

**SHETLAND ISLANDS AREA LICENSING BOARD – MEETING 1 NOVEMBER 2016**

**1. Application for Extension of Licensed Hours**

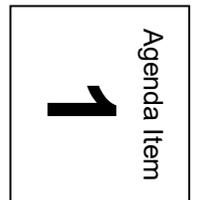
<b><u>Applicant</u></b>	<b><u>Premises</u></b>	<b><u>Extended Hours Applied For</u></b>	<b><u>Event or Occasion</u></b>
(a) Shetland Arts Development Agency	Mareel Gutter's Gaet Lerwick Shetland ZE1 0WQ	1am – 3am Sunday 1 January 2017	Hogmanay Celebration

LSO comments: The applicant has requested to extend the sale of alcohol on the premises from 1am until 3am on 1st January 2017.

Sections 12.7 and 12.8 of the Licensing Board's Statement of Licensing Policy, relating to extended hours and licensed premises, state that extended hours may be considered appropriate in the case of a special event of local or national significance.

The Licensing Board should decide if this falls within this definition.

Police comments No objections.





**Shetland Islands Area Licensing Board**  
**1 November 2016**  
**Christmas and New Year Licensing Hours 2016/17**

1. Introduction

1.1 Section 67 of the Licensing (Scotland) Act 2005 allows Shetland Islands Area Licensing Board, if it consider it appropriate to do so, to grant a general extension to licensed hours for a special event of local or national significance.

1.2 In terms of the Board's current Statement of Licensing Policy the Board has indicated that it will consider annually whether to grant a general extension covering the Christmas and New Year period. It further provides that during the period of such a general extension the Board will consider permitting –

(a) all licensed premises to remain open until 02:00, and

(b) nightclub premises already permitted to remain open until 03:00 at weekends to remain open until 03:00

for every day during the period of the general extension, provided such premises meet conditions required to ensure the promotion of the licensing objectives.

2. Discussion

2.1 The benefit of a general extension to licensed hours is, *inter alia*, the avoidance of potential inconsistency resulting from the Board's being asked to consider individual applications for extensions. It also addresses the tendency that developed under the previous licensing regime for licence holders to seek increasingly longer extensions to licensed hours during the festive period. The majority of on-sales premises licences formerly included a reference to the festive period in their seasonal variations in their operating plan but these tended not to be specific in the dates and times.

2.2 In light of the above, in 2009/10 the Board granted a general extension to licensed hours. In 2010/11, 2011/12 and 2012/13 the Board decided against any general extensions.

2.3 In 2013 the Board again granted a general extension for the period on that occasion from 21 December 2013 to 6 January 2014. During this general extension all licensed on-sales premises were permitted to remain open until 02:00 and nightclubs that were already permitted to stay open at weekends until 03:00 were additionally permitted to remain open until 03:00 on any night during the extension period. This general permission was repeated for the period from Saturday, 20 December 2014 to Sunday, 4 January 2015 inclusive, covering the weekend before Christmas until the weekend after the New Year. Last year a general extension on the same basis was granted for the period from Saturday 19 December 2015 to Sunday 3 January 2016, both dates inclusive.

- 2.4 There have been no approaches made by the Licensed Trade Association for a general extension for the Christmas and New Year period of 2016/17. The Board may also note that the Clerk has received only one application so far in relation to extended hours for a date over the Christmas and New Year period 2016/17 which appears separately on this Agenda.
- 2.5 The Board is therefore invited to consider whether it wishes to issue a general extension for the Christmas and New Year period in 2016/17, to permit –
- (a) all licensed on-sales premises to remain open daily until 02:00;
  - and
  - (b) all licensed nightclub premises that are already permitted to remain open for any part of the week until 03:00, to remain open daily until 03:00.
- Some premises already specify as normal licensing hours in their operating plans that they will be able to open to 02:00 on Saturdays and Sundays during the festive period.
- 2.6 Alternatively the Board may apply the same approach as 2010, 2011 and 2012, where no general extension was granted.
- 2.7 If the Board grants such an extension, the Board will, at its own expense, require to intimate such extension to holders of premises licences.

### 3. Recommendation

- 3.1 I recommend that the Board considers whether it wishes to grant a general extension to licensing hours covering the Christmas and New Year period in 2016/17.
- 3.2 If the Board determines in terms of 3.1 to grant a general extension, to resolve to permit –
- (a) all licensed on-sales premises to remain open daily until 02:00 during the period from Saturday, 17 December 2016 until Sunday, 1 January 2017, both dates inclusive, and
  - (b) all licensed nightclub premises that are already permitted to remain open on a specified day or days of the week until 03:00, to remain open daily until 03:00 during the same period,
- or to permit such extensions during such other period and to such other hours as to the Board seems appropriate.

Depute Clerk to the Board