

ANGUS LICENSING BOARD – 31 MARCH 2016

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

REPORT BY SHEONA C HUNTER 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 hours 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 hours application, the Licensing Board must take into account any notice of objection given by the appropriate Divisional Commander, under section, and the Licensing Standards Officer's report.

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(s) and the persons submitting representations have been notified of the terms of this report. They have also been advised of their entitlement to attend the Board should they wish.

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(a) The Crown Inn, 49-51 High Street, Monifieth

An extended hours licence application has been received from Tassie and Boath, 26 Baldovan Road, Downfield, Dundee, in respect of The Crown Inn, 49-51 High Street, Monifieth for an extension from 0900 - 1045 on Saturday 16 April 2016, before a period of trading beginning 1100 Saturday 16 April 2016. The time requested commences 2 hours prior to the Licensing Board's Statement of Licensing Policy for premises hours. Policy hours commence at 1100.

The application is in respect of a request to allow patrons to congregate within the premises prior to being collected for a journey to Hampden Park for the Scottish Cup Semi-Final.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer.

Licensing Standards Officer's Report

An Application for Extended Hours has been received from the Applicant, on behalf of The Crown Inn, Monifieth.

The Applicant, on behalf of the pub, is requesting an extension for the hours of 0900 – 1045, before opening again from 1100 – 0100, for the above date.

I discussed the application with the premises manager who advised me that the pub will not be open to the general public during the hours of 0915 – 1045; the request has been submitted to allow circa 50 customers to congregate within the premises for breakfast and optional alcoholic drinks before being collected to travel to Hampden Park for the Scottish Cup Semi-Final. The bar will then close from 1045 – 1100 before opening to the general public.

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. I would ask the Board to consider if they think this event falls within these requirements.

I would ask the Board to consider this application as the extension requested is outwith the hours allowed by the Board's Statement of Licensing Policy, which is 1100hrs - 0100hrs 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.

I would also ask the Board to note that the Statement of Licensing Policy para 6.3 provides that "Any application for licensed hours for more than 14 hours should require further consideration to the extent of granting extra operating hours"; if the Board are mindful to approve this application the premises would then trade for over 15 hours on the day in question.

(b) The Crown Inn, 49-51 High Street, Monifieth

An extended hours licence application has been received from Tassie and Boath, 26 Baldovan Road, Downfield, Dundee, in respect of The Crown Inn, 49-51 High Street, Monifieth for an extension from 0900 - 1015 on Saturday 4 June 2016, before a period of trading beginning 1100 Saturday 4 June 2016. The time requested commences 2 hours prior to the Licensing Board's Statement of Licensing Policy for premises hours. Policy hours commence at 1100.

The application is in respect of a request to allow patrons to congregate within the premises prior to being collected for a journey to Edinburgh Airport.

Police Scotland submitted a letter of objection dated 17 March 2016 which shall be circulated at the meeting.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer.

Licensing Standards Officer's Report

An Application for Extended Hours has been received from the Applicant, on behalf of The Crown Inn, Monifieth.

The Applicant, on behalf of the pub, is requesting an extension for the hours of 0900 – 1015, before opening again from 1100 – 0100, for the above date.

I discussed the application with the premises manager who advised me that the pub will not be open to the general public during the hours of 0915 – 1015; the request has been submitted to allow 12 customers to congregate within the premises for breakfast and optional alcoholic drinks before being collected to travel to the airport for a golfing holiday. The bar will then close from 1015 – 1100 before opening to the general public.

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. I would ask the Board to consider if they think this event falls within these requirements.

I would ask the Board to consider this application as the extension requested is outwith the hours allowed by the Board's Statement of Licensing Policy, which is 1100hrs - 0100hrs 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.

I would also ask the Board to note that the Statement of Licensing Policy para 6.3 provides that "Any application for licensed hours for more than 14 hours should require further consideration to the extent of granting extra operating hours"; if the Board are mindful to approve this application the premises would then trade for over 15 hours on the day in question.

(c) The Crown Inn, 49-51 High Street, Monifieth

An extended hours licence application has been received from Tassie and Boath, 26 Baldovan Road, Downfield, Dundee, in respect of The Crown Inn, 49-51 High Street, Monifieth for an extension from 0930 - 1100 on Saturday 23 July 2016, before a period of trading beginning 1100 Saturday 23 July 2016. The time requested commences 1 hour 30 minutes prior to the Licensing Board's Statement of Licensing Policy for premises hours. Policy hours commence at 1100.

The application is in respect of a request to allow patrons to congregate within the premises prior to being collected for a journey to Rewind Music Festival.

Police Scotland submitted a letter of objection dated 17 March 2016 which shall be circulated at the meeting.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer.

Licensing Standards Officer's Report

An Application for Extended Hours has been received from the Applicant, on behalf of The Crown Inn, Monifieth.

The Applicant, on behalf of the pub, is requesting an extension for the hours of 0930 – 0100 for the above date.

I discussed the application with the premises manager who advised me that the pub will not be open to the general public during the hours of 0930 – 1100; the request has been submitted to allow 30 - 40 customers to congregate within the premises for breakfast and optional alcoholic drinks before being collected to travel to the Rewind Music Festival in Scone. The bar would then open to the general public at 1100.

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. I would ask the Board to consider if they think this event falls within these requirements.

I would ask the Board to consider this application as the extension requested is outwith the hours allowed by the Board's Statement of Licensing Policy, which is 1100hrs - 0100hrs 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.

I would also ask the Board to note that the Statement of Licensing Policy para 6.3 provides that "Any application for licensed hours for more than 14 hours should require further consideration to the extent of granting extra operating hours"; if the Board are mindful to approve this application the premises would then trade for over 15 hours on the day in question.