

ANGUS LICENSING BOARD – 2 APRIL 2015

**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 hours 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 hours application, the Licensing Board must take into account any notice of objection given by the appropriate Divisional Commander, under section, and the Licensing Standards Officer's report.

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. HUMAN RIGHTS IMPLICATIONS

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

6. EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

7. CONSULTATION

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

8. 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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(1) FRIOCKHEIM BOWLING CLUB, FARNELL ROAD, FRIOCKHEIM

Three applications have been received from Friockheim Bowling Club in respect of extensions to their normal trading hours on Sunday 7 June 2015, Sunday 5 July 2015 and Sunday 30 August 2015. The applications are to request an opening time of 10.00am, which is one hour earlier than the Licensing Board's Statement of Licensing Policy for premises opening times which is 11.00am.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer.

Licensing Standards Officer's Report

Friockheim Bowling Club, a premises licence holder, has submitted applications requesting their bar to open from 10am on the following dates (all Sundays): 7 June, 5 July and 30 August 2015 for Angus Area open bowling competitions being held at the club.

The requested extensions to open at 10am is outwith the Licensing Board's Statement of Licensing Policy for Sunday opening which is 11am. The Board is therefore requested to consider this application.

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.

The Board are asked to note they have granted similar requests to Friockheim Bowling Club since the Licensing (Scotland) Act 2005 came into force.

(2) 19th HOLE

An extended hours licence application has been received from Greene King Brewing & Retailing Ltd in respect of The 19th Hole, 8 Ferrier Street, Carnoustie, for an extension to 3.30am on Sunday 3 May 2015, at the end of a period of trading beginning Saturday 2 May 2015. The time requested is 2 hours 30 minutes later than the Licensing Board's Statement of Licensing Policy for premises terminal hours. Policy hours are 1.00am for Friday and Saturday.

The application is in respect of a championship boxing match being shown on TV. The Board is asked to note that televised sport is included in the operating plan but within core hours only.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer.

Licensing Standards Officer's Report

Requested Extension

An extended hours licence application has been received from Greene King Brewing & Retailing Ltd in respect of the 19th Hole Hotel, 8 Ferrier Street, Carnoustie, for an extension on Sunday 3 May, at the end of a period of trading beginning Saturday 2 May, from 1am to 3.30am, in respect of the Mayweather/Pacquiao championship boxing being shown on TV.

The applicant has stated that entry to watch the boxing will be a ticket-only event limited to 100 persons, the approved capacity of the premises being 222. 2 x SIA licensed door stewards will be on duty and on site from 11pm. The premises plan to close the bar no later than 11.30pm on the 2 May and provide a minimum 30 minute sterile period between bar patrons leaving and entry to boxing ticket holders. Food and complementary soft drinks will be available to ticket holders until the later closing time. Alcohol sales will end at 3.30am with a further period required to allow person to disperse on or around 4am.

LSO Comments for Licensing Board Consideration

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 1am for the day 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.

An extension of hours may be granted by the Board, under Section 68 of the Licensing (Scotland) Act 2005, for a special event of local or national significance. I would ask the Board to consider if they think this event falls within this definition