

**ANGUS LICENSING BOARD – 2 NOVEMBER 2017**

**PREMISES LICENCE - 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 an application to extend the licensed hours in respect of a premises licence under the Licensing (Scotland) Act 2005 which requires to be determined by the Board.

**1. RECOMMENDATION**

It is recommended that the Board considers and determines the application to extend the licensed hours in respect of a premises licence as detailed in **APPENDIX 1**, 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 an application to extend the licensed hours in respect of a premises licence under the Licensing (Scotland) Act 2005 which requires 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 the application is attached as **APPENDIX 2** to this report.

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 application as set out in this report, the Board will have regard to any human rights issues in relation to the applicant.

**6. NOTIFICATION**

The applicant has 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) DEVITOS NIGHTCLUB, 11 MILLGATE, ARBROATH, DD11 1NN – LIC NO 318**

An extended hours licence application has been received from Andrew Hardie, Bellrock Property Limited, 20-22 Wenluck Road, London, N1 7GU, in respect of Devitos Nightclub, Arbroath for an extension of hours as follows:-

1. Monday 25<sup>th</sup> December 2017 from 22:30 hours to Tuesday 26<sup>th</sup> December 2017 to 02:00 hours for the Manager's 40<sup>th</sup> Birthday Party;
2. Tuesday 26<sup>th</sup> December 2017 from 22:30 hours to Wednesday 27<sup>th</sup> December 2017 to 02:00 hours for a Boxing Night Ball;
3. Monday 1<sup>st</sup> January 2018 from 22:30 hours to Tuesday 2<sup>nd</sup> January 2018 to 02:00 hours for a New Year's Day Ball; and
4. Tuesday 2<sup>nd</sup> January 2018 from 22:30 hours to Wednesday 3<sup>rd</sup> January 2018 to 02:00 hours for the Club's 6<sup>th</sup> Year Party.

**Devitos Nightclub has seasonal variations as part of its Operating Plan. In accordance with Angus Licensing Board's Supplementary Statement of Policy from November 2016, parts 1 and 3 of the application fall within Policy.**

Parts 2 and 4 of the application fall out with Policy, trading only being permitted until midnight on a Tuesday. The extension sought is two hours later than the Licensing Board's Statement of Licensing Policy for terminal hours.

The Applicant has indicated within the application that Police Scotland will be supplied with a list of opening dates and times in addition to how many staff will be working plus estimated numbers expected each night.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer and is attached as **APPENDIX 2** to the report.

Police Scotland has not objected to the application.

**LICENSING STANDARD OFFICER - REPORT**

**Applicant Details**

Applicant: Premises Licence Holder: A Hardie, Bellrock Property Limited

Name of premises: Devitos, 11 Millgate, Arbroath, DD11 1NN

Event or Occasion: Boxing Night  
Ball Clubs 6<sup>th</sup>  
Year Party

Date(s) required: Tuesday 26 December 2017  
Tuesday 2 January 2018

Extension requested times:

<b>Date</b>	<b>Existing licensed hours</b>	<b>Requested licensed hours</b>
Tuesday 26 December 2017	20.00 – midnight	22.30 – 02.00
Tuesday 2 January 2018	20.00 – midnight	22.30 – 02.00

**Requested Extension**

An Application for Extended Hours has been received from the Applicant, on behalf of Devitos Nightclub.

The Applicant, on behalf of the nightclub, is requesting an extension for the hours of 22.30hrs - 02.00hrs for the above dates.

**Comments for Licensing Board Consideration**

The applicant has advised that the extended hours have been requested for the above events.

The applicant has commented on the nightclub enjoying a good relationship with Police Scotland officers in Arbroath and will supply local police officers with a list of opening dates and times along with how many staff will be working and the numbers expected to attend each night.

The Board are asked to note they may grant an extension of hours, under Section 68 of the Licensing (Scotland) Act 2005, for a special event or occasion to be catered for on the premises or a special event of local or national significance. I would ask the Board to consider if they think this evening falls within these requirements.

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 1100hrs - midnight 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.

Mark Gillespie  
Licensing Standards Officer