

ANGUS LICENSING BOARD – 15 NOVEMBER 2012

EXTENSION OF HOURS AT CHRISTMAS AND NEW YEAR

REPORT BY THE CLERK

ABSTRACT

The purpose of this Report is to advise members of the Boards Policy in relation to the extension of hours of Licensed Premises at Christmas and New Year under the Licensing (Scotland) Act 2005 and approve arrangements for Christmas and New Year 2012/13.

1. RECOMMENDATION

It is recommended that the Board:-

- (i) note that the Board's Policy permits on sale premises one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Years' Day;
- (ii) note that the Premises Licence of those premises licence holders who included these additional hours in their operating plan will make reference to these additional hours;
- (iii) note that those premises licence holders who did not include these additional hours in their operating plan will require to make an application for Extended Hours;
- (iv) note that the Board has delegated powers to the Clerk to approve applications for Extended Hours where no objections or representations have been received, nor a notice recommending refusal from the Chief Constable or any report from the Licensing Standards Officer recommending refusal where the application relates to hours within Section 6 of the Board's policy;
- (v) approve that the processing of applications for Extended Hours in respect of Christmas and New Year cannot be guaranteed unless they are received by the Clerk no later than Friday 7 December 2012;
- (vi) that notwithstanding (i) above, no premises will be allowed to open beyond 2am; and
- (vii) that, aside from Christmas Eve, Christmas Day, Hogmanay and New Years' Day, no premises will be allowed to open during the month of December 2012 outwith the hours specified in Section 6 of the Board's policy.

2. BACKGROUND

- 2.1 The Boards Statement of Licensing Policy permits on sale premises one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Years' Day. The Statement of Licensing Policy advised that if applicants wish to take advantage of this relaxation, they should include provision for it in their operating plan. The Premises Licence of those premises licence holders who included these additional hours in their operating plan will make reference to these additional hours.
- 2.2 Those premises licence holders who did not include these additional hours in their operating plan will require to make an application for Extended Hours.
- 2.3 The Board has delegated powers to the Clerk to approve applications for Extended Hours where no objections or representations have been received, nor a notice recommending refusal from the Chief Constable or any report from the Licensing Standards Officer recommending refusal where the application relates to hours within Section 6 of the Board's policy.

- 2.4 The run up to Christmas is always a very busy period for staff engaged in the processing of liquor licensing applications. Accordingly, approval is sought to advise prospective applicants for applications for Extended Hours that processing of applications for Extended Hours in respect of Christmas and New Year cannot be guaranteed unless they are received by the Clerk no later than Friday 7 December 2012. If approved, all Premises Licence Holders will be written to and advised accordingly.
- 2.5 A report on this matter was submitted to the Board at its meeting on 28 October 2009. In addition to agreeing to recommendations (i) to (v) above, the Board determined that, notwithstanding the terms of the Board's Policy, no premises will be allowed to open beyond 2am.
- 2.6 If the Board is minded to determine that no premises will be allowed to open beyond 2am on Christmas Eve, Christmas Day, Hogmanay and New Years' Day, then, in order to provide guidance to the trade in respect of the rest of December, it is recommended that the Board determine that no premises will be allowed to open during the month of December 2012 outwith the hours specified in Section 6 of the Board's policy.

3. RISKS

This report does not require any specific risk issues to be addressed.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report.

5. HUMAN RIGHTS IMPLICATIONS

There are no Human Rights issues arising directly from this report.

6. EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

7. CONSULTATION

The Head of Finance and the Chief Constable have been consulted in the preparation of this report.

**SHEONA C HUNTER
CLERK TO THE LICENSING BOARD**

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

L&A/SCH/DT