

**ANGUS LICENSING BOARD – 6 APRIL 2017**

**LICENCE REVIEW UNDER THE LICENSING (SCOTLAND) ACT 2005**

**REPORT BY THE CLERK**

**ABSTRACT**

The purpose of this report is to advise of an application for review of a premises licence.

**1. RECOMMENDATIONS**

It is recommended that the Board agrees:-

- (i) to note that an application for review of a premises licence in respect of The Plough Inn, 48 Market Street, Forfar, has been received from Police Scotland;
- (ii) to determine whether the application is vexatious or frivolous or does not disclose any matter relevant to any ground for review; and
- (iii) that, if the Board determines that the application is not vexatious and does disclose any matter relevant to any ground of review, to appoint a date for a hearing to consider and determine the premises licence review application.

**2. BACKGROUND**

The Clerk received a Premises Licence Review Application under the Licensing (Scotland) Act 2005 ("the Act") from Police Scotland in respect of The Plough Inn, 48 Market Street, Forfar. The Application will be circulated to Board members.

Section 36 of the Act provides that:-

- (i) Any person may apply to the Licensing Board in respect of premises which have a premises licence in effect, for a review of the premises licence on any of the grounds for review (a Premises Licence Review Application). The application must specify the alleged ground for review.

The grounds for review are

- (a) that one or more of the conditions to which the premises licence is subject has been breached or
- (b) any other ground relevant to one or more of the licensing objectives which are:-
  - (a) preventing crime and disorder
  - (b) securing public safety
  - (c) preventing public nuisance
  - (d) protecting and improving public health; and
  - (e) protecting children from harm.

The Licensing Board may reject a Premises Licence Review Application if the Board considers the application is vexatious or frivolous or does not disclose any matter relevant to

any ground for review. Otherwise, the Board must hold a hearing for the purposes of considering and determining a Premises Licence Review Application.

A review hearing is to be held no later than 42 days after the date on which the Board received the Premises Licence Review Application.

The Application for Review from Police Scotland specifies the alleged grounds for review.

Accordingly, unless the Application is considered by the Board to be frivolous or vexatious or does not disclose any matter relevant to any ground for review, the Board must hold a hearing for the purposes of considering and determining the Premises Licence Review Application on or before 10 May 2017.

#### **4. HUMAN RIGHTS IMPLICATIONS**

In dealing with the matters set out in this report the Board will have regard to any human rights issues.

#### **5. CONCLUSION**

The Board is asked to note receipt of the Application for Review of Premises Licence received and to appoint a date for a hearing to consider the Premises Licence Review Application.

**SHEONA HUNTER**

**CLERK TO THE LICENSING BOARD**

**NOTE:** The background papers (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:-

- The Licensing (Scotland) Act 2005
- Licensing (Procedure) (Scotland) Regulations 2007