

Agenda Item 6

Falkirk Council Licensing Board

Subject: **Licensing (Scotland) Act 2005
Supplementary Statement of Licensing Policy – Festive
Trading General Extension of Hours Dates**

Meeting: **Licensing Board**

Date: **8 August 2018**

Author: **Consumer Protection Manager**

1. Purpose of Report

- 1.1 The purpose of this report is to advise members' of the proposed dates for general extension of hours over the Festive Period 2018/19 and to seek their approval in accordance with the Licensing Board's Supplementary Statement of Licensing Policy on Festive Trading.

2. Recommendation

- 2.1 **It is recommended that the Board approves the proposed dates for general extension of hours over the Festive Period 2018/19 in accordance with the Licensing Board's Supplementary Statement of Licensing Policy – Festive Policy.**

3. Background

- 3.1 At the meeting of the Licensing Board on 26 June 2018, members approved a Supplementary Statement of Licensing Policy – Festive Policy.
- 3.2 The new policy states that the Board will set the dates for a general extension of hours during the Festive Period which will run from mid-December to 2 January the following year.
- 3.3 The general extension of hours will apply to all on sales premises irrespective of whether or not they have a seasonal variation in their Operating Plan referring to Festive Trading. Nightclub premises will be permitted to trade until 4am and non-nightclub premises until 2am.
- 3.4 Premises trading after 1am require to comply with the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007. These will be published on the licensing pages of the Council's web site.

4. Considerations

- 4.1 Officers have analysed the applications for festive extended hours for the 2017/18 festive period and have found that the majority of applications are for the public holidays with applications for an additional hour on Hogmanay being the most common. Applications are also made for Christmas Eve, Christmas Day, Boxing Day and New Year's Day.
- 4.2 Applications for multiple dates are common and these are mainly for the Fridays and Saturdays during the festive period.
- 4.3 There are a small number of applications made each year by the same premises licenceholders for every night of the Festive Period. Under the new policy, they would be able to take advantage of the general extension of hours granted by the Board. Applications for dates not covered by the general extensions would be outwith policy and, therefore, required to be determined by the Board.
- 4.3 In accordance with the new policy, officers are recommending that the Board grants a general extension of hours for on sales premises on the following dates during the festive period.

Friday 14 December 2018

Saturday 15 December 2018

Friday 21 December 2018

Saturday 22 December 2018

Monday 24 December 2018

Tuesday 25 December 2018

Wednesday 26 December 2018

Friday 28 December 2018

Saturday 29 December 2018

Monday 31 December 2018

Tuesday 1 January 2019.

The above are the dates that trading commences. For example, a premises trading on 14 December will be allowed to trade until 2am on Saturday 15 December.

- 4.4 Dates of the general extension of hours granted by the Board will be published on the Council's web site.

5. Implications

Financial and Resources

- 5.1 There are no financial or resource implications in relation to setting of dates for general extension of hours during the Festive Period.

Legal

- 5.2 The setting of dates for general extension of hours during the festive Period is in accordance with the Board's Supplementary Statement of Licensing Policy – Festive Trading.

Risk

- 5.3 There are no anticipated risks associated with setting the dates for general extensions of hours during the Festive Period.

Equalities

- 5.4 The Board's continued commitment to equalities issues is demonstrated in the strategy and reports that have been published since 2013.

Sustainability/ Environmental Impact

- 5.5 None.

6. Conclusion

- 6.1 In setting the dates for the general extensions the Board will be complying with its supplementary statement of licensing policy – festive trading.

.....
pp Clerk to the Licensing Board

Date: 4 July 2018

Contact Officer: Alison Barr, Consumer Protection Manager ext. 1265

Appendices:

Appendix 1 - Supplementary Statement of Licensing Policy – Festive Trading

List of Background Papers

Nil

Falkirk Council Licensing Board

Licensing (Scotland) Act 2005

Supplementary Statement of Licensing Policy

Festive Trading

Clerk to the Licensing Board

Municipal Buildings, West Bridge Street, Falkirk, FK1 5RS

Email: licensing@falkirk.gov.uk

Tel: 01324 501575

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.

- 1.7 Having complied with the above requirements, the Board, at its meeting on 26 June 2018 agreed to publish a supplementary Statement of Licensing Policy in respect of Festive Trading as it relates to extended hours.

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. 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 that are open beyond 1am must comply with the late night opening mandatory conditions.

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 has effect from 26 June 2018.