

ANGUS LICENSING BOARD – 17 MAY 2018

**APPLICATION FOR AN OCCASIONAL LICENCE
THE OPEN, CARNOUSTIE GOLF CLUB, LINKS PARADE, CARNOUSTIE**

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this report is to present an application for an occasional licence under the Licensing (Scotland) Act 2005 which requires to be determined by the Board.

1. RECOMMENDATIONS

It is recommended that the Board consider and determine the Application in terms of one of the following options:-

- (i) to grant the application, subject to the Mandatory Conditions and any other discretionary or local conditions which the Board may wish to impose; or
- (ii) to refuse the application on one or more of the grounds referred to in Paragraph 3.

2. BACKGROUND

The Board has received an application in respect of an occasional licence under the Licensing (Scotland) Act 2005 which requires to be determined by the Board.

3. LEGAL IMPLICATIONS

3.1 The Board must consider whether any of the grounds for refusal specified in Section 59(6) of the Licensing (Scotland) Act 2005 applies and –

- (a) if none of them applies, the Board must grant the application;
- (b) if any of them applies, the Board must refuse the application.

3.2 The grounds for refusal are:-

- (a) that the premises to which the application relates are excluded premises;
- (b) that the application must be refused under section 56(6A), (If the granting of an occasional licence application would result in the occasional licence limit being exceeded), 64(2) (If the granting of an occasional licence application would allow alcohol to be sold in the premises for a continuous period of 24 hours or more), or 65(3) (If the granting of an occasional licence application is such that the hours proposed in the application would permit alcohol to be sold for consumption off the premises before 10am, after 10pm, or both);
- (c) that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives,
- (d) that, having regard to –
 - (i) the nature of the activities proposed to be carried on in the premises to which the application relates;
 - (ii) the location, character and condition of the premises; and
 - (iii) the persons likely to frequent the premises,

the Board considers that the premises are unsuitable for use for the sale of alcohol.

3.3. In determining any application which is to be determined in accordance with Paragraph 3.2, the Board must take into account any report from a Licensing Standards Officer under Section 57(3) of the Licensing (Scotland) Act 2005.

3.4. The Board must also, in determining any application, have regard to a notice made by any person to the Board under section 58 of the Licensing (Scotland) Act 2005 objecting to the occasional application on any ground relevant to one of the grounds for refusal specified at paragraph 3.2 above, and to any representations made to the Board concerning the application, including, in particular, representations –

- (i) in support of the application, or
- (ii) as to conditions which the person considers should be imposed.

The Board may reject a notice of objection or representation under Section 58 of the Licensing (Scotland) Act 2005 if the objection or representation is frivolous or vexatious.

3.5. Where the Board grants an Occasional licence, the Board may impose such other conditions (in addition to those to which the licence is subject by virtue of Schedule 4 of the Licensing (Scotland) Act 2005) as they consider necessary or expedient for the purposes of any of the licensing objectives.

The Board may not impose a condition which -

- (i) is inconsistent with any condition –
 - (a) to which the occasional licence is subject by virtue of Schedule 4,
 - (b) or prescribed
- (ii) would have the effect of making any such condition more onerous or more restrictive; or
- (iii) relates to a matter (such as planning, building control or food hygiene) which is regulated under another enactment.

3.6 Given the size and nature of the event and the possibility of weather or unforeseen circumstances necessitating changes to the way the event is operated, if the Board is minded to grant this application, then it is recommended that the Board delegate authority to the Clerk to agree variations to the licence granted (including the Alcohol Management Plan) to ensure the effective and efficient operation of the event. Such delegation would not include variations:-

- (i) to the opening hours of the facilities selling alcohol,
- (ii) the conditions under which children are permitted entry to facilities selling alcohol,
- (iii) the requirement to use plastic vessels for the consumption of alcohol out with the facilities selling alcohol; and
- (iv) which do not promote the licensing objectives.

4. INFORMATION

On behalf of the Licensing Standards Officer, a report has been raised as detailed in the attached Appendices.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. HUMAN RIGHTS IMPLICATIONS

In dealing with the matters set out in this report the Board will have regard to any human rights issues pertaining to the applicant.

7. CONSULTATION

The Chief Constable 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. He has also been advised of his entitlement to attend the Board should he wish.

REPORT AUTHOR: Dawn Smeaton, Licensing and Litigation Assistant

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THE OPEN, CARNOUSTIE GOLF CLUB, LINKS PARADE, CARNOUSTIE

An application has been received from Ian Randall requesting an Occasional Licence on Saturday 14 July to Tuesday 24 July 2018 in respect of the 147th Open, Carnoustie Golf Club, Links Parade, Carnoustie as per the plan attached at **Appendix 1**.

The hours requested when alcohol will be sold for consumption on the premises are:-

10.00 to 00.00

The hours requested when alcohol will be sold for consumption off the premises are:-

10.00 to 22.00

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

Occasional Licence Application 4358

Report on behalf of the Licensing Standards Officer

Applicant Details

<u>Applicant:</u>	Mr Ian Paul Randall (Beverage Manager, Sodexo)
<u>Applying as:</u>	Personal Licence Holder number F12291
<u>Premises or area to be licenced:</u>	The 147 th Open, Carnoustie Golf Club, Links Parade, Carnoustie, DD7 7JF – as per Appendix 1 showing drawing titled “Overall Alcohol Licence Boundary”
<u>Dates required:</u>	Saturday 14 July 2018 – Tuesday 24 July 2018
<u>Times required:</u>	
<u>On sales:</u>	Saturday 14 July 2018 – Tuesday 24 July 2018 Between 10.00am and midnight every day
<u>Off sales:</u>	Saturday 14 July 2018 – Tuesday 24 July 2018 Between 10.00am and 10.00pm every day

Children & Young Persons Access:

Yes, all ages – and permitted entry during all dates/times and in all parts of the proposed licensed area with the exception of bar areas.

