

ANGUS LICENSING BOARD – 1 NOVEMBER 2018

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

REPORT BY THE 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 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 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 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 hours application, the Board must give notice of it, together with a copy of the application, to the Chief Constable, Police Scotland, and the Licensing Standards Officer.

The Chief Constable may within 10 days of receipt of notification, by notice, object to the application if the Chief Constable, considers it necessary to do so for the purposes of any of the licensing objectives.

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 hours application, the Licensing Board must take into account any notice of objection given by the Chief Constable, 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 Chief Constable, 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 Chief Constable, Police Scotland and the Licensing Standards Officer have been consulted in the preparation of this report.

8. NOTIFICATION

The applicant and the person 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.

REPORT AUTHOR: Dawn Smeaton, Licensing and Litigation Assistant

E-MAIL: LAWlicensing@angus.gov.uk

(a) DEVITOS NIGHT CLUB, 11 MILLGATE LOAN, ARBROATH

An application has been received from Bellrock Property Limited in respect of an extension to their normal trading hours on 26 and 31 December 2018 at Devitos Night Club, 11 Millgate Loan, Arbroath. The application is to request a terminal hour of 3am for a Boxing Day Blues themed event and a Hogmanay Beach Party.

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

Licensing Standards Officer’s Report

An Application for Extended Hours has been received from the Applicant, on behalf of Devitos Nightclub.

Extension requested times:

| Date | Existing licensed hours | Requested licensed hours |
|------------------------------|-------------------------|--------------------------|
| Wednesday 26th December 2018 | 20.00hrs – 02.00hrs | 02.00hrs – 03.00hrs |
| Monday 31st December 2018 | 20.00hrs – Midnight | Midnight – 03.00hrs |

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 these evenings falls within these requirements.

I would ask the Board to consider this application as the extensions requested (to 3am) are outwith the hours allowed by the Board’s Statement of Licensing Policy, which is 1100hrs - midnight 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.