

ANGUS LICENSING BOARD – 5 APRIL 2018

**PREMISES LICENCES - REQUEST TO EXTEND HOURS
UNDER THE LICENSING (S) ACT 2005**

REPORT BY 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 hour's 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 hour's application, the Licensing Board must take into account any notice of objection given by the appropriate Divisional Commander, under Section 69(2), and the Licensing Standards Officer's report under Section 69(3).

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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(a) STAR HOTEL, 7 NEW WYND, MONTROSE

An application has been received from David Bray in respect of The Star Hotel, 7 New Wynd, Montrose for an extension to the normal trading hours on Friday 25 May and Saturday 26 May 2018. The application is to request a terminal hour of 02.00. The premises have current terminal hours of 01.00 for Friday and Saturday.

The application is in respect of the Montrose Music Festival.

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

Report on behalf of the Licensing Standards Officer

Applicant Details

Applicant: Premises Licence Holder: David Anthony Bray
 Name of premises: The Star Hotel, Montrose (PL 178)
 Event or Occasion: Montrose Music Festival
 Date(s) required: Friday 25 May and Saturday 26 May 2018
 Extension requested times:

Date	Existing licensed hours	Requested licensed hours
Fri 25 and Sat 26 May 2018	11.00hrs – 01.00hrs	11.00hrs – 02.00hrs

Address or Location of Premises

The Star Hotel, 7 New Wynd, Montrose, DD10 8RB

Requested Extension

An application for extended hours has been received from the Applicant, on behalf of The Star Hotel, Montrose.

The Applicant, on behalf of the pub, is requesting an extension of one hour for the above dates.

Comments for Licensing Board Consideration

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 event 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 - 0100hrs, for the days 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.

I would also ask the Board to note that the Statement of Licensing Policy at para 6.3 provides that "Any application for licensed hours for more than 14 hours should require further consideration to the extent of granting extra operating hours"; if the Board are minded to approve this application the premises would then trade for 15 hours on the day in question.

Tina Magson, Solicitor