

ANGUS LICENSING BOARD – 16 MAY 2019

**PREMISES LICENCES - REQUEST TO EXTEND HOURS
UNDER THE LICENSING (S) ACT 2005**

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this report is to present applications to extend the licensed hours in respect of a premises licence(s) under the Licensing (Scotland) Act 2005 which require to be determined by the Board.

1. RECOMMENDATION

It is recommended that the Board consider and determine the application to extend the licensed hours in respect of a premises licence or premises licences as detailed in the attached **Appendix**, in terms of one of the following options:-

- (i) to grant the application;
- (ii) to defer the application to the next Licensing Board; or
- (iii) to refuse the application in accordance with Paragraph 3.

2. BACKGROUND

The Board has received applications to extend the licensed hours in respect of a premises licence or premises licences under the Licensing (Scotland) Act 2005 which require to be determined by the Board because the matters are not subject to delegation and shall only be discharged by the Licensing Board.

3. LEGAL IMPLICATIONS

The Board may, on the application of the holder of the premises licence in respect of any licensed premises, and, if the Board considers it appropriate to do so in connection with:-

- (i) a special event or occasion to be catered for on the premises; or
- (ii) a special event of local or national significance;

extend the licensed hours in respect of the premises by such period as is specified in the application or such other period as the Board consider appropriate.

An extension of licensed hours has effect for such period as is specified in the application or such other period as the Board consider appropriate; but in either case the period must not exceed one month.

Where a Licensing Board receives an extended hour's application, the Board must give notice of it, together with a copy of the application, to the Divisional Commander, Tayside Division of Police Scotland, and the Licensing Standards Officer.

The Divisional Commander, may within 10 days of receipt of notification, by notice, object to the application if the Divisional Commander, considers it necessary to do so for the purposes of the crime prevention objective.

The Licensing Standards Officer must, within 10 days of receipt of notification, prepare and submit to the Licensing Board a report setting out the Officer's comments on the application. The report by the Licensing Standards Officer in respect of each application is attached to the details of the application in the attached **APPENDIX**.

In determining an extended hour's application, the Licensing Board must take into account any notice of objection given by the appropriate Divisional Commander, under Section 69(2), and the Licensing Standards Officer's report under Section 69(3).

The Board has delegated powers to the Clerk to approve applications for Extended Hours where no objections or representations have been received, nor a notice recommending refusal from the Divisional Commander, or any report from the Licensing Standards Officer recommending refusal where the application relates to hours within Section 6 of the Board's policy.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

5. HUMAN RIGHTS IMPLICATIONS

In dealing with the applications as set out in this report, the Board will have regard to any human rights issues in relation to the applicants.

6. EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

7. CONSULTATION

The Divisional Commander, Tayside Division of Police Scotland has been consulted in the preparation of this report.

8. NOTIFICATION

The applicant has been notified of the terms of this report. They have also been advised of their entitlement to attend the Board should they wish.

REPORT AUTHOR: Dawn Smeaton, Licensing and Litigation Assistant

EMAIL DETAILS: LAWlicensing@angus.gov.uk

(a) FRIOCKHEIM BOWLING CLUB, FARNELL ROAD, FRIOCKHEIM

The Board is asked to consider 4 applications received from Daniel Ross (Secretary) Friockheim Bowling Club, Farnell Road, Friockheim in respect of extensions to their normal trading hours on Sunday 2 June 2019, Sunday 7 July 2019, Sunday 25 August 2019 and Saturday 31 August 2019.

The applications are to request an opening time of 10.00am, which is one hour earlier than the Licensing Board's Statement of Licensing Policy for the premises opening times which is 11.00am.

The premises current licensing hours are 12.30hrs – midnight on a Sunday and 11.00hrs – 01.00hrs on a Saturday.

The applications are in respect of hosting The Open Fours Bowling Competition, The Open Pairs Bowling Competition, The Open Triples Bowling Competition, and The Invitational Fours Bowling Competition.

To assist the Board in determining the applications the following report has been submitted on behalf of the Licensing Standards Officer.

Report on behalf of the Licensing Standards Officer

Applicant Details

Applicant: Premises Licence Holder: Friockheim Bowling Club
 Name of premises: Friockheim Bowling Club (PL 239)
 Event(s) or Occasion(s): The Open Fours Bowling Competition,
 The Open Pairs Bowling Competition,
 The Open Triples Bowling Competition,
 The Invitational Fours Bowling Competition
 Dates required: Sunday 2 June 2019, Sunday 7 July 2019, Sunday 25 August 2019, and Saturday 31 August 2019
 Extension requested times: Sunday - 10.00hrs - 00.00hrs
 Saturday - 10.00hrs - 00.00hrs

Date	Existing licensed hours	Requested licensed hours
Sunday 2 June 2019 Sunday 7 July 2019 Sunday 25 August 2019	12.30hrs – 00.00hrs	10.00hrs – 00.00hrs
Saturday 31 August 2019	11.00hrs – 01.00hrs	10.00hrs – 00.00hrs

Address or Location of Premises

Friockheim Bowling Club, Farnell Road, Friockheim, DD11 4XB

Requested Extensions

4 applications for extended hours have been received from Friockheim Bowling Club. The Applicant requests an extension of two and a half hours from 10.00hrs - 12.30hrs on Sunday 2 June, Sunday 7 July and Sunday 25 August 2019 - and an extension of 1 hour between 10.00hrs and 11.00hrs on Saturday 31 August 2019.

Comments for Licensing Board Consideration

The Board are asked to note they may grant an extension of hours, under Section 68 of the Licensing (Scotland) Act 2005, for a special event or occasion to be catered for on the premises or a special event of local or national significance.

- 1 The Application form for Sunday 2 June 2019 states "The Open Fours Bowling Competition is an annual event held at the club premises, which draws players from all over the country and district area to compete against each other". I would ask the Board to consider if they think this event falls within the above requirements.
- 2 The Application form for Sunday 7 July 2019, states "The Open Pairs Bowling Competition is an annual event held at the club premises, which draws players from all over the country and district area to compete against each other". I would ask the Board to consider if they think this event falls within the above requirements.
- 3 The Application form for Sunday 25 August 2019, states "The Open Triples Bowling Competition is an annual event held at the club premises, which draws players from all over the country and district area to compete against each other". I would ask the Board to consider if they think this event falls within the above requirements.

I would ask the Board to consider the above 3 applications as the extensions requested are outwith the hours allowed by the Board's Statement of Licensing Policy, which is 11.00hrs – 00.00hrs, for the day in question. The Board's policy hours have been established to promote the licensing objectives with particular reference to prevention of crime and disorder, prevention of public nuisance and promotion of public health.

- 4 The Application form for Saturday 31 August 2019, states, "The Invitational Fours Bowling Competition is an event held at the club premises, which sees players invited to compete against each other". I would ask the Board to consider if they think this event falls within the above requirements.

I would ask the Board to consider the application as the extension requested is outwith the hours allowed by the Board's Statement of Licensing Policy, which is 11.00hrs – 01.00hrs, for the day in question. The Board's policy hours have been established to promote the licensing objectives with particular reference to prevention of crime and disorder, prevention of public nuisance and promotion of public health.