

**ANGUS LICENSING BOARD – 5 JANUARY 2017**

**PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005 – LICENCE REVIEW PROPOSAL**

**REPORT BY THE CLERK TO THE LICENSING BOARD**

**ABSTRACT**

The purpose of this report is to advise members of the non payment of Annual Fees under the Licensing (Scotland) Act 2005 (“the 2005 Act”) as detailed in the Appendix to the Report which the Board may wish to consider and take action.

**1. RECOMMENDATION**

It is recommended that the Board considers and determines to hold a review (“a premises licence review proposal”) in respect of those premises detailed in the attached appendix.

**2. BACKGROUND**

In terms of the 2005 Act it is a mandatory condition applicable to all premises licences that the annual fee must be paid.

Despite requests for payment and reminders one or more of the annual fees in respect of each of the licensed premises detailed in the attached appendix have not been paid.

In terms of Section 37 of the 2005 Act, the Licensing Board may, on its own initiative, propose to review a premises licence. The grounds for the Licensing Board making such a premises licence review proposal 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.

**3. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**4. OTHER IMPLICATIONS**

**Legal**

In terms of the 2005 Act a premises licence review proposal must specify the alleged ground for review, in particular the condition or conditions alleged to have been breached or the licensing objective/s to which the ground of review relates. In these particular cases, the condition alleged to have been breached is that the licence holders have failed to pay their annual fee.

## **5. HUMAN RIGHTS IMPLICATIONS**

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

Members are advised that Article 1 of the First Protocol of the European Convention of Human Rights (i.e. protection of property) applies in relation to this Report. The licence holder is considered to be the owner of the licence and as such is entitled to the peaceful enjoyment of his/her possession. However, Angus Licensing Board may take such action as it deems necessary to control the use of the property in accordance with the general interest and subject to the conditions provided for by law. Article 14 requires non-discriminatory treatment of individuals in the enjoyment of their rights.

The legal basis for taking any action in connection with this Report is in terms of the 2005 Act.

Any actions considered by the Licensing Board must be proportionate, i.e. there should be as little intervention as possible to achieve the Board's desired aim.

## **6. CONCLUSION**

The Board is requested to agree to make a premises licence review proposal in respect of the premises detailed in the appendix and to fix a review hearing date or dates to consider the proposals. The Board is asked to agree that any hearing would be cancelled should the outstanding fees be paid prior to the hearing.

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## NON PAYMENT OF ANNUAL FEES FOR 2016

Premises Number	Premises Name	Premises Address	Amount
143	Albert Bar	48 Market Street, Montrose, DD10 8RD	£220
182	Azzurro Ristorane	43 High Street, Arbroath, DD11 1AN	£220
374	Casa Bianca	41 Market Street, Montrose, D10 8NB	£220
160	Central Bar	1-3 Brothock Bridge, Arbroath, DD11 3NQ	£280
45	The Co-op	Montrose Road, Arbroath, DD11 5JP	£700
163	Corner Newsmarket	6-8 Barry Road, Carnoustie, DD7 7QL	£220
156	Keystore	34-36 Dundee Street, Carnoustie, DD7 7PF	£220
118	Lochlands Restaurant	The Mill, Dundee Road, Forfar, DD8 1XF	£280
292	Off Sales	12-12 Cairnie Street, Arbroath, DD11 3BJ	£220
103	Shotz	88-90 Dundee Street, Carnoustie, DD7 7PH	£280
379	Shotz Pool & Snooker	2-4 John Street West, Arbroath, DD11 1Rt	£280
36	The Corner Bar	2 Howard Street, Arbroath, DD11 4Dh	£280
333	The Milton Hotel	Grange Road, Monifieth, DD5 4LU	£280
94	The Old Brewhouse	1-3 High Street, Arbroath, DD11 1BH	£280
127	The Old Reid Park Bar	37-43 West High Street, Forfar, DD8 1BE	£220
263	The Spar	85 Brechin Road, Arbroath, DD11 1TA	£220
44	The Victoria Bar	55-57 Dundee Loan, Forfar, DD8 2EA	£220