

ANGUS LICENSING BOARD – 15 SEPTEMBER 2016

APPLICATION FOR AN OCCASIONAL LICENCE

REPORT BY SHEONA C HUNTER CLERK TO THE BOARD

ABSTRACT

The purpose of this report is to present an application for an occasional licence under the Licensing (Scotland) Act 2005 which requires to be determined by the Board.

1. RECOMMENDATIONS

It is recommended that the Board consider and determine this variation in terms of one of the following options:-

- (i) to grant the application, subject to the Mandatory Conditions and any other discretionary or local conditions which the Board may wish to impose; or
- (ii) to refuse the application on one or more of the grounds referred to in Paragraph 3.

2. BACKGROUND

The Board has received an application(s) in respect of an occasional licence under the Licensing (Scotland) Act 2005 which require to be determined by the Board. The matters referred to in this report are not subject to delegation and must be determined by the Licensing Board.

3. LEGAL IMPLICATIONS

The Board must consider whether any of the grounds for refusal applies and—

- (a) if none of them applies, the Board must grant the application;
- (b) if any of them applies, the Board must refuse the application.

The grounds for refusal are—

- (a) that the premises to which the application relates are excluded premises,
- (b) that the application must be refused under section 64(2) (if application is granted it would allow alcohol to be sold in the premises for a continuous period of 24 hours) or 65(3) (Licensed hours – off-sales.
- (c) that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives,
- (d) that, having regard to—
 - (i) the nature of the activities proposed to be carried on in the premises to which the application relates,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises, the Board considers that the premises are unsuitable for use for the sale of alcohol. In considering, for the purposes of the ground for refusal specified in subsection (c), whether the granting of the application would be inconsistent with the crime prevention objective, the Licensing Board must, in particular, take into account any notice given by the appropriate chief constable under section 57(2).

In determining any application which is to be determined in accordance with paragraph 3, the Board must take into account any report from a Licensing Standards Officer under section 57(3).

4. INFORMATION

The Licensing Standards Officer has raised a report as detailed in the attached Appendix.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. HUMAN RIGHTS IMPLICATIONS

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

7. CONSULTATION

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

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(a) GREY HARLINGS GUEST HOUSE, 5 TRAIL DRIVE, MONTROSE DD10 8SW

An application has been received from Personal Licence Holder, Barry Grant, 1 Logie Village, Craigo, Montrose, DD10 9LD requesting an Occasional Licence for Saturday 24 September 2016 to 25 September 2016 in respect of a wedding and reception with band and music.

The hours requested when alcohol will be sold for consumption **on** the premises are between 16.00 and 00.30 hours.

Comments Received

AN OBJECTION has been received from Tracy Ann Prudhoe dated 30 August 2016, a copy of which shall be circulated to members prior to the meeting.

Licensing Standards Officer's Comments

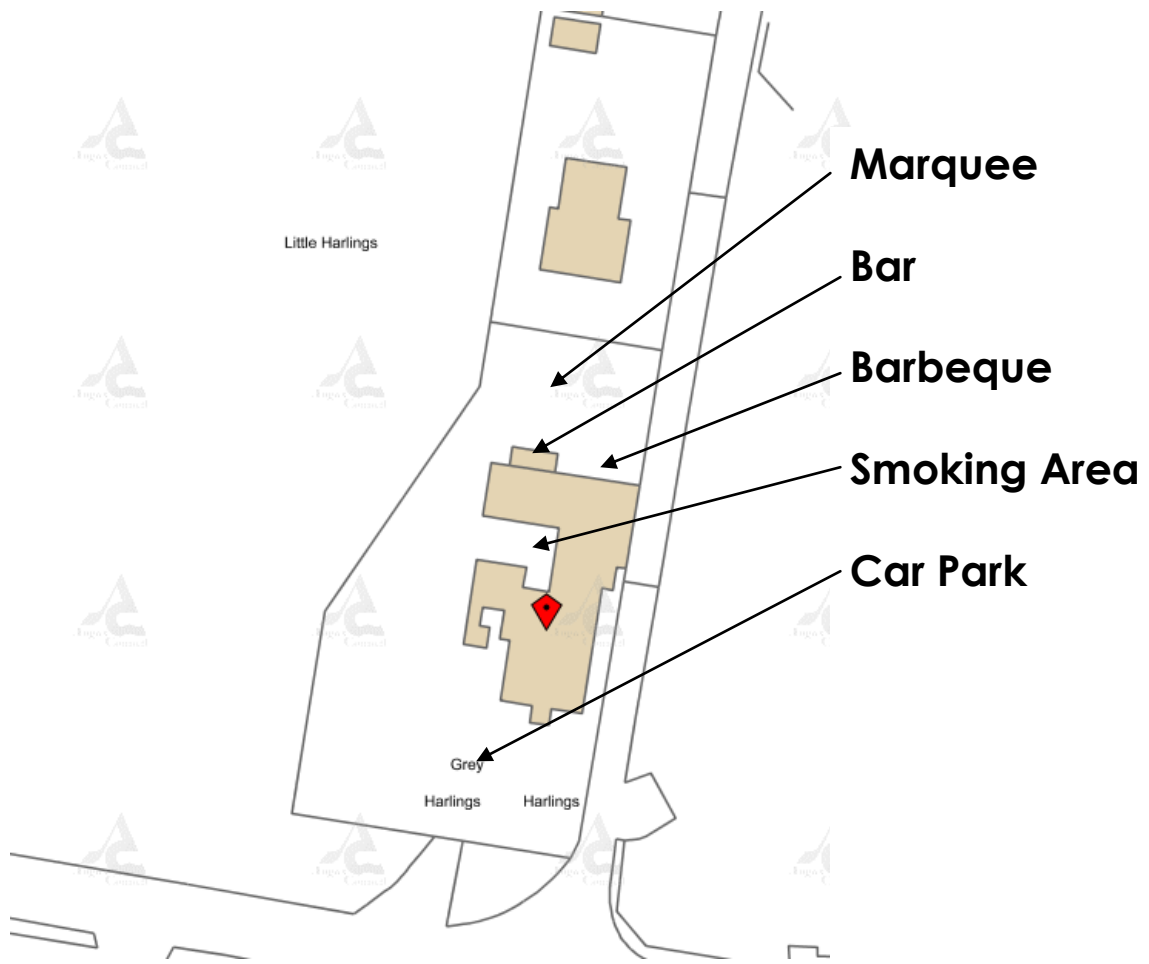
The applicant has submitted this application for an occasional licence to provide bar facilities at a wedding being held at Grey Harlings Guest House, Traill Drive, Montrose.

The guests house owners have advised me that the wedding will be attended by around 100 guests. A marquee will be set up in the garden area that will be connected to marquees containing the bar and separate barbeque area. The marquees will be attached allowing no access to the garden areas outwith. The toilets are situated within the guest house and the smoking area is within a courtyard area that is accessed through the guest house.

The guest house owners also advised me that the marquee will be fitted with a soundproofing wall between them and the neighbouring property and that speakers will point away from neighbours. The band will play traditional Scottish music from 8pm to 10pm with background music being played after that; the volume of the background music will be managed by the guest house owners who monitor the noise levels around their premises and will reduce the volume as required.

All deliveries will be made within the car park area. Buses will drop guests off within the car park and return to collect them at the end of the evening; guests staying at the guest house will park their vehicles within the car park.

The event is expected to cease by midnight with buses booked for then to transport guests home.



Marquee

Bar

Barbeque

Smoking Area

Car Park

Little Harlings

Grey

Harlings

Harlings