

ANGUS LICENSING BOARD – 14 MAY 2015

APPLICATIONS FOR OCCASIONAL LICENCES

REPORT BY SHEONA C HUNTER CLERK TO THE BOARD

ABSTRACT

The purpose of this report is to present applications for occasional licences under the Licensing (Scotland) Act 2005 which require to be determined by the Board.

1. RECOMMENDATIONS

It is recommended that the Board consider and determine this variation in terms of one of the following options:-

- (i) to grant the application, subject to the Mandatory Conditions and any other discretionary or local conditions which the Board may wish to impose; or
- (ii) to refuse the application on one or more of the grounds referred to in Paragraph 3.

2. BACKGROUND

The Board has received an application(s) in respect of an occasional licence under the Licensing (Scotland) Act 2005 which require to be determined by the Board. The matters referred to in this report are not subject to delegation and must be determined by the Licensing Board.

3. LEGAL IMPLICATIONS

The Board must consider whether any of the grounds for refusal applies and—

- (a) if none of them applies, the Board must grant the application;
- (b) if any of them applies, the Board must refuse the application.

The grounds for refusal are—

- (a) that the premises to which the application relates are excluded premises,
- (b) that the application must be refused under section 64(2) (if application is granted it would allow alcohol to be sold in the premises for a continuous period of 24 hours) or 65(3) (Licensed hours – off-sales.
- (c) that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives,
- (d) that, having regard to—
 - (i) the nature of the activities proposed to be carried on in the premises to which the application relates,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises, the Board considers that the premises are unsuitable for use for the sale of alcohol. In considering, for the purposes of the ground for refusal specified in subsection (c), whether the granting of the application would be inconsistent with the crime prevention objective, the Licensing Board must, in particular, take into account any notice given by the appropriate chief constable under section 57(2).

In determining any application which is to be determined in accordance with paragraph 3, the Board must take into account any report from a Licensing Standards Officer under section 57(3).

4. INFORMATION

The Licensing Standards Officer has raised a report (s) as detailed in the attached Appendix/Appendices.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. HUMAN RIGHTS IMPLICATIONS

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

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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(a) MONTROSE MUSIC FESTIVAL, HIGH STREET, MONTROSE

An application has been received from Claire Carle for Montrose Music Festival Ltd, a voluntary organisation, requesting an Occasional Licence on Saturday 23 May and Sunday 24 May 2015 in respect of the Montrose Music Festival on Montrose High Street as per plan – see Annex A

The hours requested when alcohol will be sold for consumption are.

Saturday 23 May 2015 11am to 8pm
Sunday 24 May 2015 1pm to 6pm

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 has been received from Montrose Music Festival Limited, a charitable organisation, for an occasional licence for an external area of Montrose High Street, as per plan at Annex A, of some 85 metres x 21 metres for Saturday and Sunday the 23 and 24 May 2015. The Board area asked to note the area requested is part of a byelaw area where the consumption of alcohol is prohibited unless an occasional licence is in operation.

The hours required are 11am to 8pm on the Saturday and 1pm to 6pm on the Sunday for an outdoor food and drink market complementary to the music part of the festival, It is envisaged by the organisers a high number of families and individuals will come into this market area and unaccompanied children and young persons will be allowed to enter. No charge will be made for entrance to this market area.

Two alcohol outlets, operating as bars, will provide on-sales provision with persons purchasing alcohol then being able to consume this alcohol in and around the whole of the requested High Street area.

The Board are asked to note from the area plan that the High Street and surrounding streets will be traffic free for the times and dates requested, a public entertainment licence application has been granted by Angus Council for this event and meetings have taken place between Angus Council's Events Planning Team and the organisers. The music part of the festival is to end at 6pm on both days.

The applicants have submitted an alcohol management plan for this event, see Annex B, the Board will note that a high level of security will be available on the day and access to the area will be controlled. Sales of alcohol, as per the plan, will be restricted to 2 drinks per person. I would ask, if the Board are moved to grant this application that this alcohol management plan is included as a condition of the licence.

