise are fully supportive of it.

Regards,

Bruce.

=====  
Sergeant 183 Bruce Gray  
Liquor and Civic Government Licensing  
Highland & Islands Division  
Divisional Headquarters  
Old Perth Road  
Inverness  
IV2 3SY  
Airwave number - 6851183  
[Bruce.Gray@scotland.pnn.police.uk](mailto:Bruce.Gray@scotland.pnn.police.uk)

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**From:** Susan Blease [<mailto:Susan.Blease@highland.gov.uk>]  
**Sent:** 07 November 2018 11:55  
**To:** Gray, Bruce; Licensing, Highlands and Islands  
**Cc:** Williamson, James  
**Subject:** Consultation on proposed changes to festive period policy

Dear Bruce

Please see attached consultation on proposed changes to the Board's policy on extended hours during the festive period which, if adopted, would restrict extensions of hours during the festive period to Thursdays, Fridays, Saturdays (and Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day if these fall on other days of the week). This would become a supplementary policy statement and would have effect from festive period 2019/20 onwards.

Please treat this email as the Board's formal consultation with Police Scotland under section 6 of the Licensing (Scotland) Act 2005.

I look forward to receiving any comments which Police Scotland may wish to make on the proposed changes. The deadline for submitting comments is 15 December 2018.

Kind regards  
Susan

**Susan Blease**  
**Principal Solicitor - Regulatory Services**  
**The Highland Council**  
**Council Offices, High Street**  
**Dingwall, IV15 9QN**

**Susan Blease**

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**From:** Ian Cox  
**Sent:** 07 December 2018 17:45  
**To:** Susan Blease  
**Subject:** FW: Review Of Festive Hours Licensing Policy from 2019.

Another response to add to those already gathered.

I have answered the evaluation question.

Regards.

Ian

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**From:** SMART, Elisabeth (NHS HIGHLAND) [mailto:elisabeth.smart@nhs.net]  
**Sent:** 07 December 2018 10:18  
**To:** Ian Cox  
**Subject:** RE: Review Of Festive Hours Licensing Policy from 2019.

Hi Ian – I have circulated the review of festive hours policy to the HADP strategy group and had little feedback (although police have responded independently). I am in support of the proposed changes but am interested in how the changes will be evaluated. Perhaps the Licensing Forum can ask for a report?

Thank you. Liz

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**From:** Ian Cox [mailto:Ian.Cox@highland.gov.uk]  
**Sent:** 12 November 2018 10:28  
**To:** Bruce Gray; Esme Leitch - High Life Highland; MACARTHUR, Carol (NHS HIGHLAND); David Inglis; STEWART, Deborah (NHS HIGHLAND); Donald Lawson [REDACTED]; SMART, Elisabeth (NHS HIGHLAND); GUNN, Gillian (NHS HIGHLAND); Ian Cox; Joanne Sutherland; Pat Hayden; Ramsay Mcghee [REDACTED]; Sharon Williamson [REDACTED]; [REDACTED] Ina Davies; Robb, Colin  
**Subject:** Review Of Festive Hours Licensing Policy from 2019.

Dear Colleagues,

Please see attached, which proposes an amendment to the current festive hours policy operated by Highland Licensing Board.

I believe excellent capacity to trade is offered by the amended Policy, whilst at the same time cutting back on the number of hours that alcohol is available, which from a health perspective and Police resourcing is desirable.

I should be interested on you views which will thereafter be fed back to the Clerk of the Licensing Board.

Best Regards.

Ian

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**Èisteachd \* Fosgailte \* Luach \* Leasachadh \* Taic \* Com-pàirteachas \* Libhrigeadh**

# safeinverness Pub Watch

Inverness Pub Watch  
C/o Inverness BID  
17 Queensgate  
Inverness  
IV1 1DF

Susan Blease  
Principal Solicitor – Regulatory Services  
Highland Council  
High Street  
Dingwall  
IV15 9QN

28<sup>th</sup> November 2018

Dear Ms Blease,

## **HIGHLAND LICENSING BOARD – CONSULTATION ON PROPOSED SUPPLEMENTARY POLICY STATEMENT ON EXTENDED HOURS DURING THE FESTIVE PERIOD**

On behalf of Inverness Pub Watch and Inverness BID Ltd can I thank you for the opportunity to comment on the new proposals contained within the draft Supplementary Policy Statement on Extended Hours During the Festive Period beyond 2018.

