



REPORT TO: MORAY LICENSING BOARD 8 FEBRUARY 2023

SUBJECT: LICENSING (SCOTLAND) ACT 2005 – ARRANGEMENTS FOR HIS MAJESTY THE KING’S CORONATION AND THE FIFA WOMEN’S FOOTBALL WORLD CUP

BY: CLERK TO THE BOARD

1. REASON FOR REPORT

1.1 To invite the Board to consider licensed premises opening hours during (1) the weekend of His Majesty the King’s Coronation and (2) for the period during which the FIFA Women’s Football World Cup is being played and televised.

2. RECOMMENDATION

2.1 It is recommended that the Board considers whether to grant any general extension(s) to licensing hours during:-

- (i)** the weekend of His Majesty the King’s Coronation between 6 May 2023 and 8 May 2023; and
- (ii)** the period of the FIFA Women’s Football World Cup or any specific matches as set out in Appendix 1.

2.2 In the absence of a general extension of hours it is recommended that the Board considers whether to issue hours by way of guidance for applicants for extended hours and occasional licences as suggested at Appendix 2 or as the Board sees fit; and

2.3 If an extension is granted or guidance is issued, to instruct the Clerk to advertise details of the same on the Council’s website and give appropriate notice to all licence holders by means of a newsletter to be issued following the Board meeting.

3. BACKGROUND

3.1 Under Section 67 of the Licensing (Scotland) Act 2005 (“the Act”), the Board has the power to grant a general extension to licensing hours where it is considered appropriate to do so in connection with a special event of local or national significance. A general extension can be for such period(s) as the Board may determine.

- 3.2** The upcoming King's Coronation and the FIFA Women's Football World Cup are both appropriate special events in terms of Section 67 of the Act.
- 3.3** Should the Board decide to generally extend hours then upon making a general extension determination the Board must –
- (a) Give notice of the determination to –
 - (i) the appropriate Chief Constable, and
 - (ii) the holders of premises licences and occasional licences in respect of premises to which the determination applies, and
 - (b) publicise it in such manner as the Board sees fit.
- 3.4** A general extension of hours would not require any licensed premises to be open for the sale of alcohol during the period of any extension of licensed hours specified i.e. there is no duty to trade to the extended hours. This would remove the need for individual premises to apply for extended hours unless they wished to open outwith the terms of the general extension.
- 3.5** In relation to normal licensing hours the Board's policy states that, "The Board will generally consider applications for up to 15 hours in any 24 hour period as being reasonable. Any application for licensed hours for more than 15 hours will be the subject of additional scrutiny and applicants may be expected to justify their requests." The policy goes on to say that early opening is considered to be before 11:00am and late opening is considered to be opening after 1:00am. The Board considers it will be difficult to justify opening prior to 9:00am or after 3:00am under normal circumstances.
- 3.6** Many premises currently in operation do open until 1:30am. A few open until 3:00am. Some premises, particularly distilleries (for tours) and food oriented premises do currently open at 9:00am. Given the international significance and timing of the events the Board should consider whether it justifies departure from what is considered to be normal.
- 3.7** In relation to unlicensed premises, or in respect of a function outwith a general extension of hours at a members' club subject to a premises licence, it will be necessary to apply for an occasional licence rather than extended hours. The processing and determination of an occasional licence application differs from that for an extension of hours. The application is sent to consultees and publicly advertised so that anyone can object or make representations on an occasional licence application. If there are no objections or representations then the occasional licence must be granted. As a result of the process to be followed, it may take longer to process an occasional licence application.
- 3.8** In accordance with the Board's existing scheme of delegation where there are no objections or representations on an application the licence would be granted under delegated powers. However, in the event that adverse comments are received in respect of any particular application then it is intended that the application would be referred by email to the Convenor (joint Convenors) and the Vice Convenor for determination. In the event that any member is unavailable at the time, the scheme allows for any Board member to be chosen in their place.

The King's Coronation

3.9 The Depute Clerk to the Board has so far received one enquiry regarding the potential extension of licensing hours in respect of the King's Coronation.

3.10 The enquiry followed the decision by the UK Government to generally extend licensing hours for the King's Coronation in England & Wales. The extension will be for the following hours:

Friday 5 May 2023 11.00 pm to 1.00 am Saturday.

