

**ANGUS LICENSING BOARD – 5 JANUARY 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 **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. 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) PANMURE HOTEL, MONIFIETH**

An extended hours licence application has been received from Panmure Hotel Monifieth Ltd in respect of the Panmure Hotel, Tay Street, Monifieth, Angus for an extension of one hour, to 1.00am, at the end of normal trading on Sunday 15 January 2017 for a private Burns Supper being held by MOD Barry Buddon.

The time requested is one hour later than the Licensing Board's Statement of Licensing Policy for premises terminal hours. Policy hours are 12 midnight on a Sunday.

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

**Licensing Standards Officer's Report**

An extended one hour application has been received from the Applicant on behalf of The Panmure Hotel, Monifieth, for the 15<sup>th</sup> January 2017 into 16<sup>th</sup> January 2017.

The Applicant advises within the application that the event is for MOD Barry Buddon who are having a private Burns Supper. The evening will start at 7pm and finish at 1am. A three course meal will be served with a bag piper playing out the haggis at 8pm. The only other music will be in the background until 1am. The event is for over 18's only.

The extended hour sought is out with the hours stated in the current Statement of Policy. 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.

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 either of these requirements.