Reason for Comments

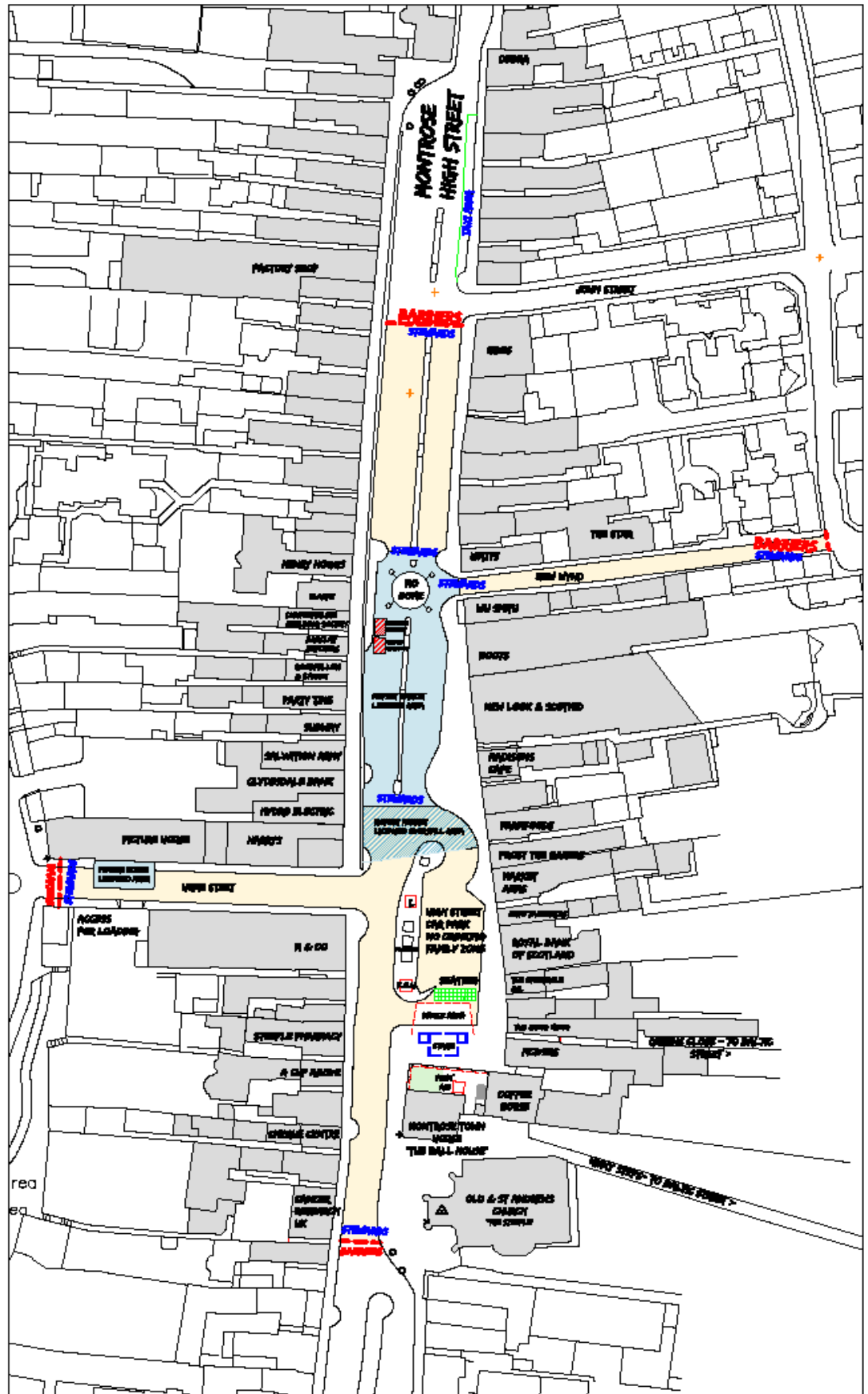
I would ask the Board to consider this application for the following reasons:

1. The area requested for alcohol sales and consumption is in a byelaw zone where the consumption of alcohol is prohibited in public places, these byelaws supporting the licensing objectives of preventing public nuisance and securing public safety.
2. The occasional licence application is to allow alcohol sales and consumption over an area approximately 85m x 21m in the High Street and for drinkers to freely circulate in and around this area. I would, for the licensing objectives of securing public safety, preventing public nuisance and, as unaccompanied children and young people will be allowed entry, protecting children from harm request that the Board restrict alcohol sales and consumption to a reduced area in the vicinity of the bars and for this area to be for over 18's only.

