

## Licensing Board Festive Policy for 2018/24 - Approved by the Board on 12/10/18

The Board generally deems it permissible for on sales premises in West Lothian to trade for an additional hour on particular days during a specific festive period. However, the Board also recognises that there are some premises in West Lothian which already enjoy the benefit of terminal licensed hours later than those permitted under the Board's policy.

Therefore, the Board makes the following general extension of on sales licensed hours under section 67 of the 2005 Act, for the festive periods from December 2018 to January 2024, for all **on sales premises** in West Lothian:

The terminal hour for the sale of alcohol to be consumed on the premises is extended for the following days during the period from 1 December to 2 January each year:

- every Friday and Saturday
- Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day

The extended hours during the above days will be until a terminal hour of

- 4am for all nightclub premises\*; and
- 2am for all premises which are not nightclubs

\*Note: the definition of nightclub is contained elsewhere within the Board's policy (see below) and if the premises are already licensed until the above times no additional hours are being granted under the terms of this general extension. Licence holders are reminded that they should refer to the definition of nightclub which explains what premises fall within the category of a nightclub. All on sales premises which do not fall within this category are premises other than nightclubs.

Licence holders who are in any doubt as to their position should take legal advice before advertising or trading during any additional hours on the above festive dates.

Licence holders should note that there is no duty to trade during the extended hours and the Board does not consider that it is necessary for licence holders to have opted to operate according to seasonal demand in their operating plans before taking advantage of this general extension of hours.

For the avoidance of doubt this general extension does not apply to off sales hours which the law provides are a maximum of 10am to 10pm daily.

### Definition of Nightclub

For the purpose of this policy nightclubs are defined as those premises which fall within the definition of Late Opening Premises contained in The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 (SSI 336) i.e.

"Premises (other than premises to which paragraph 3 applies) the capacity of which is at least 250 people and

(a) which will regularly provide at any time between 1am and 5am:

- live or recorded music with a decibel level exceeding 85dB;
- facilities for dancing; or
- adult entertainment; or

(b) when fully occupied are likely to have more customers standing than seated"