Saturday 6 May 2023 11.00 pm to 1.00 am Sunday.

Sunday 7 May 2023 11.00 pm to 1.00 am Monday 8 May 2023.

3.11 In Scotland any general extension of hours falls to individual Licensing Boards.

3.12 The hours already allowed under the Board's policy may appear later than the planned hours for England & Wales but not all premises can currently trade to these. Generally extending the hours for licensed premises would mean any licensed premises being able to trade to the same hours.

The Act requires prior consultation with Police Scotland. The Chief Constable has been consulted in respect of the possibilities set out in this report. The Chief Constable's view will be given during the meeting.

The FIFA Women's Football World Cup

3.13 There have been no specific requests for specific/particular hours so far in relation to the FIFA Women's World Cup (during the period 20 July 2023 to 20 August 2023) but the event is still some time off. There is attached at **Appendix 1** a schedule of the matches from which it can be seen that most of the matches are early in the morning owing to the time difference between the UK and the host nations Australia and New Zealand.

Again the Chief Constable has been consulted in respect of the possibilities set out in this report. The Chief Constable's view will be given during the meeting.

3.14 Given the diversity of scheduled times for televising matches in the UK, it is difficult to make any recommendation for a general extension to licensing hours. Therefore this is not the recommended option for all premises. The Board can choose to apply a general extension to certain classes of premises but this would not provide a level playing field.

3.15 The preferred option would be for individual licensed premises to apply for extended hours, which can be granted if the Board considers it appropriate to do so in connection with a special event or occasion to be catered for on the premises, or a special event of local or national significance. In determining an extended hours application the Board is to take into account any notice of objection from the police and/or any report from the Licensing Standards Officer.

3.16 The Board is therefore invited to consider whether to issue guidance as to what, if anything, the Board would consider suitable hours for extended hours or occasional licence applications. The guidance could be in general terms or on a match by match basis. **Appendix 1** provides a separate table detailing the times of all matches as well as the scheduled times for the knockout stages of the tournament. Issuing guidance in respect of hours would also assist the Clerk and staff to determine whether it becomes necessary to refer any particular application back for determination under the Board's scheme of delegation. If the Board chooses to not make any changes the status quo will be maintained.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of alcohol licensing directly relate to the priorities within the 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) in relation to changing our relationship with alcohol where people are healthier and experience fewer harms as a result of alcohol use, a growing, diverse and sustainable economy and safer communities. Alcohol and alcohol dependency influence the health of the population. The alcohol industry in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of the sale of alcohol contributes to a safer community.

(b) Policy and Legal

Legal implications have been explained above.

(c) Financial implications

None.

(d) Risk Implications

It is unknown whether any possible extended hours will increase the risk of adverse impact on the licensing objectives. The default position is reviewing each application on its own merits and it is expected that any anticipated problems will be revealed at that stage.

(e) Staffing Implications

At present no extended hours or occasional licence applications have been received but applicants may be waiting to first see whether a general extension is granted by the Board for either event. Staff time and therefore money would be saved by granting a general extension of hours as this would ultimately mean it should not be necessary to process as many applications. Given the statutory fee for extended hours and occasional applications is fixed at £10, the Board (and so the council) loses money on the processing of every application.

(f) Property

None.

(g) Equalities/Socio Economic Impact

No equalities issues identified other than the usual considerations for the determination of any application. The use of a general extension of hours and/or guidance on extended trading hours may encourage increased trading and benefit businesses.

(h) Climate Change and Biodiversity Impacts

None.

(i) Consultations

Initial views from Police Scotland have been sought and are detailed above. Wider consultation is not required.

5. CONCLUSION

It is recommended that the Board:-

- 5.1 Consider the possibility of granting a general extension of hours and/or issuing guidelines for extended hours and occasional licence applications proposed for the weekend of His Majesty the King's Coronation and for the FIFA Women's Football World Cup as the Board sees fit; and**
- 5.2 If an extension is granted or guidance issued, to instruct the Clerk to publicise on the Council's website and give notice in a newsletter to be issued to all licence holders.**

Author of Report: Sean Hoath, Senior Solicitor
Background Papers: There are no background papers
Ref: SAH