

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 17 MAY 2018

NEW APPLICATION – PUBLIC ENTERTAINMENT LICENCE

REPORT BY SERVICE LEADER - LEGAL AND DEMOCRATIC

The purpose of this report is to present a new application for a new licence under the Civic Government (Scotland) Act 1982 which requires to be determined by the Committee.

1. RECOMMENDATION

It is recommended that the Committee consider and determine the application for a new licence as detailed in the attached Appendix, in terms of one of the following options:-

- (i) to grant the application;
- (ii) to grant the application subject to standard and/or any additional conditions;
- (iii) to defer the application for a period not exceeding 9 months from the date of the application; or
- (iv) to refuse the application on one or more of the rounds referred to in Paragraph 4.

2. BACKGROUND

The Council has received an application for a new licence under the Civic Government (Scotland) Act 1982 which requires to be determined by the Committee because one or more of the following apply:-

- (i) there has been an objection or a representation received in respect of the application; or
- (ii) the application does not comply with the policy adopted by Angus Council; or
- (iii) the function is not delegated to Officers; or
- (iv) the applicant has a conviction(s), a spent conviction(s) or a pending case.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising out of this report.

4. LEGAL IMPLICATIONS

- 4.1 Schedule 1 of the 1982 Act contains provisions in respect of the processing and determining of applications for licences under the 1982 Act.
- 4.2 In particular, Paragraph 5 of Schedule 1 to the 1982 Act provides that where an application for the grant or renewal of a licence has been made to a licensing authority they shall, in accordance with that paragraph-
- (a) grant or renew the licence; or;
 - (b) refuse to grant or renew the licence.
- 4.3 In granting or renewing a licence a licensing authority may (either or both)-
- (a) disapply or vary any standard conditions so far as applicable to the licence,
 - (b) impose conditions in addition to any mandatory or standard conditions to which the licence is subject.

With limited exception, the conditions referred to in sub-paragraph above shall be such reasonable conditions as the licensing authority think fit and, without prejudice to that generality, may include conditions restricting the validity of a licence to an area or areas specified in the licence.

- 4.4 A licensing authority shall refuse an application to grant or renew a licence if, in their opinion-
- (a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either-
 - (i) for the time being disqualified by a Court from holding a licence under the 1982 Act; or
 - (ii) not a fit and proper person to be the holder of the licence;
 - (b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
 - (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to-
 - (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
 - (ii) the nature and extent of the proposed activity;
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel;
 - (iv) the possibility of undue public nuisance; or
 - (v) public order or public safety; or
 - (d) there is other good reason for refusing the application;
- and otherwise shall grant the application.

5 HUMAN RIGHTS IMPLICATIONS

In dealing with the application, the Committee will have regard to any human rights issues in relation to the applicant and any objector.

6. NOTIFICATION

The applicant has been notified of the terms of this Report. They have also been advised of their entitlement to attend the meeting should they wish.

NOTE: No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report.

REPORT AUTHOR: Dawn Smeaton, Licensing and Litigation Assistant

EMAIL DETAILS: LawLicensing@angus.gov.uk

CIVIC LICENSING COMMITTEE – 17 MAY 2018

(a) **CRAIG MILNE - THE ATTIC CLUB, 2A ST MALCOLM'S WYND, KIRRIEMUIR
PUBLIC ENTERTAINMENT LICENCE (PE6)**

Name of Licence holder	Type of Licence	Application received
Craig Milne	Public Entertainment Licence	27/03/2018

An application for a Public Entertainment licence was received on 27 March 2018 from Craig Milne, 20 Main Street, Glamis, DD8 1RU in respect The Attic Club, 2A St Malcolm's Wynd, Kirriemuir, DD8 4HB.

The activities to be undertaken are entertainment in the form of a band, televised sports and games. The capacity of the premises is 199. Over 18s only to be in attendance.

The applicant has confirmed that food and alcohol are to be provided.

5 OBJECTIONS have been received, copies of which are attached.

The Committee is asked to consider the objections received in relation to the application and determine the matter in accordance with sections 1 to 6 of the Report.