

**ANGUS LICENSING BOARD – 17 MAY 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 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) FRIOCKHEIM BOWLING CLUB, FARNELL ROAD, FRIOCKHEIM**

4 applications have been received from Daniel Ross (Secretary) Friockheim Bowling Club, Farnell Road, Friockheim in respect of extensions to their normal trading hours on Sunday 3 June 2018, Sunday 1 July 2018, Sunday 26 August 2018 and Saturday 1 September 2018. The applications are to request an opening time of 10.00am, which is one hour earlier than the Licensing Board’s Statement of Licensing Policy for the premises opening times which is 11.00am. The premises current licensing hours are 12.30hrs – midnight on a Sunday and 11.00hrs – 01.00hrs on a Saturday.

The applications are in respect of hosting The Open Fours Bowling Competition, The Open Pairs Bowling Competition, The Open Triples Bowling Competition, and The Invitational Fours Bowling Competition.

To assist the Board in determining the applications the following report has been submitted on behalf of the Licensing Standards Officer.

**Report on behalf of the Licensing Standards Officer**

Applicant Details

Applicant: Premises Licence Holder: Friockheim Bowling Club  
 Name of premises: Friockheim Bowling Club (PL 239)  
 Event(s) or Occasion(s): The Open Fours Bowling Competition,  
 The Open Pairs Bowling Competition,  
 The Open Triples Bowling Competition,  
 The Invitational Fours Bowling Competition  
 Dates required: Sunday 3 June 2018, Sunday 1 July 2018, Sunday 26 August 2018, and **Saturday** 1 September 2018  
 Extension requested times: Sunday - 10.00hrs - 00.00hrs  
 Saturday - 10.00hrs - 00.00hrs

Date	Existing licensed hours	Requested licensed hours
Sunday 3 June 2018, Sunday 1 July 2018, Sunday 26 August 2018	12.30hrs – 00.00hrs	10.00hrs – 00.00hrs
Saturday 1 September 2018	11.00hrs – 01.00hrs	10.00hrs – 00.00hrs

Address or Location of Premises

Friockheim Bowling Club, Farnell Road, Friockheim, DD11 4XB

Requested Extensions

4 applications for extended hours have been received from the Applicant, on behalf of The Friockheim Bowling Club. The Applicant, is requesting an extension of 2 ½ hours from 10.00hrs - 12.30hrs on Sunday 3 June, Sunday 1 July and Sunday 28 August 2018- and an extension of 1 hour between 10.00hrs and 11.00hrs on Saturday 1 September 2018.

## 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.

- 1 The Application form for Sunday 3 June 2018 states "The Open Fours Bowling Competition is an annual event held at the club premises, which draws players from all over the country and district area to compete against each other". I would ask the Board to consider if they think this event falls within the above requirements.
- 2 The Application form for Sunday 1 July 2018, states "The Open Pairs Bowling Competition is an annual event held at the club premises, which draws players from all over the country and district area to compete against each other". I would ask the Board to consider if they think this event falls within the above requirements.
- 3 The Application form for Sunday 26 August 2018, states "The Open Triples Bowling Competition is an annual event held at the club premises, which draws players from all over the country and district area to compete against each other". I would ask the Board to consider if they think this event falls within the above requirements.

I would ask the Board to consider the above 3 applications as the extensions requested are outwith the hours allowed by the Board's Statement of Licensing Policy, which is 1100hrs - 0000hrs, 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.

- 4 The Application form for Saturday 1 September 2018, states, "The Invitational Fours Bowling Competition is an event held at the club premises, which sees players invited to compete against each other". I would ask the Board to consider if they think this event falls within the above requirements.

I would ask the Board to consider the application as the extension requested is outwith the hours allowed by the Board's Statement of Licensing Policy, which is 1100hrs - 0100hrs, 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.

**(b) SHARKY’S, 21 GEORGE STREET, MONTROSE**

An application has been received from Carl Glanville in respect of Sharky’s, 21 George Street, Montrose for an extension to their normal trading hours on Friday 25 May, Saturday 26 May and Sunday 27 May 2018. The application is to request a terminal hour of 0130. The premises have current terminal hours of 0100 for Friday, Saturday and Sunday.

The application is in respect of the Montrose Music Festival.

To assist the Board in determining the applications the following report has been submitted on behalf of the Licensing Standards Officer.

**Report by the Licensing Standards Officer**

Applicant Details

Applicant: Premises Licence Holder: Carl Glanville  
 Name of premises: Sharkys  
 Event or Occasion: MoFest Weekend  
 Date(s) required: Friday 25 to Sunday 27 May 2018  
 Extension requested times:

Date	Existing licensed hours	Requested licensed hours
Friday 25 May 2018	11.00hrs – 01.00hrs	11.00hrs – 01.30hrs
Saturday 26 May 2018	11.00hrs – 01.00hrs	11.00hrs – 01.30hrs
Sunday 27 May 2018	12.30hrs – 01.00hrs	12.30hrs – 01.30hrs

Address or Location of Premises

Sharkys, 21 George Street, Montrose

Requested Extension

An extended application has been received from the Applicant on behalf of Sharkys, 21 George Street, Montrose for 25 to 27 May 2018.

The Applicant, on behalf of the bar, is requesting an extension for the hours of 11.00hrs – 01.30hrs on 25 & 26 May 2018 and 12.30hrs – 01.30hrs on 27 May 2018.

Comments

The application has been submitted to allow the premises to open to host live music acts as part of the MoFest weekend. The entertainment will cease by 0115hrs.

The applicant has advised that 3-4 SIA badged stewards will be on duty during these evenings along with 10 staff on 25 & 26 May and 6 staff on 27 May 2018.

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 11.00hrs – 01.00hrs for Friday and Saturday and 11.00hrs – midnight on Sunday. 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 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 mindful to approve this application the premises would then trade for over 14 hours on the Friday and Saturday.

Mark Gillespie  
Licensing Standards Officer