

ANGUS LICENSING BOARD – 2 NOVEMBER 2017

LICENCE REVIEW UNDER THE LICENSING (SCOTLAND) ACT 2005

REPORT BY THE CLERK

ABSTRACT

The purpose of this report is to advise of a premises licence review application. The premises to which the review relates is Forbes of Kingennie Country Resort. The holder of the premises licence is The Partnership of Michael and Gail Forbes, T/A Kingennie Fishings, Omachie Farmhouse, Kingennie DD5 3RF.

1. RECOMMENDATIONS

It is recommended that the Board agrees:-

- (i) to note that an application for review of a premises licence in respect of Forbes of Kingennie Country Resort has been received from a member of the public;
- (ii) to determine whether the application is vexatious or frivolous or does not disclose any matter relevant to any ground for review; and
- (iii) if the Board determines that the application is not vexatious or frivolous 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

The Clerk received an application for a review of a premises licence under the Licensing (Scotland) Act 2005 (“the Act”) on 29 September 2017 from Mr Christopher Byres in respect of Forbes of Kingennie Country Resort. The application is attached as **APPENDIX 1** to this Report.

Section 36 of the Act provides that:

“Any person may apply to the appropriate Licensing Board in respect of any licensed premises in relation to which a premises licence has effect for a review of the licence on any of the grounds for review.”

The grounds for review are:

- (a) that, having regards to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence;
- (b) that one or more of the conditions to which the premises licence is subject has been breached; and
- (c) any other ground relevant to one or more of the licensing objectives.

The licensing objectives are:-

- (a) preventing crime and disorder;
- (b) securing public safety;
- (c) preventing public nuisance;
- (d) protecting and improving public health; and
- (e) protecting children and young persons from harm.

The Licensing Board may reject an application if the Board considers the application is vexatious or frivolous or does not disclose any matter relevant to any ground for review.

Otherwise, the Board must hold a hearing for the purposes of considering and determining a premises licence review application.

A review hearing is to be held no later than 42 days after the date on which the Board received the premises licence review application.

If the Board decides to hold a hearing for the purposes of considering and determining the premises licence review application it must do so on or before **9 November 2017**.

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. CONCLUSION

The Board is asked to note receipt of the application for review of a premises licence and, if considered appropriate, to appoint a date for a hearing to consider the premises licence review application.

**SHEONA 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