

AGENDA ITEM 4

REPORT NO LB 57/16

ANGUS LICENSING BOARD – 3 NOVEMBER 2016

EXTENDED HOURS OVER CHRISTMAS AND NEW YEAR

REPORT BY SHEONA C HUNTER, CLERK TO THE 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 in response to public consultation between 7 July 2016 and 31 August 2016; 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;
- (ii) note the representations received by the Board in respect of extended hours over Christmas and New Year submitted in response to public consultation between 7 July 2016 and 31 August 2016;
- (iii) 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. The 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 Years' 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 extend 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 Angus 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
- (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 A further report was duly submitted to the Board at its meeting on 17 June 2016 (Report LB 42/16 refers). At that meeting the Board agreed to publicly consult with specified consultees narrated within Report 42/16.

2.8 In accordance with the decision of the Board, between 7 July 2016 and 31 August 2016, the online consultation database "Have Your Say" welcomed views on whether the Angus Licensing Board should change its policy on the extension of hours at Christmas and New Year. Possible scenarios were outlined and included:-

- (a) maintaining the status quo
- (b) a blanket extension of hours throughout the month of December
- (c) granting premises the same hours they would have on a Friday and Saturday night on Christmas Eve, Christmas Day, Hogmanay and New Years' Day or
- (d) moving the days when premises can open later (e.g. from Hogmanay and New Years' Day to the Friday and Saturday night before Christmas Eve)

One response was received which contains a note of the representation. A copy of the representation will be circulated to members for consideration.

2.9 Information regarding the consultation and a request for views via "Have Your Say" was posted on Angus Council's Facebook and Twitter page.

2.10 Additionally, the following consultees were contacted directly, by letter, on 7 July 2016:-

- (a) The Chief Constable of Police Scotland (c/o Sergeant I Bethway)
- (b) Angus Child Protection Committee
- (c) Angus Adult Protection Committee
- (d) NHS Tayside
- (e) Angus Council – Children and Learning
- (f) Angus Health and Social Care Partnership
- (g) Angus Local Licensing Forum
- (h) Angus Drug and Alcohol Partnership
- (i) Communities
- (j) Scottish Licensed Trade Association.

Four responses were received which contain notes of representation. Copies of the representations will be circulated to members for consideration.

2.11 If considering the preparation of a supplementary licensing policy statement, the Licensing Board must ensure that the policy stated in the statement seeks to promote the licensing objectives.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report.

L&DS/SCH/TM