

Item: 4

Orkney Islands Area Licensing Board: 19 January 2023.

The King's Coronation – On-sale Alcohol Licensed Hours.

Report by Clerk to the Board.

1. Purpose of Report

To consider provisions for general and specific extended licensed hours for on-sale premises under the Licensing (Scotland) Act 2005 in respect of the King's Coronation celebrations to be held from 6 to 8 May 2023.

2. Recommendations

The Board is invited to note:

2.1.

That the UK Government has announced a three-day "Coronation Weekend" with an additional Bank Holiday on Monday, 8 May 2023 to celebrate the King's Coronation, which will take place on Saturday, 6 May 2023.

2.2.

That section 67 of the Licensing (Scotland) Act 2005 permits licensing boards to grant general extensions of licensed hours in connection with a special event of local or national significance without any requirement for an application to be presented by the relevant licence holder.

2.3.

That section 68 of the Licensing (Scotland) Act 2005 permits licensing boards, on application by the premises licence holder of specific licensed premises, and if the Board considers it appropriate in connection with a special event or occasion to be catered for on the premises, or a special event of local or national significance, to extend the licensed hours of those premises by such period as is specified in the application or such other period as the Board considers appropriate.

2.4.

That licensing boards are required in terms of section 65 of the Licensing (Scotland) Act 2005 to refuse any application for extension of licensed hours in relation to off-sales where alcohol would be sold:

- Before 10:00.
- After 22:00.
- Both of the above.

2.5.

That Part 4 of the Licensing (Scotland) Act 2005 permits licensing boards to grant occasional licences to authorise the temporary sale of alcohol on premises other than licensed premises.

2.6.

That, when arrangements for the celebrations of the Queen's Diamond Jubilee in 2012 and Queen's Platinum Jubilee in 2022 were announced, the Board granted general extensions of licensed hours under section 67 of the Licensing (Scotland) Act 2005.

It is recommended:

2.7.

That, in respect of the King's Coronation celebrations to be held from 6 to 8 May 2023, the Board should grant a general extension of licensed hours for on-sale premises under section 67 of the Act for the following terminal hours:

- Saturday, 6 May 2023 until 01:30 on the morning of Sunday, 7 May 2023.
- Sunday, 7 May 2023 until 00:30 on the morning of Monday, 8 May 2023.
- Monday, 8 May 2023 until 24:00.

2.8.

That powers be delegated to the Clerk to the Board to grant applications for on-sale occasional licences under Part 4 of the Act for the terminal hours specified at paragraph 2.7 above and in respect of which no objections have been received.

3. Background

3.1.

The UK Government has announced a three-day "Coronation Weekend" with an additional Bank Holiday on Monday, 8 May 2023 to celebrate the King's Coronation, which will take place on Saturday, 6 May 2023.

3.2.

Section 67 of the Licensing (Scotland) Act 2005 (the Act) allows licensing boards to grant general extensions of licensed hours. It is for individual licensing boards to determine whether they wish to grant general extensions.

3.3.

Section 67 of the Act provides that a Licensing Board may, if they consider it appropriate to do so in connection with a special event of local or national significance, make a determination extending licensed hours by such period as the Board may specify in the determination.

3.4.

Such a determination may apply to:

- The whole of the Licensing Board's area or only to specified parts of the area.
- Licensed hours generally or only to specified descriptions of licensed hours.
- All licensed premises in the Board's area or only to specified descriptions of such premises.

3.5.

Such a determination has effect for such period as the Board may specify.

3.6.

Where a Licensing Board makes such a determination, the Board must give notice of it to the chief constable and the holders of premises licences and occasional licences in respect of premises to which the determination applies and publicise it in such manner as the Board sees fit.

3.7.

Should the Board make a determination, there is no requirement on any licensed premises to be open for the sale of alcohol during the period of the extension of licensed hours.

3.8.

Section 68 of the Act provides that the Board may, on application by the holder of the premises licence for any licensed premises, and 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, extend the licensed hours of those premises by such period as is specified in the application or such other period as the Board considers appropriate. Accordingly, it is open to individual licence holders to apply for extended hours for the Coronation Weekend.

3.9.

Guidance for Licensing Boards issued by the Scottish Government specifically refers to a "Royal Jubilee" as an example of an event which may be considered of national importance, triggering a determination of extended licensing hours by licensing boards. A Royal Coronation may reasonably also be categorised as an event of national importance.

3.10.

