

(b) LICENCE NO. 81 – OGILVY BAR, 2/4 ROODS, KIRRIEMUIR

Name and Address of Applicant

Boo, 2-4 Lower Roods, Kirriemuir, DD8 4EZ

Type of Licence: On/Off Sales

Description of Variation Sought

1. **Vary** the On Sales operating hours for Friday and Saturday from the existing terminal hour 01.00 to 02.00.

The Board is asked to note that the hours requested are outwith Board Policy.

It is requested that the Board applies the Late Opening Conditions

2. **Children and Young Persons** – times for access for Children and Young Persons from 0 to 17 years to be restricted to

- Monday - Saturday 11am to 8.00pm
- Sunday 12.30pm to 8.00pm.

It is requested that the Board applies the children's model local conditions.

Comments Received

COMMUNITIES, ENVIRONMENTAL & CONSUMER PROTECTION submitted a Memorandum of Observation dated 7 January 2016.

The above application seeks to extend the core times to 02.00 on Friday and Saturday night. The applicant has also indicated that if this application is successful then they will surrender the licence for and close the adjacent nightclub (Buddies).

There is no recent complaint history regarding amplified music from these premises – the last complaint investigated by this Service was received in June 2012. At that time steps were taken by the applicant to relocate music equipment and this appears to have resolved any issues.

With regards to the current application it is accepted that the closure of the adjacent nightclub would have a positive impact on nearby residential amenity, particularly with regards to the reduction in noise associated with people moving between the premises. However the possibility of adverse impacts arising from the current application will still require to be properly managed and this service would therefore request that any extension to core hours includes a requirement for a suitable noise management plan to be devised and implemented.

Communities, Environmental & Consumer Protection confirmed that a satisfactory Noise Management Plan was submitted on 31 December 2005, **copy attached**.

A NOTICE OF OBJECTION was submitted by email on 28 January 2016. A notice of objection or representation was required to have been received no later than 15 January 2016 and this objection was therefore received late.

Where a Board considers that there are good reasons not to treat an objection or representation as not made despite its being entitled to do so, the Board is to consider whether it is in the interest of justice to postpone or adjourn the hearing at which the application in question is to be determined.