
Report to the Licensing Board

Date of Meeting: 21 October 2014

Subject: General Permitted Extension - Festive Period

Report by: Depute Clerk of the Licensing Board

1.0 Purpose

- 1.1 At the meeting of the Licensing Board of 28 August 2014, Board Members considered a request from the Local Licensing Forum to exercise their powers under the Licensing (Scotland) Act 2005 (the "2005 Act") and grant a general extension of licensed hours during the festive period.
- 1.2 Prior to determining to exercise their powers, the Board sought to consult over a short period of time with the communities within Clackmannanshire, and thereafter require the Clerk to the Board to report on the results with a recommendation for the Board.

2.0 Recommendation

- 2.1 That the Board considers all of the information provided and determines to grant a general extension of licensed hours in the following terms:
- 2.1.1 Each Licensed Premises licensed to sell alcohol on the premises within the local government area of Clackmannanshire shall be entitled to an additional 1 hour extension to the terminal hour as set out on their operating plan;
- 2.1.2 Notwithstanding the above permitted extension, no licensed premises shall be permitted to an extra hour of trade where as a result of the extension, licensed hours would be extended beyond 2am on the day in question; and
- 2.1.3 The general extension set out in paragraph 2.1.1 shall apply for the period 19 December 2014 to 3 January 2015, being the festive period as determined by the Board.
- 2.2 That the Board consider whether to adopt a policy of presumption against grant for additional hours over and above that set out in paragraph 2.1 above, subject to the overriding principle that all applications will be considered on their own merits.
- 2.3 That the Team Leader, Licensing and Building Standards reports back to the Board (no later than the Licensing Board in March 2015) regarding the

success or otherwise of the introduction of a general extension, in order that the Board can consider whether extend such a policy in future years.

3.0 Considerations

- 3.1 The Local Licensing Forum (the "LLF") is a statutory body set up to *inter alia* review the operation of the 2005 Act in the Boards area and to give advice and make recommendations to the Board. On 1 July 2014, the LLF wrote to the Clerk of the Board intimating a recommendation that the Board should exercise its powers to grant a general extension over the festive period. A copy of the recommendation is appended to this report at Appendix 1. The Board is permitted under section 67 of the 2005 Act to grant a general extension to licensed hours as it thinks fit.
- 3.2 The proposal from the LLF is for the Board to grant a general extension of 1 additional hour between the period of 19 December 2014 to 3 January 2015, subject to the restriction that no licensed premises may trade beyond 2am on the day in question. The LLF also requested that the Board adopt a presumption against grant for any extension of hours beyond 2am.
- 3.3 Board members determined that prior to making a final decision on the subject matter, that a short period of consultation take place. The consultation took place between 1 September 2014 and 3 October 2014. 8 responses were received. The questionnaire and responses are to be found at Appendix 2.
- 3.4 Police Scotland responded in favour of the general extension, on the basis that it is in place for the period stated above. The Police are supportive of adopting this policy in future years, subject to consultation with them prior to any subsequent declaration. The Police advised that they would request that no further extensions beyond 2am should be granted by the Board. Given the content of the response, the Team Leader, Licensing & Building Standards will discuss the operation of the proposed extension (if approved) after the festive period and will include any comments in the subsequent report to Board Members.
- 3.5 Further consultation responses were received from the Licensing Standards Officer, the Alloa Town Centre BID Manager, One Member of the licensed trade, Tillicoultry Centenary Hall Ltd and 2 local residents. All responses were in favour of the Board granting the additional hour extension for the period set out above, and adopting such a practice in future years. All bar one of the respondents were in favour of a presumption against grant of additional hours. A further comment was made that the period of general permitted extension was more appropriate than the period set out in the Statement of Licensing Policy.
- 3.6 The administration of extended hours applications can be time consuming for the licensing team, as the Licensing Standards Officer is required to submit a report on each application, even if there are no concerns regarding the extension in question. As a result of this requirement, applications for extended hours cannot be determined under delegated powers, and require Board Members to approve each application. The fee payable for this is £10 and does not cover the cost of processing the application. Separately, this imposes a regulatory burden on licensed premises

- 3.7 Given that the Board did not refuse any extended hours requests last year over the festive period, it is therefore recommended that the Board make a general extension of hours as set out in the recommendation.

4.0 Sustainability Implications

- 4.1. None

5.0 Resource Implications

5.1. Financial Details

- 5.2. It is inevitable that there will be a drop in the number of, and income derived from, extended hours applications should the Board adopt the recommendation set out herein. The cost of processing an application far exceeds the statutory fee of £10 and based on the applications received last year, this would result in a loss of £600 of income. This loss of income is offset by the overall benefits gained by the Board, Council and applicants as detailed in the next paragraph.

5.3. Staffing

The grant of a general extension would remove the requirement for licence holders to submit an extended hours application. This would reduce the administrative burden on the licensing service, and would not require the Board to hold sub-committees to determine applications subject to a LSO report at short notice and prior to the Festive Break.

6.0 Equalities Impact

- 6.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes
No

7.0 Legality

- 7.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

8.0 Appendices

- 8.1 Please list any appendices attached to this report. If there are no appendices, please state "none".
- 8.2 Appendix 1 - Letter of Representation from the Local Licensing Forum dated 1 July 2014.
- 8.3 Appendix 2 - Consultation and Responses

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
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