

WEST DUNBARTONSHIRE LICENSING BOARD

Report by the Clerk to the Licensing Board

31 October 2023

Subject: Festive Hours Policy 2023-2024

1. Purpose

To propose a policy on an extension to licensed hours during the festive period in terms of Section 67 of the Licensing (Scotland) Act 2005 (“the Act”).

2. Recommendations

2.1 It is recommended:

- (a) that the 2023/24 Festive Period is defined as being Monday 11 December 2023 to Wednesday 3 January 2024 inclusive;
- (b) that premises licence holders – with permission to utilise festive extensions - without significant entertainment (public houses, hotel bars and members’ clubs fall into this category) may trade for one hour more than the normal licensed hours during the festive period with the exception of Hogmanay;
- (c) that premises licence holders – with permission to utilise festive extensions - without significant entertainment (public houses, hotel bars and members’ clubs) may trade to 3 am on Hogmanay on condition that last entry to the premises is 11pm and the event is pre-ticketed;
- (d) that premises licence holders - with permission to utilise festive extensions - offering significant entertainment (nightclubs) may trade until 4 am during the festive period;
- (d) premises licence holders without permission to utilise festive extensions may apply for extended hours certificates in relation to the festive period;
- (e) that authority for the granting of applications for extended hours certificates over the Festive Period be delegated to the Clerk to the Licensing Board, if the terms of the application are in accordance with the foregoing agreed recommendations; and
- (f) that should applications for extended hours certificates be submitted which fall outwith the agreed hours or foregoing recommendations, then any such applications may require to be submitted to the Board for consideration, particularly where objections are forthcoming.

3. Background

- 3.1 Section 67 of the Act allows a licensing board, where they consider it appropriate to do so in relation to a special event of local or national significance, to determine that licensed hours are extended by a specified period.
- 3.2 The Licensing Board's new Statement of Policy (coming into effect November 2023) at paragraph 33 notes that it may utilise section 67 of the 2005 Act so to grant a general extension to relevant premises' licensed hours during the festive season. This means that these premises will not require to submit an application for an extended hours certificate to utilise these hours. Premises falling outwith the scope of this general extension or wishing to have additional hours outwith the terms of the general extension will be able to submit an application for an extended hours certificate.
- 3.2 The Festive Hours Policy, as agreed by the Licensing Board, will be served on Police Scotland and will be circulated to licence holders. Licensing Standards Officers will highlight the Festive Hours Policy during routine visits to licensed premises and will also circulate it through trade associations.

4. Main Issues

- 4.1 The proposed Festive Hours Policy is enclosed at Appendix 1. The Policy narrates that where a premises licence holder's operating plan at Question 4 indicates that they will operate according to seasonal demand then the premises will be entitled to utilise the additional hours granted by the Licensing Board by way of a general extension subject to a notification requirement.
- 4.2 Where a premises licence holder's operating plan at Question 4 does not indicate that they will operate according to seasonal demand then an application for an extended hours certificate will need to be submitted and granted for the premises to take advantage of the additional hours outlined in the Policy.
- 4.3 It is proposed that the authority for the granting of applications for extended hours certificates be delegated to the Clerk of the Licensing Board where the terms of the application mirror the Policy. Applicants seeking hours outwith the terms of the Policy and the Licensing Board's Statement of Licensing Policy will likely to be required to be referred to a meeting of the Licensing Board.
- 4.4 Given that the premises licence holder must notify the Licensing Section and Police Scotland before utilising these additional hours, Police Scotland will be aware of the premises' intentions.

4.5 In keeping with the practice of previous years, the Festive Period is defined as being from Monday 11 December 2023 to Wednesday 3 January 2024 inclusive.

5. People Implications

5.1 All extended hours applications should be processed by Licensing Section staff on behalf of the Board without adverse impact on the service provided by the Board or Licensing Section.

5.2 A general extension will reduce the number of applications for extended hours certificates.

6. Financial Implications

5.3 The report may have a financial benefit to the licensed trade over the Festive Period.

7. Risk Analysis

7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities, Health & Human Rights Impact Assessment (EIA)

8.1 EIA 796: This Policy grants additional hours (usually only one hour) during the festive period. This has happened over a number of years. There have been no issues reported with the operation of this Policy.

9. Consultation

9.1 The proposal was discussed with Police Scotland. Police Scotland were content with the terms of the Policy subject to being notified of what premises are taking up these hours.

Alan Douglas
Clerk to the Licensing Board
13 October 2023

Person to Contact: Michael McDougall, Manager of Legal Services, West Dunbartonshire Licensing Board, Council Offices, 16 Church Street, Dumbarton, G82 1QL

Appendix: 1. Festive Hours Policy

Background Papers: None

Wards Affected: All Wards.