

**ANGUS LICENSING BOARD – 3 NOVEMBER 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 69(2), and the Licensing Standards Officer's report under Section 69(3).

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. CONSULTATION**

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

**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) DEVITOS NIGHT CLUB, 11 MILLGATE LOAN, ARBROATH**

An application has been received from Bellrock Property Limited in respect of an extension to their normal trading hours on 26, 27 December 2016 and 2 and 3 January 2017 at Devitos Night Club, 11 Millgate Loan, Arbroath. The application is to request a terminal hour of 2am, which is two hours later than the Licensing Board’s Statement of Licensing Policy for premises terminal hours of 24.00.

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 Devitos Nightclub.

Extension requested times:

<b>Date</b>	<b>Existing licensed hours</b>	<b>Requested licensed hours</b>
Monday 26th December 2016	20.00hrs – Midnight	22.00hrs – 02.00hrs
Tuesday 27th December 2016	20.00hrs – Midnight	22.00hrs – 02.00hrs
Monday 2nd January 2017	20.00hrs – Midnight	22.00hrs – 02.00hrs
Tuesday 3rd January 2017	20.00hrs – Midnight	22.00hrs – 02.00hrs

**Comments for Licensing Board Consideration**

I have discussed the application with the applicant who advised me that the extended hours would allow patrons to visit the nightclub during an additional four nights over the festive period. He also advised that the nightclub has, historically, experienced quieter spells during the months of January and February and that allowing the premises to operate on these evenings would help offset against these leaner periods.

The applicant commented on the nightclub enjoying a good relationship with Police Scotland officers in Arbroath and advised that he will meet with the local Police Inspector to ensure he is aware of the hours the nightclub will be trading over the festive period as well as the numbers expected to attend each night.

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 these evenings 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 days 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.