Additional Papers attached:

Annex A: Plan of requested area
Annex B: MoFest alcohol management plan.

HIGH STREET EVENT-- 1:1000



Montrose Music Festival Alcohol Management Plan.



Aim

The aim of this alcohol management plan is to assist in ensuring compliance with the Licensing (Scotland) Act 2005 and the 5 licensing objectives: Preventing crime and disorder, Preventing public nuisance, Securing public safety, Protecting and improving public health and Protecting children from harm by ensuring that alcohol is sold safely and responsibly during the period of the Montrose Music Festival (MoFest) High Street Event on Saturday 23rd & Sunday 24th May 2015.

Management Statement

This year the festival has been given funding from event Scotland to promote local food and drink produce. As such we have developed an enclosed food and drink area on Montrose High Street featuring some of Angus best produce. Within these vendor stalls there are two local producers of alcohol (Arbikie Distillery & Burnside Brewery) who will have small bars to showcase some of the products. This will be in the form of dispensed drinks into plastic glasses and not off sales of their glass goods.

The food and drink area will be open to all of the public, with soft drinks being sold at most of the food stalls for our younger audience. The street will feature seating and a new 10m diameter dome that we will be hosting some acoustics youth acts for the younger audience to enjoy. Throughout the day this whole area will be policed by our experienced teams to ensure that under 18's are not drinking in this area, being bought drink in this area or watching for anyone leaving with an alcoholic beverage. There will only be 2 accessible entrances and exits for the public which will be manned at all times by SIA security.



Image showing new dome and view towards North entrance of the food and drink area.

Montrose Music Festival Alcohol Management Plan.

Aim

The aim of this alcohol management plan is to assist in ensuring compliance with the Licensing (Scotland) Act 2005 and the 5 licensing objectives: Preventing crime and disorder, Preventing public nuisance, Securing public safety, Protecting and improving public health and Protecting children from harm by ensuring that alcohol is sold safely and responsibly during the period of the Montrose Music Festival (MoFest) High Street Event on Saturday 23rd & Sunday 24th May 2015.

1. The licence holder will comply with the mandatory conditions applicable to all occasional licences and any local conditions expected by the Licensing Board.
2. As part of Event Scotland's year of Food and Drink our aim is to create a market area within our high street event to promote local produce. This will include two vendors who will sell alcoholic beverages. These vendors will hold their own personal license.
3. Market area to be the only area for sale and consumption of alcohol within the licensed area (delineated in blue on the enclosed map). This will be an enclosed area with two main accesses which will be staffed with SIA Licensed Door Supervisors.
4. SIA Licensed Door Supervisors to only allow access to patrons thought suitable to enter, carry out random bag searches, carry out ID checks, we have strict zero tolerance policies for violence and controlled substances, monitor and control behaviour in and around the licensed and non licensed areas.
5. Specific Security team will be stationed at each entrance to market area and the high street event as a whole along with Mofest stewards to monitor and control behaviour in and around the licensed and non licensed areas.
6. To Secure Public Safety we will carry out evacuation procedures with all staff working at the event.
7. Restricting people to drink within one area will allow us to keep a close eye on the public. Issues in the past have been people downing drinks in one pub to get to another, thus people get drunk quicker. By allowing a safe area for drinking we can prevent this from happening, have bottled water available, sell non alcoholic beverages at reasonable prices, have qualified First Aid Staff and Tent on site, the Public Address System will be in good working order.
8. Security staff will be in place to monitor and control behaviour as well as prevent crime and disorder by creating a safe and secure environment. Detecting underage drinking is one of their main priorities and will be monitored from the beginning of the event to the end. They have UV lights that detect fraudulent ID cards, we have a good relationship with the security team and authorities working at the event and feel confident that together we can control underage drinking as a team of well trained staff.
9. Separate alcohol free stalls will be set up in the licensed area where young persons will be able to purchase soft drinks for themselves.
10. A personal licence holder will supervise all bar sales.
11. No-one will sell or serve alcohol without first receiving the relevant training.
12. The sale and consumption of alcohol to be limited to the areas approved by the Licensing Board.
13. SIA badged staff to be used to control access to and from licensed area.
14. Persons who are drunk will not be served or allowed into licensed area.
15. The occasional licence holder and sufficient responsible persons are to be present throughout the event to ensure compliance with the Licensing (Scotland) Act 2005