Following discussions with our Pub Watch Members we would like to comment as follows on the Terms of the Supplementary Policy as circulated: -

**BACKGROUND** – We note and welcome the general substance of and rationale behind what we believe are sensible proposals to retain the existing extended hours period within the new Supplementary Policy Statement, but to limit the days of operation of said extended hours if granted, whilst allowing premises who have a need for such extensions on other days to make separate application to cater for such events that meet the criteria.

### **TERMS OF SUPPLEMENTARY POLICY STATEMENT**

**Paragraph 1 – Festive Period Hours** – We note the intention of the Supplementary Policy to apply from the Festive Period 2019 which allows for Licensed Premises to progress plans for this year 2018.

**Paragraph 1.1 – Late Opening Premises** – We note and can accept the proposed policy on the maintaining of the extended hours period but the restricting of said extensions to a Thursday, Friday and Saturday and on the other identified days of Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day. Members were particularly pleased regarding the inclusion of the Festive Holiday Days irrespective of the day on which they fell.



**Paragraph 1.2 – Other On-Sales Premises** – We note and can accept the proposed Policy which aligns and brings parity to the maintaining of the extended hours period but the restricting of said extensions over the identified days similar to that for Late Opening Premises.

**Paragraph 1.3 – All On-Sales Premises** – We note and can accept the proposals on the restrictions to the granting of extended hours routinely for the Festive period, and the conditions placed upon Applicants to show just cause for any extension to cater for a Special Event or Occasion on a Sunday, Monday, Tuesday and Wednesday, save for when Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day fall on said days, which provides an ability for any premise to make separate application for such events should they require.

**Paragraph 2 – Other Policy Terms** - We note and accept the maintaining of the current Festive Period Policy Terms, save for to cater for the amended proposed restrictions as outlined.

That said, Inverness Pub Watch would request clarity around the imposition of additional conditions (Second bullet point) that may be imposed, such as conditions equivalent to the Late Opening Mandatory Conditions, particularly Condition 1 relating to the requirement for First Aid Trainers. Some premises do not, either as policy or by default, have trained personnel on their staff, and therefore cannot meet this condition. If the Festive Extended Hours are subsequently granted without such conditions being applied, there is an anomaly in terms of the standing conditions and the rationale for such being applied to Late Opening Premises who regularly operate to 0300hrs and those who do not normally open beyond 0100hrs.

This issue has been raised by Late Opening Premises, who require to meet the expense and resource commitment to ensure their compliance with a mandatory condition that other Premises do not need to adhere to.

Regards

John McDonald  
Community Safety Manager  
Inverness BID

Don Lawson  
Chairman  
Inverness Pub Watch

**Susan Blease**

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**From:** [REDACTED]  
**Sent:** 14 November 2018 16:11  
**To:** Susan Blease  
**Cc:** lohcarroncommunitycouncil@hotmail.com  
**Subject:** Festive hours policy

Dear Susan Blease

Lohcarron Community Council considered the proposals in relation to the above and only wishes to state that the possible increase of licencing hours in some years when Christmas falls at the beginning of a week is hardly conducive to the Scottish Government's stated aim to reduce the incidence of alcoholism!

Yours sincerely

Roger Cundiff

Treasurer

Lohcarron Community Council

**Susan Blease**

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**From:** John Bogle <secretary@wickcommunitycouncil.com>  
**Sent:** 10 December 2018 20:33  
**To:** Susan Blease  
**Subject:** Re: Highland Licensing Board consultation on festive period policy

I write on behalf of the Royal Burgh of Wick Community Council to advise that we are in support of the proposed changes.

John Bogle

On Wed, Nov 7, 2018 at 12:04 PM Susan Blease <[Susan.Blease@highland.gov.uk](mailto:Susan.Blease@highland.gov.uk)> wrote:

Dear Community Council

Please see attached consultation on proposed changes to the Highland Licensing Board's policy on granting extended opening hours at on sales premises during the festive period. If adopted, this policy would restrict extensions of hours during the festive period to Thursdays, Fridays, Saturdays (and Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day if these fall on other days of the week). This would become a supplementary policy statement and would have effect from festive period 2019/20 onwards.

I look forward to receiving any comments which your Community Council may wish to make on the proposed changes. The deadline for submitting comments is 15 December 2018.

Kind regards

Susan

**Susan Blease**  
**Principal Solicitor - Regulatory Services**  
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