

ANGUS LICENSING BOARD - 2 APRIL 2015

REVIEW OF PREMISES LICENCE

REPORT BY THE CLERK

ABSTRACT

The purpose of this report is to invite the Board to determine whether to proceed with a Premises Licence Review in respect of De Vito's, 11 Millgate, Arbroath.

1. RECOMMENDATIONS

The Board is asked to determine whether to proceed with a Premises Licence Review in respect of De Vito's, 11 Millgate, Arbroath.

2. BACKGROUND

The Board, at its meeting on 9 January 2014, considered a report from the Clerk in respect of an application by the Chief Constable for a Premises Licence Review in terms of Section 36(1) of the Licensing (Scotland) Act 2005 (Report LB 10/14 refers). Having considered the report and the terms of the Application for Review, the Board agreed that a Special Angus Licensing Board meeting be held on Monday 20 January 2014 to hold the Review.

The application for a Premises Licence Review referred to above will be circulated to Board members.

On 20 January 2014 (Report LB 12/14 refers), the Board agreed to a request from the agent acting for the Premises Licenceholder that the review application be adjourned to allow them sufficient time to prepare their case. A further meeting of the Board was fixed for 12 February 2014 to consider the Application.

On 12 February 2014 (Report LB 14/14 refers), the Board, having considered submissions from the agent for the Premises Licenceholder and from Police Scotland, agreed to adjourn the hearing to a date as yet undetermined to allow further information to be submitted from Police Scotland once the outcome of any criminal proceedings were known. The reasons for the adjournment being:-

- (a) to allow Police Scotland the opportunity to determine whether or not they wished to provide further and fuller details of 53 alleged incidents. Should Police Scotland determine not to provide such further details then the Review Hearing would not consider such alleged incidents; and
- (b) that the Board determined that given the on-going criminal proceedings against the Door Steward employed at the premises, in all the circumstance of this particular case, it would be preferable for the Hearing to await the outcome of any criminal proceedings before recommencing the Hearing.

The Clerk has received further correspondence from Police Scotland in respect of this matter. A copy of this correspondence will be circulated to Board members.

In light of this correspondence, the Board is invited to determine whether to proceed with the Review Hearing previously determined.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RIGHTS IMPLICATIONS

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

5. EQUALITIES IMPLICATIONS

The issues contained in this Report fall within an approved category that has been confirmed as exempt from an equalities perspective.

**SHEONA C HUNTER
CLERK TO THE LICENSING BOARD**

NOTE: The background papers (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:-

The Licensing (Scotland) Act 2005
Licensing (Procedure) (Scotland) Regulations 2007