16. All alcohol to be decanted in to plastic containers at the point of sale.
 17. Only plastic (PET) bottles to be offered for sale
 18. Challenge 25/age verification will be employed. Identification will be by way of a passport or driving licence
 19. Challenge 25 signage will be displayed
 20. Alcohol sales to be restricted to a maximum of 2 drinks (plastic containers or bottles) per order per person at any one time. Signage to be displayed at bar.
 21. Staff to be briefed and alert to the potential for agency buying (person over 18 buying for persons under 18) and refuse service or confiscate alcohol if they think this is happening
 22. No alcohol to be brought into market area.
 23. Members of the public are forbidden access behind the event bars at all times.
 24. The Licence Holder will ensure that sufficient staff are on duty throughout the event to operate the bar and to supervise licenced areas.
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Suggested occasional licence holder duties:

Responsible For: Operating a bar, ensuring that the Licensing Objectives are complied with:
Prevention of crime disorder
Prevention of public nuisance
Securing Public Safety
Protecting and Improving Public Health
Protection of children from harm

Main Duties: Effective management of staff in a bar
Minimize risk of loss of cash
Operate the Challenge 25 scheme and ensure staff are trained briefed and managed accordingly
Comply with the conditions of the occasional licence

**(b) EXTERNAL AREA ON MONTROSE HIGH STREET
OPPOSITE THE MARKET ARMS, 95 HIGH STREET, MONTROSE**

An application has been received from Sharon Dorward, a personal licence holder, requesting an Occasional Licence on Saturday 23 May and Sunday 24 May 2015 in respect of an outside area on Montrose High Street opposite the Market Arms Public House, 95 High Street, Montrose for the Montrose Music Festival.

The hours requested when alcohol will be sold for consumption are between 11am and 7pm hours on both days.

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

POLICE COMMENTS OUTSTANDING AS AT 27/4/15

Licensing Standards Officer's Report:

An application has been received from Mrs S Dorward for an occasional licence for an external area on Montrose High Street opposite the Market Arms public house, 95 High Street, Montrose, for Saturday 23 & Sunday 24 May 2015 for the Montrose Music Festival. A plan and dimensions of the requested area is at Annex A. The street requested is part of a byelaw area where the consumption of alcohol is prohibited unless an occasional licence is in operation.

The hours required are 11am to 7pm both days and the applicant has confirmed part of the area will be seated, children will not be allowed access and SIA badged stewards will be on duty to control entrance and exit. This area is for the consumption of alcohol only with all sales taking place in the Market Arms. To reach the outside area persons with alcohol will have to cross a preserved 3m wide pedestrian access which is in the byelaw area.

The Board are asked to note the High Street and surrounding streets will be traffic free for the times and dates requested, a public entertainment licence application has been granted by Angus Council for the Montrose Music Festival event and meetings have taken place between Angus Council's Events Planning Team and the event organisers. The music part of the festival is to end at 6pm on both days.

Reason for Comments

I would ask the Board to consider this application for the following reasons:

25. The area requested for alcohol consumption is in a byelaw zone where the consumption of alcohol is prohibited in public places, these byelaws supporting the licensing objectives of preventing public nuisance and securing public safety.
26. Not covered in the application is the 3m preserved pedestrian access area to and from the Market Arms to the outside area requested for the consumption of alcohol. The consumption of alcohol in this area is an offence, therefore, I would need to object to this application on the grounds of preventing crime and disorder.

