

Operating Hours

General

Licensed hours must be detailed in the operating plan of every premises. Operating hours will be made up of core hours and regular seasonal variations. The Boards expect Applicants to be able to anticipate all such regular variations.

The Boards do not wish to unnecessarily inhibit the development of a thriving and safe evening and night-time local economy, which is important for investment, employment and tourism.

While each application is assessed on its own merits, the following sets out the Boards' Policies on licensed hours. For applications for hours outwith the Boards' Policies, applicants will require to demonstrate to the Boards that the additional requested hours are appropriate in the circumstances.

Off Sales

For applications relating to premises licences and to occasional licences, the licensed hours for the sale of alcohol for consumption off the premises ("off-sales hours") are 10.00 a.m. to 10.00 p.m., each day. The Boards have no discretion to permit licensed hours outwith these times. In determining applications and licensed hours within these times, the Boards will, in considering the merits, have particular regard to any effect the proposed off-sales hours might have on the occurrence of anti-social behaviour.

There is no entitlement to a grant of maximum trading hours for off sales premises. The hours granted by the Boards to off sales premises will reflect the actual hours of operation of the premises. There will be flexibility to build in extended or reduced trading to reflect seasonal variations, such as the festive season.

On Sales

For applications relating to premises licences, including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises ("on-sales hours") the Boards consider the commencement of the sale of alcohol would not normally be earlier than 11.00 a.m.

The Boards will consider extending the commencement of the sale of alcohol in premises from 11.00 a.m. until 9.00 a.m. under certain circumstances (e.g. tourism, provision of food etc).

The Boards may attach conditions to such licences. The earlier a premises wishes to open, the more the Boards will expect applicants to demonstrate measures that promote the licensing objectives and justify the request for the early hours. The

Boards further consider that it would be difficult for any application to justify the sale of alcohol before 9.00 a.m., unless there are exceptional circumstances.

Terminal Hour

Licensed hours for on sales premises in particular can have an impact not only within the individual premises, but also within the locality in which the premises are situated. Taking into account the 5 licensing objectives, the presumption against 24-hour drinking and the Guidance for Licensing Board and Local Authorities issued by the Scottish Executive the Boards consider the following to be appropriate for the terminal hour beyond which alcohol must not be sold on the premises or part(s) of the premises:

Central and South

Nightclubs etc Sunday to Thursday - 2.00 a.m.
Friday & Saturday - 3.00 a.m.

Other on sale premises 1.00 a.m.

Premises open after 1.00 a.m. will be subject to mandatory late opening conditions and the Boards may attach further conditions. The later a premises wishes to open the more the Boards will expect applicants to demonstrate measures that promote the licensing objectives and justify the request for the late hours. The Boards further consider that it would be difficult for any application to justify the sale of alcohol after 3.00 a.m. unless there are exceptional circumstances.

Festive Hours

The Boards wish to make it clear that the Festive Season hours should be accounted for within the Seasonal Variations section of the Operating Plan and should not be the subject of extended hours applications.

Central

From 1st December to 2nd January on-sale premises may open until 2.00 a.m. for bona fide festive events (e.g. Christmas Party, New Years Dance etc). Notice of any such event must be given to Grampian Police at least 4 weeks in advance of said event.

South

On-sale premises may open until 01:30 a.m. on the following dates:-

- Friday and Saturday preceding 25th December.
- 24th to 26th December inclusive.
- Friday and Saturday preceding 31st December.
- 1st January.

Such premises may also open on 31st December until 03:00 a.m.

Festivals

The Boards wish to make it clear that Festival hours should be accounted for within the Seasonal Variations section of the Operating Plan, and should not be the subject of extended hours applications.

South

Annual Stonehaven Folk Festival - on-sale premises may open until 03.00 am on the morning following the Friday, Saturday and Sunday of the Festival.

Lack of Demand and the Duty to Trade

Applicants should be aware that premises are obliged to remain open for the licensed hours they apply for and which are granted by the Boards.

However, the Boards recognise that there may be circumstances that would reasonably cause a temporary deviation from the licensed hours given in the operating plan. Such circumstances will not ordinarily be considered a breach of the operating plan.

The Boards also recognise the need for businesses, especially in a rural environment, to remain economically viable when faced with a lack of demand. Licensed premises may wish to close early owing to a lack of customers and, therefore, not trade for their full complement of licensed hours. Again, this will not ordinarily be treated as breach of the operating plan.

The Boards expect applicants to apply for the hours they normally trade. Provision can be built into Operating Plans for longer or shorter hours at certain times of the year, if required.

However, in considering such issues, the Boards will give particular attention to whether these "unused" hours are preventing new entrants to the market or premises are closing early on a regular basis. If so, it may be appropriate to change the operating plan of the premises concerned.

Applicants should note that the Act allows *anyone* to apply to the Boards for a review of the licence on any of the grounds set out in Section 36 of the Act. Applicants should not, for example, grossly overestimate their licensed hours "just in case" they may be required.

Drinking Up Time

Drinking up time is 15 minutes normally and 30 minutes where alcohol is being consumed with a meal. The Boards require licence holders to give customers plenty of notice about last orders and time.

British Summer Time

On such date as is prescribed as the date in Spring when the clocks go forward to mark the changeover to British Summer Time, Licence holders who enjoy licensed hours beyond 1.00 a.m. (the official time for clock changes) will be judged by reference to the number of hours after midnight which their operating plan authorises them to be open, rather than by the actual time shown on the clock.

On such date as is prescribed as the date in Autumn when the clocks go back to mark the changeover from British Summer Time to British Winter Time, Licence holders who enjoy licensed hours beyond 1.00 a.m. will similarly close according to the number of hours after midnight which their operating plan authorises them to be open, rather than by the actual time shown on the clock.

Any licence holder who enjoys hours up to 1.00 a.m. is unaffected by the change of the clocks. The Boards do not accept that those licensed until 1.00 a.m. gain an additional hour on the changeover to British Winter Time.