Comments on behalf of LSO for Licensing Board Consideration

Members are asked to familiarise themselves with Appendices 1 to 3 of this report which are as follows:

Appendix 1 – Licensed area as per drawing titled “Overall Alcohol Licences Boundary”

Appendix 2 – “Alcohol Management Plan The Open 2018”

Appendix 3 – “Alcohol Licence Application Overview”

The Open Golf Championship 2018 will be held at Carnoustie Golf Club between Sunday 15 July 2018 and Sunday 22 July 2018. Monday 23 July 2018 is set aside as a contingency day should this be necessary. The event organiser is the R & A Championship Limited. The licensed area applied for is as per the map contained in Appendix 1. Fencing will enclose part of the course. There will be 11 public entrances. The licensed area will contain food and drink establishments including a large tented village and pre-booked hospitality structures. Alcohol will be available freely within the licensed area apart from in the grandstands where consumption will be prohibited. There is one exception to this which is the practice ground grandstand in area 8 where consumption will be permitted.

The food and beverage facilities for The Open are run by Sodexo on behalf of the event organiser. Mr Randall, as Applicant, will be responsible for the running of the whole of the licensed area albeit that there will be a single Manager in charge of each outlet. Each outlet will have at least one Personal Licence Holder present. The Applicant has offered to provide the names of each Manager to Police Scotland one month in advance of the event. Similarly, he offers to provide the names of each Personal Licence Holder to Police Scotland seven days before the event. There will be sufficient trained personnel to deal appropriately with the event.

A number of marquees will be situated around the licensed area. Within some of the marquees (some including decked/grassed areas), drinks will be served in glasses. If patrons seek to take drinks outside of the marquee and decked/grassed area, the drinks will be decanted into plastic vessels.

With regard to off sales, customers will be advised that the alcohol they have purchased cannot be consumed on site.

Each part of the licensed area will have an agreed number of SIA stewards present. Stewarding will be provided by G4S. Appendix 1 of the Alcohol Management Plan provides additional detail. Personnel around the course will have radio communication on a dedicated frequency to ensure a co-ordinated response to any incidents. Challenge 25 will be enforced. Acceptable ID only will be taken. A refusals log will be kept and will be available for inspection. Appropriate signage will be displayed. Children will not be allowed within 1.5m of the bar area and will not be allowed in a bar area without the supervision of a parent or other adult. There are a number of events to which children will not be permitted entry. These are listed in the Alcohol Management Plan on page 13.

There will be monitoring in place to prevent the illegal sale of alcohol and patrons exiting the venue will not be able to leave with alcohol unless it is sealed and packaged alcohol sold through the shop. G4S will control this process at the point of exit.

Reason for Comments

I would ask the Board to consider this Occasional Licence application for the following reasons:-

1. The application is to permit alcohol sales and consumption in connection with the 147th Open at Carnoustie in July. This is a high profile event for the Angus area.
2. There are parts of the application that are out with Licensing Board policy as per the Angus Licensing Board Statements of Licensing Policy such as:

(a) Marquees (plastics)

Local Condition D(ii), attached as standard to Occasional Licences granted by the Board, provides that *“Except in the case of weddings, plastic glasses must be used instead of glass ones, and drinks will be poured from beer bottles etc. into plastic glasses.”*

My understanding of the intention of the Applicant is that glassware will be used within marquees and on the decked/grassed areas connected to the marquees. These will be situated around the course. As Members will note, unless the event is a wedding, the use of glassware is contrary to policy and standard local conditions. Members are asked to consider whether they are prepared to grant the application without applying local condition D(ii).

(b) On sales hours

On page 13 of the Board's Statement of Licensing Policy, on sales policy hours for Occasional Licences are stated as starting at 11am on every day of the week. Members are asked to note that this application requests on sales hours to commence at 10am. Members are asked to consider whether they are prepared to grant this request.

(c) Children

The Board's Local Conditions for Occasional Licences provides that the Board will permit children and young persons within Occasional Licences where the Board is satisfied that the event for which the Occasional Licence is to be granted is catering for family activities and recreation involving children and young persons. It will be possible for alcohol to be consumed within the majority of the licensed area. The application requests that children be permitted into bar areas under the supervision of a parent or other adult but that children will not be permitted within 1.5m of a bar area. Members are asked to consider whether they are prepared to grant this request.

3. If the Board are minded to grant this Occasional Licence application (with mandatory and local conditions, as appropriate, attached) then I would respectfully request that adherence to the “Alcohol Management Plan The Open 2018” is made an additional condition of the licence.
4. In addition to point 3. above, I respectfully suggest that the following additional conditions should be placed on the licence:

Licensed area defined as per drawing titled “Overall Alcohol Licence Boundary”.

Stewarding to be provided to the satisfaction of Police Scotland.

Emergency vehicle access to be maintained to the satisfaction of Scottish Fire and Rescue Service.

No children will be permitted in any facility selling alcohol beyond 9pm.

A complete list of all Personal Licence Holders working at the event shall be provided to the Clerk to the Angus Licensing Board at least 7 days before the event.

The licence holder shall comply with any order or instruction given by any police officer in connection with any emergency or disturbance (including an order or instruction to close the premises or part thereof for a limited period) or on any occasion when such police officer in his or her discretion may consider it necessary, having regard to the licensing objectives, to give that order or instruction.

Tina Magson, Solicitor, on behalf of the Licensing Standards Officer