Licensing boards are required in terms of section 65 of the Act to refuse any application for extension of licensed hours in relation to off-sales where alcohol would be sold:

- Before 10:00.
- After 22:00.

- Both of the above.

3.11.

Should the Board determine not to grant a general extension of licensed hours, it is proposed that powers be delegated to the Clerk to the Board to determine any applications for extended hours on specific premises for the Coronation Weekend and that the Board should state the dates and times during which it would be satisfied that extended hours should be granted, including outwith Board Policy, for that weekend.

3.12.

Occasional licences can be issued under Part 4 of the Act to authorise the temporary sale of alcohol on premises other than licensed premises.

3.13.

At its meeting on 22 March 2012, the Board noted that the UK and Scottish Governments had announced that the late May bank holiday had been moved to Monday, 4 June 2012 and an additional Jubilee bank holiday would take place on Tuesday, 5 June 2012 to provide an extended weekend on 2, 3, 4 and 5 June 2012 to celebrate the Queen's Diamond Jubilee.

3.13.1.

The Board granted a general extension of licensed hours under section 67 of the Act for on-sale licensed premises and on-sale occasional licences as follows:

- Saturday, 2 June 2012 until 01:30 on the morning of Sunday, 3 June 2012.
- Sunday, 3 June 2012 until 12 midnight.
- Monday, 4 June 2012 until 01:30 on the morning of Tuesday, 5 June 2012.
- Tuesday, 5 June 2012 until 12 midnight.

3.14.

At its meeting on 2 December 2021, the Board noted that the UK Government had announced an additional public holiday on Friday, 3 June 2022, as well as the movement of the late May Bank Holiday to Thursday, 2 June 2022, providing for a four-day weekend to mark the Queen's Platinum Jubilee celebrations.

3.14.1.

The Board granted a general extension of licensed hours for on-sale premises under section 67 of the Act for the following terminal hours:

- Thursday, 2 June 2022 until 01:00 on the morning of Friday, 3 June 2022.
- Friday, 3 June 2022 until 01:30 on the morning of Saturday, 4 June 2022.
- Saturday, 4 June 2022 until 01:30 on the morning of Sunday, 5 June 2022.
- Sunday, 5 June 2022 until 24:00.

3.14.2.

The Board also delegated powers to the Clerk to grant applications for on-sale occasional licences under Part 4 of the Act for the terminal hours specified above and in respect of which no objections had been received.

4. Policy Aspects

4.1.

The Board's Statement of Alcohol Licensing Policy is available [here](#) (in the Related Downloads section).

4.2.

Section 11.27 of the Policy states:

“The Board may grant a general extension of licensed hours under section 67 of the Act to enable premises to remain open longer in connection with a special event of local or national significance. The Board will request observations from the Police and the Licensing Standards Officer in relation to the licensing objectives. It will notify its determination to the Police and LSO, to holders of licences and other relevant parties and will take appropriate steps to publicise the determination as widely as necessary, including publication at <https://www.orkney.gov.uk/Council/P/public-notices.htm>.”

4.3.

In relation to on-sale operating hours, section 20.9.1 of the Policy provides that the terminal operating hour on regular evenings will be:

- 12 midnight Sundays to Thursdays inclusive.
- 1 a.m. Fridays/Saturdays and Saturdays/Sundays.

4.3.1.

The above terminal operating hour was also reflected in the Board's Policy in 2012.

4.4.

Section 1.5 of Appendix 2 to the Policy (Scheme of Delegation) indicates that applications for extension of licensed hours may be determined by the Clerk, provided they meet the following criteria:

- They are within the Board's normal licensing hours.
- No objections or representations have been received, the Police have not lodged a notice recommending refusal of the application and the report by the Licensing Standards Officer does not recommend refusal.

5. Observations by Police Scotland and Licensing Standards Officer

5.1.

The Licensing Service advised Police Scotland and the Licensing Standards Officer that this report would be prepared for consideration by the Board and requested their observations in accordance with section 11.27 of the Board's Policy.

5.2.

Police Scotland responded by email from a locally-based Inspector, as follows:

"I have no objection to any of the Licensing hours being extended as they were in June 2022."

5.3.

A Licensing Standards Officer (LSO), who is based within the Environmental Health service, responded by email as follows:

"I have no evidence which would lead me, as one of the Council's LSOs to make any observations to the Licensing Board regarding the proposed general extension."

6. Options

6.1.

There are three options to be taken into account when considering what action to take with regard to a general extension of licensed hours for on-sale premises under section 67 of the Act or applications for extended hours on specific on-sale premises under section 68 of the Act and on-sale occasional licences under Part 4 of the Act in respect of the King's Coronation celebrations to be held from 6 to 8 May 2023.

