

# **Falkirk Council Licensing Board**

## **Licensing (Scotland) Act 2005**

### **Consultation on a Proposed Supplementary Statement of Licensing Policy**

#### **Festive Trading**

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## **Contents**

1. INTRODUCTION
2. SUPPLEMENTARY STATEMENT OF LICENSING POLICY

## **1. INTRODUCTION**

- 1.1 The Licensing (Scotland) Act 2005 (“the Act”) makes provision for regulating (a) the sale of alcohol and (b) licensed and other premises on which alcohol is sold.
- 1.2 The administration of alcohol licensing is carried out by Licensing Boards and section 6 of the Act requires all Licensing Boards to publish a statement of their licensing policy with respect to the exercise of their functions under the Act. The Board’s last Statement of Licensing Policy has effect from 3 February 2016.
- 1.3 In preparing a policy statement, each Licensing Board must ensure that it seeks to promote the five licensing objectives set out in section 4 of the Act. The objectives are:
  - preventing crime and disorder
  - securing public safety
  - preventing public nuisance
  - protecting and improving public health, and
  - protecting children and young persons from harm.
- 1.4 In exercising its functions under the Act, the Board is required to have regard to its Statement of Licensing Policy and any supplementary licensing policy statement published by the Board in relation to that period. It must also have regard to any guidance issued by the Scottish Ministers under section 142 of the Act.
- 1.5 The Board, at its meeting on 21 March 2018, agreed to consider publishing a supplementary Statement of Licensing Policy in respect of Festive Trading.
- 1.6 In preparing a supplementary Statement of Licensing Policy, a Licensing Board must –
  - Ensure that the policy seeks to promote the licensing objectives, and
  - 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 the persons specified in paragraph 2(6) of schedule 2 to the Act, such person or 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. SUPPLEMENTARY STATEMENT OF LICENSING POLICY

- 2.1 The Board's current policy position in respect of Festive Trading is in paragraph 11.8 of the Board's Statement of Licensing Policy and states:

“Festive Trading

11.8 The Board recognises that during the period leading up to Christmas Day and New Year's Day many residents may wish to celebrate by attending festive events and that many such events have become regular fixtures in the social life of the community. The Board wishes to recognise this by continuing its long held practice of permitting an extra hour of trading for all premises during the festive period; that being from evening of the first Thursday in December until the morning of 3 January each year inclusive. The additional hour will be for premises holding *bona fide* festive functions. Whilst recognising that festive events can take many forms and that these will vary depending on the nature of the premises within which they are to be held, the Board is of the view that a festive event or function should be more than one which simply provides additional drinking hours and should comprise one or more of the following elements – meals, buffets, dancing, disco, live entertainment such as magicians, comedians, live music etc.”

- 2.2 The Board's Supplementary Statement of Licensing Policy in relation to Festive Trading supersedes the policy referred to above and states that:

“The Licensing Board will grant a general extension of hours on certain dates during the Festive Period which will run from mid-December to 2 January the following year. The dates for a general extension of hours will be set by the Board annually. The general extension will allow nightclub premises to extend their terminal hour for the sale of alcohol to a maximum of 4am and all other on sales premises to a maximum of 2am.

The general extension of hours will apply to on sales premises only.

Any premises requiring extended hours for dates that are not covered by a general extension must make application to the Licensing Board at least 5 weeks before the event(s).

The dates agreed by the Board for the general extension of hours will be published on Falkirk Council's website”.

- 2.3 This Supplementary Statement of Licensing Policy in relation to Festive Trading will have effect if approved following consultation.