

**ANGUS LICENSING BOARD – 12 MAY 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 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, 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) FRIOCKHEIM BOWLING CLUB, FARNELL ROAD, FRIOCKHEIM**

Three applications have been received from Friockheim Bowling Club in respect of extensions to their normal trading hours on Sunday 5 June 2016, Sunday 3 July 2016 and Sunday 28 August 2016. 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 are 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**

An Application for Extended Hours has been received from the Applicant, on behalf of Friockheim Bowling Club.

The Applicant, on behalf of the bowling club, is requesting an extension for the hours of 10.00hrs – 11.00hrs for the above date.

I discussed the application with the applicant who advised me that the bowling club is hosting the annual Open 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 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) THE VAULT, 2 REFORM STREET, MONIFIETH**

An application has been received from Sheena Cochrane in respect of The Vault, 2 Reform Street, Monifieth for an extension to their normal trading hours on Saturday 23<sup>rd</sup> July 2016. The application is 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.

**Police Scotland submitted a letter of observation dated 13 April 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 Vault, Monifieth.

The Applicant, on behalf of the pub, is requesting an extension for the hours of 1000 – 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 10.00 – 11.00; 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 the Rewind Music Festival in Scone. The bar would then open to the general public at 11.00.

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 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 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 to their normal trading hours on Saturday 23 July 2016. The application is 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.

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.

A letter of support has been received dated 8 April 2016 which will be circulated to members prior to the meeting.

**Police Scotland submitted a letter of observation dated 18 April 2016 which shall be circulated to members prior to 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 10.00 – 01.00 for the above date.

The applicant submitted the same application previously which was granted with the condition that alcohol would not be sold.

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 09.30 – 11.00; 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 11.00.

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 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 15 hours on the day in question.

**(d) 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 28 May, Saturday 29 May and Sunday 30 May 2016. The application is to request a terminal hour of 01.45. 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 28th May 2016	11.00hrs – 01.00hrs	11.00hrs – 01.45hrs
Saturday 29th May 2016	11.00hrs – 01.00hrs	
Sunday 30th May 2016	12.30hrs – 01.00hrs	

An extended application has been received from the Applicant on behalf of Sharkys, 21 George Street, Montrose for 28th to 30th May 2016.

The Applicant, on behalf of the bar, is requesting an extension for the hours of 11.00hrs – 01.45hrs on 28th & 29th May 2016 and 12.30hrs – 01.00hrs on 30th May 2016.

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 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.