

AGENDA ITEM NO 5

REPORT NO LB 42/16

SPECIAL ANGUS LICENSING BOARD – 17 JUNE 2016

EXTENDED HOUR OVER CHRISTMAS AND NEW YEAR

REPORT BY SHEONA C HUNTER, CLERK TO THE LICENSING BOARD

ABSTRACT

The purpose of this Report is to invite the Board to note the representations received by the Board in respect of extended hours over Christmas and New Year at the joint meeting of the Board and Angus Licensing Forum on 5 November 2015; and determine whether the Board should consider publishing a supplementary Statement of Licensing Policy in respect of extended hours over Christmas and New Year.

1. RECOMMENDATION

It is recommended that the Board:-

- (i) note the representations received by the Board in respect of extended hours over Christmas and New Year at the joint meeting of the Board and Angus Licensing Forum on 5 November 2015; and
- (ii) determine whether the Board should consider publishing a supplementary Statement of Licensing Policy in respect of extended hours over Christmas and New Year.

2. BACKGROUND

- 2.1 The Board's current Statement of Licensing Policy was approved by the Board at its meeting on 26 September 2013. This Statement was originally intended to have effect for a period of three years. However, changes to the Licensing (Scotland) Act 2005, brought about by the Air Weapons and Licensing (Scotland) Act 2015, mean that the Board's Statement of Licensing Policy does not require to be reviewed until November 2018 at the latest.
- 2.2 Paragraph 6.9 of the current Statement relates to extended hours over Christmas and New Year and provides:-

“6.9 In respect of the extension of hours on Christmas Eve, Christmas Day, Hogmanay and New Years' Day, the Board will permit on sale premises one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Years' Day. However, the Board will not permit this extension of hours if it would result in premises trading beyond 2am. If applicants wish to take advantage of this relaxation, they should include provision for it in their Operating Plan, or apply for an extension of hours in terms of Sections 67 to 70 of the Act.”
- 2.3. The annual joint meeting of the Board and the Angus Licensing Forum took place on 5 November 2015. At that meeting representations were made to the Board by members of the Forum in respect of its Policy on extended hours over Christmas and New Year. In particular:-
 - (i) Whilst premises had extended hours on Christmas Day and New Year's Day, many premises did not use these and did not open on these days,
 - (ii) Given (i) above, could premises swap the days on which they would be entitled to extended their hours of opening over the festive period; and

- (iii) Could the Board re-consider its Policy in general in respect of extended hours over Christmas and New Year.
- 2.4. In respect of these comments, the Assistant Clerk, with the approval of the Convener, undertook to submit a report to the next meeting of the Board.
- 2.5. A report on this matter was duly submitted to the Board at its meeting on 7 January 2016 (Report LB 2/16 refers). At that meeting the Board agreed that further discussions take place following the Angus Licensing Board Meeting held on 31 March 2016 regarding the extended hours over Christmas and New Year and that a report be submitted to a future Board meeting on the outcome of these findings.
- 2.6. Following the meeting of the Licensing Board on 31 March 2016, an informal discussion took place on this issue. Various issues were discussed and considered, including:-
- (i) Information on other Board's policies compiled by the Licensing Standards Officer (and attached hereto, for completeness, as Appendix 1),
 - (ii) Possible options available to the Board in respect of extended hours at Christmas and New Year, including:-
 - (a) The status quo;
 - (b) A blanket extension of hours throughout the month of December; and
 - (c) Granting premises the same hours they would have on a Friday and Saturday night on Christmas Eve, Christmas Day, Hogmanay and New Year's Day.

It was agreed that a further report would be submitted to the Board for further consideration.

- 2.7. The Licensing (Scotland) Act 2005 permits Licensing Boards to produce Supplementary Statements of Licensing Policy during the period in which the principal Statement has effect. This Supplementary Statement can clarify or amend the principal Statement or address issues not referred to therein.

In preparing a supplementary licensing policy statement, a Licensing Board must—

- (a) ensure that the policy stated in the statement seeks to promote the licensing objectives; and
- (b) consult:-
 - (i) the Local Licensing Forum for the Board's area;
 - (ii) if the membership of the Forum is not representative of the interests of all of the following:-
 - (a) holders of premises licences and personal licences;
 - (b) the chief constable;
 - (c) persons having functions relating to health, education or social work;
 - (d) young people; and
 - (e) persons resident within the Forum's area,then the Board must consult with such persons as appear to the Board to be representative of those interests of which the membership is not representative.
- (iii) the relevant health board; and
- (iv) such other persons as the Board thinks appropriate.

- 2.8 If the Board is minded to consider publishing a supplementary licensing policy statement then the following will be consulted directly:-
- (i) Angus Child Protection Committee
 - (ii) Angus Adult Protection Committee
 - (iii) The Chief Constable
 - (iv) NHS Tayside
 - (v) Angus Council – Children and Learning
 - (vi) Angus Health and Social Care Partnership
 - (vii) Angus Local Licensing Forum
 - (viii) Angus Drug and Alcohol Partnership
- 2.9 In addition to the above, it is proposed that the consultation exercise will be the subject of a press release and comments will be invited on the Have Your Say section of the Council's website.

3. **FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from this report.

NOTE: No background papers were relied on to a material extent in preparing the above report.

L&DS/SCH/DT