

SPECIAL ANGUS LICENSING BOARD – 2 JULY 2018

**APPLICATION FOR AN OCCASIONAL LICENCE
MARQUEE LOCATED ON LAND WITHIN PANMURE INDUSTRIAL ESTATE, CARNOUSTIE
19 - 22 JULY 2018**

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 as detailed in the Appendix 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.

4. INFORMATION

On behalf of the Licensing Standards Officer, a report has been submitted.

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 and the objector have been notified of the terms of this report. They have also been advised of their entitlement to attend the Board should they wish.

REPORT AUTHOR: David Thompson, Clerk to the Board

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SPECIAL ANGUS LICENSING BOARD – 2 JULY 2018

MARQUEE LOCATED ON LAND WITHIN PANMURE INDUSTRIAL ESTATE, CARNOUSTIE

An application has been received from Ms Jennifer Irving requesting an Occasional Licence on Thursday 19 July to Sunday 22 July 2018 in respect of a marquee area within Smyths Composites, Panmure Industrial Estate, Carnoustie for hospitality packages for the British Open Golf Championship 2018. A copy of the plan is attached as **Appendix 1**.

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

Thursday to Saturday 11.00 – 18.30 and Sunday 11.00 – 19.30.

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

None

An objection has been received from Mr Stephen McCarron as a delegated representative of The R&A, in their capacity as organiser of The 147th Open. This is attached as **Appendix 2**.

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

Occasional Licence Application AN/OCC/4485

Licensing Standards Officer Report dated 18 June 2018

Applicant Details

Applicant: Jennifer Irving, 1/1, 38 Cobinshaw Street, Glasgow,

Applying as: Personal Licence holder GC02801

Premises or area to be licenced: Marquees at Smyths Composites, Panmure Industrial Estate, Carnoustie, DD7 7NP

Dates required: Thursday 19th to Sunday 22nd July 2018

Times required on sales: Thursday to Saturday 1100 – 1830

Sunday 1100 – 1930

Children & Young Persons Access: Yes

Reason for Occasional Application being submitted: Hospitality packages for British Open Golf Championship 2018

Comments on behalf of LSO for Licensing Board Consideration

An application has been received from Ms Irving in respect of a marquee area within Smyths Composites, Panmure Industrial Estate, Carnoustie.

The hours requested are within Board policy.

The applicant's agent has advised that the hospitality area is expected to attract circa 200 to 250 patrons on Thursday 19th & Saturday 21st and just below 500 patrons on Friday 20th & Sunday 22nd July 2018. The hospitality price includes a 4 course meal with a limited amount of accompanying drinks such as beer, wine and spirits. Most people attending will arrive in the morning for coffee and bacon rolls and go to the course, returning for the lunch, then go back to the course. Experienced waiting staff will be serving and monitoring customer's unit intake. The hospitality does not include a ticket for the Open Championship, patrons will be required to buy their own and walk to the event as there is no transport provided.

The applicant's agent has also advised that patrons are not expected to bring cars; they are expected to come to Carnoustie by train, mainly from Glasgow, Edinburgh and Aberdeen. The site is close to the station. The applicants have appointed a very experienced Catering Manager who will be in contact with ECP, Building Standards and Fire and Rescue as a priority.

Within the application the applicant has indicated that there will be 4 fully trained SIA stewards on duty each day.

An appropriate alcohol management plan has been submitted.

Reason for Comments

The Board are being asked to consider this Occasional Licence Application as an objection to the application has been received.

If Board members are minded to grant the application I would respectfully ask them to consider adding the condition:

- **Occasional Licence to be operated in adherence to alcohol management plan.**

Mark Gillespie

Licensing Standards Officer