6.2.

Option 1: Do not grant a general extension of licensed hours for on-sale premises under section 67 of the Act or applications for extended hours on specific on-sale premises under section 68 of the Act or on-sale occasional licences under Part 4 of the Act in respect of the King's Coronation celebrations to be held from 6 to 8 May 2023.

6.2.1.

This option would be difficult to justify in light of:

- Guidance for Licensing Boards issued by the Scottish Government referred to at section 3.9 above.
- The previous practice of the Board in relation to the celebration of the Queen's Diamond Jubilee in 2012 referred to at section 3.13.1 above.

- The previous practice of the Board in relation to the celebration of the Queen's Platinum Jubilee in 2021 referred to at section 3.14.1 above.
- The absence of objections or other adverse representations from Police Scotland and the Licensing Standards Officer referred to at section 5 above.

6.3.

Option 2: Do not grant a general extension of licensed hours for on-sale premises under section 67 of the Act, but delegate powers to the Clerk to grant applications for extended hours on specific on-sale premises under section 68 of the Act and on-sale occasional licences under Part 4 of the Act in respect of the King's Coronation celebrations to be held from 6 to 8 May 2023, where the hours applied for are outwith Board Policy, but in respect of which no objections have been received.

6.3.1.

This option would increase workload for applicants as well as for the Licensing Service and would incur a statutory application fee of £10 per application.

6.4.

Option 3: In respect of the King's Coronation celebrations to be held from 6 to 8 May 2023:

- Grant a general extension of licensed hours for on-sale premises under section 67 of the Act.
- Delegate powers to the Clerk to grant applications for on-sale occasional licences under Part 4 of the Act, where the hours applied for are outwith Board Policy, but in respect of which no objections have been received.

6.4.1.

This option would minimise workload for licence holders as well as for the Licensing service and would not incur any application fees for licence holders. Applicants for on-sale occasional licences would still require to submit applications in accordance with the Act and would incur a statutory application fee of £10 per application.

6.4.2.

This option would acknowledge:

- That there is no requirement on any licensed premises to be open for the sale of alcohol during the period of any general extension of licensed hours granted by the Board as referred to at section 3.7 above.
- Guidance for Licensing Boards issued by the Scottish Government referred to at section 3.9 above.
- The previous practice of the Board in relation to the celebration of the Queen's Diamond Jubilee in 2012 referred to at section 3.13.1 above.
- The previous practice of the Board in relation to the celebration of the Queen's Platinum Jubilee in 2021 referred to at section 3.14.1 above.

- The absence of objections or other adverse representations from Police Scotland and the Licensing Standards Officer referred to at section 5 above.

6.5.

The preferred option is Option 3.

7. Operating Hours

7.1.

On the occasion of the Queen's Diamond Jubilee in 2012 the Board granted a general extension of licensed hours under section 67 of the Act for on-sale licensed premises and on-sale occasional licences as referred to at section 3.13.1 above.

7.2.

On the occasion of the Queen's Platinum Jubilee in 2021 the Board granted a general extension of licensed hours under section 67 of the Act for on-sale licensed premises and on-sale occasional licences as referred to at section 3.14.1 above.

7.3.

On a comparable basis, it is recommended that, should the Board determine to grant a general extension of licensed hours under section 67 of the Act for on-sale licensed premises and on-sale occasional licences under Part 4 of the Act in respect of the King's Coronation celebrations, the following terminal hours should be approved:

- Saturday, 6 May 2023 until 01:30 on the morning of Sunday, 7 May 2023 – an additional 30 minutes.
- Sunday, 7 May 2023 until 00:30 on the morning of Monday, 8 May 2023 – an additional 30 minutes.
- Monday, 8 May 2023 until 24:00 – the standard terminal hour (no additional time).

7.4.

Should the Board determine not to grant a general extension of licensed hours for on-sale premises under section 67 of the Act, but to delegate powers to the Clerk to grant applications for extended hours on specific on-sale licensed premises under section 68 of the Act and / or on-sale occasional licences under Part 4 of the Act in respect of the King's Coronation celebrations, the Clerk should be authorised to grant the terminal hours specified at section 7.3 above where no objections have been received in respect of the applications.

8. Financial Implications

There are no direct financial implications to the Council arising from the recommendations of this report.

9. Legal Aspects

The legal aspects are contained within the body of this report.

10. Contact Officers

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