

**ANGUS LICENSING BOARD – 14 MAY 2015**

**APPLICATION FOR PREMISES LICENCE REVIEW**

**REPORT BY SHEONA C HUNTER CLERK TO THE BOARD**

**ABSTRACT**

The purpose of this report is to advise of an application for review of a premises licence.

**1. RECOMMENDATIONS**

It is recommended that the board agrees:-

- (i) to note that an application for review of a premises licence in respect of Costcutters, 76 Dundee Road, Forfar, DD8 1HW has been received from the Licensing Standards Officer,
- (ii) to determine whether the application is vexatious or frivolous or does not disclose any matter relevant to any ground for review; and
- (iii) that, if the Board determines that the application is not vexatious and does disclose any matter relevant to any ground of review, to appoint a date for a hearing to consider and determine the premises licence review application.

**2. BACKGROUND**

On 24 April 2015 the Clerk to the Board received a Premises Licence Review Application from the Licensing Standards Officer in respect of the premises licence issued under the Licensing Scotland Act 2005 (“the Act”) for the premises at 76 Dundee Road, Forfar, DD8 1HW.

In terms of Section 36 (3) of the Act the grounds for a Licensing Review are:-

- (a) that one or more of the conditions to which the premises licence is subject has been breached; or
- (b) any other ground relevant to one or more of the licensing objectives.

In terms of the Act, a Licensing Standards Officer may only make a premises licence review application on ground (b) where the Licensing Standards Officer is of the opinion the licensing objectives have been breached and under S14(2)(b) of the Act there is a competent ground for review.

The grounds for the Review Application is that training records have been falsified and presented as a true record to the Licensing Standards Officer and that this lack of training means staff do not have a full understanding of how to prevent crime and disorder, how to protect children from harm , how to protect and improving public health and how to prevent public nuisance.

The Review Application of the Licensing Standards Officer will be circulated at the meeting..

**3. LEGAL IMPLICATIONS**

The Licensing Board may reject a Premises Licence Review Application if the Board considers the application-

- (a) is vexatious or frivolous; or
- (b) does not disclose any matter relevant to any ground for review.

Where a Licensing Board rejects a Premises Licence Review Application on either of these grounds it must give notice of the decision and the reasons for it, to the applicant. In the event that the application is rejected on ground a), the Licensing Board may recover any expenses incurred by the Board, from the applicant.

#### **4. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

#### **5. HUMAN RIGHTS IMPLICATIONS**

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

#### **6. EQUALITIES IMPLICATIONS**

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

#### **7. CONCLUSION**

The Licensing Standards Officer's has submitted an Application for a Review of a Premises Licence on a ground provided for in terms of the Act, namely that one of the conditions of the licence has been breached. The application follows upon the issuance by the Licensing Standards Officer of the Notice required in terms of the Act, which Notice has not been complied with to the satisfaction of the Licensing Standards Officer. The Board is therefore asked to determine to hold a Premises Licence Review.

#### **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

**REPORT AUTHOR:** Dawn Smeaton, Licensing and Litigation Assistant

**E-MAIL:** LEGDEM@angus.gov.uk