

ANGUS LICENSING BOARD – 6 APRIL 2017

**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 **Appendices**, 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 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. CONSULTATION

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

7. 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) FRIOCKHEIM BOWLING CLUB, FARNELL ROAD, FRIOCKHEIM, DD11 4XB

Four applications have been received from Friockheim Bowling Club in respect of extensions to their normal trading hours on Sunday 4 June 2017, Sunday 2 July 2017, Sunday 27 August 2017 and Saturday 2 September 2017.

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 premises opening times which is 11.00am.

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

Licensing Standards Officer's Report

Four Applications for Extended Hours have been received from Mr D Ross, Secretary, on behalf of Friockheim Bowling Club.

The Applicant, on behalf of the bowling club, is requesting an extension for the hours of 1000hrs - midnight for

Sunday 4 June 2017 for Open Fours Competition for Angus

Sunday 2 July 2017 for Open Pairs Competition for Angus

Sunday 27 August 2017 Open Triples Competition for Angus; and

Saturday 2 September 2017 for Invitation Fours Competition.

I discussed the application with the applicant who advised me that the bowling club is hosting the annual Open Pairs Competition (Open Triples Competition; Open Fours Competition; Invitation Fours Competition) for Angus with up to 20 bowling clubs being represented. Play will take place from 09.00hrs to 21.00hrs with an awards presentation after play has ceased. Food will be available throughout the day.

The club has had numerous similar applicants approved in previous years with no issues.

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 11.00hrs - midnight 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.

(b) SHARKY'S, 21 GEORGE STREET, MONTROSE

An application has been received from Greene King Brewing and Retailing Limited in respect of Sharky's, 21 George Street, Montrose for an extension to their normal trading hours on Friday 26 May, Saturday 27 May and Sunday 28 May 2017. The application is to request a terminal hour of 02.00. The premises have current terminal hours of 01.00 for Friday, Saturday and Sunday.

The application is in respect of the Montrose Music Festival.

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

Licensing Standards Officer's Report

Extension requested times:

Date	Existing licensed hours	Requested licensed hours
Friday 26th May 2017	11.00hrs – 01.00hrs	11.00hrs – 02.00hrs
Saturday 27th May 2017	12.30hrs – 01.00hrs	11.00hrs – 02.00hrs
Sunday 28th May 2017		12.30hrs – 02.00hrs

An extended application has been received from the Applicant on behalf of Sharkys, 21 George Street, Montrose for the evenings of Friday 26th Saturday 27th and Sunday 28th May 2017.

The Applicant, on behalf of the bar, is requesting an extension to the hours of 11.00hrs – 02.00hrs on 26th & 27th May 2017 and 12.30hrs – 02.00hrs on 28th May 2017.

The application has been submitted to allow the premises to open to host live music acts as part of the MoFest weekend. The entertainment will cease by 01.30hrs.

The applicant has had similar applications approved in previous years to extending hours to 01.45hrs.

The applicant has advised that 3 SIA badged stewards will be on duty during the peak hours of 21.00hrs and 01.30hrs.

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 11.00hrs – 01.00hrs for Friday and Saturday and 11.00hrs – midnight on Sunday. 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 14 hours on the Friday and Saturday.

(c) STAR HOTEL, 7 NEW WYND, MONTROSE

An application has been received from David Bray in respect of The Star Hotel, 7 New Wynd, Montrose for an extension to the normal trading hours on Friday 26 May and Saturday 27 May 2017. The application is to request a terminal hour of 02.00. The premises have current terminal hours of 01.00 for Friday and Saturday.

The application is in respect of the Montrose Music Festival.

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

Licensing Standards Officer’s Report

Extension requested times:

Date	Existing licensed hours	Requested licensed hours
Friday 26th May 2017	11.00hrs – 01.00hrs	11.00hrs – 02.00hrs
Saturday 27th May 2017	11.00hrs – 01.00hrs	11.00hrs – 02.00hrs

An extended application has been received from the Applicant on behalf of Star Hotel, 7 New Wynd, Montrose for 26th & 27th May 2017.

The Applicant, on behalf of the Hotel, is requesting an extension for the hours of 11.00hrs – 02.00hrs on both dates.

The application has been submitted to allow the premises to open to host live music acts as part of the MoFest weekend. The entertainment will cease by 01.30hrs.

The applicant has advised that 3 SIA badged stewards will be on duty.

The premise has had similar applications for the MoFest weekend approved in previous years and I have not been made aware of any associated issues.

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 11.00hrs – 01.00hrs on Friday and Saturdays. 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 14 hours.