

SPECIAL ANGUS LICENSING BOARD – 5 AUGUST 2021

APPLICATION FOR AN OCCASIONAL LICENCE

THE AIG WOMEN'S OPEN 2021, 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; and
- (iii) to delegate authority to the Clerk to agree variations to the licence if granted (including the Alcohol Management Plan) as set out in paragraph 3.6 of the Report to ensure the effective and efficient operation of the event.

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. The matters referred to in this report are not subject to delegation and must be determined by the Licensing 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 nature of the event and the possibility of weather, COVID-19 restrictions or other 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

A report has been raised, on behalf of the Licensing Standards Officer, 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 to the applicant.

7. CONSULTATION

The Chief Constable of Police Scotland and Lynsey Kimmitt, Solicitor, acting on behalf of the Licensing Standards Officer, have been consulted in the preparation of this Report.

8. NOTIFICATION

The applicant has been notified of the terms of this report and of their entitlement to attend the Board.

REPORT AUTHOR: Nannette Page, Team Leader

EMAIL DETAILS: LAWLicensing@angus.gov.uk

SPECIAL ANGUS LICENSING BOARD – 5 AUGUST 2021

(a) THE AIG WOMEN'S OPEN 2021, LINKS PARADE, CARNOUSTIE

An application has been received from Elizabeth Mallinson, Personal Licence Holder, requesting an Occasional Licence from Saturday 14 August to Monday 23rd August 2021 in respect of the AIG Women's Open 2021, Links Parade, Carnoustie as per the plan attached at **Appendix A**

To assist the Board in determining this Occasional Licence application a report has been submitted by Lynsey Kimmitt, Solicitor, acting on behalf of the Licensing Standards Officer.

Occasional Licence Application 6166

Report by Lynsey Kimmitt, Solicitor, acting on behalf of the Licensing Standards Officer

Applicant Details

<u>Applicant:</u>	Elizabeth J Mallinson
<u>Applying as:</u>	Personal Licence Holder (FI 2175)
<u>Premises or area to be licensed:</u>	AIG Women's Open 2021, Links Parade, Carnoustie, DD7 7JF Carnoustie.

Guest hospitality structure will be adjacent to 18th hole. There will be public retail catering throughout the venue (including main spectator village) with food and beverage available throughout. "Alcohol Management Plan WO 2021" document contains further detail on this.

Overall area as per Site Layout plan at Appendix A

<u>Dates required:</u>	Saturday 14 August 2021 to Monday 23 August 2021
<u>Times required:</u>	10.00hrs – 00.00hrs
<u>On sales:</u>	Between 10am and midnight every day
<u>Off sales:</u>	Not required

Children & Young Persons Access:

Yes all ages – and permitted entry during above dates and in all parts of the proposed enclosed licensed area between 10:00 – 21:00.

Children will be permitted to bar areas only where accompanied by a person over the age of 18 but will not be permitted to stay within the public bar boundary.

Comments on behalf of the LSO for Licensing Board Consideration:

Members are asked to familiarise themselves with Appendices A to E of this Report which are as follows: -

Appendix A – Licensed area as per lay out plan entitled “AIGWO Site Layout”

Appendix B – “Alcohol Management Plan – The AIG Women’s Open 2021 – Carnoustie Golf Club”

Appendix C – “Appendix F COVID - 19 Protocols -Clubhouse/Catering/Hospitality”

Appendix D – COVID 19 Risk Assessment - AIGWO 2021

Appendix E – Letter to Chief Executive of Angus Council from Bettina Sizeland, Deputy Director – Tourism and Major Events, Scottish Government

Summary

An Occasional Licence application has been received from Elizabeth Mallinson, Personal Licence Holder, for the AIG Women’s Open 2021 at Carnoustie Golf Club, Links Parade, Carnoustie. The area includes the Course Complex embracing Carnoustie Golf Club, the Practice Grounds and Practice Pitching area, the Carnoustie Golf Hotel, the Links House and the Spectator Village, all as per the Site Layout Plan contained within Appendix A. The Event Organiser is the R&A Championships Ltd.

Bettina Sizeland, Deputy Director of Tourism and Major Events, Scottish Government, has provided a letter (**Appendix E**) confirming the AIG Women’s Open 2021 Event has been selected as one of a handful of Events to be approved by the Scottish Government’s “Gateway process”. This process allows the event to take place despite COVID 19 restrictions which might otherwise prohibit this number of people gathering.

Fencing will enclose part of the Carnoustie Golf course with 1 public entrance to site to facilitate entry by payment, ticket or pass. This enclosed area of the course complex will contain a wide variety of food and drink establishments including a moderate sized tented village area featuring a number of sponsored structures, some pre-booked hospitality structures, mobile catering and bar facilities. Defined areas will be licensed to sell alcohol. There will be no restriction on consumption of alcohol within the course complex other than in the grandstands, where consumption will be prohibited. Enforcement of this will be the responsibility of the stewards.

The enclosed licensed area is essentially an outdoor food and drink area complimentary to the Golf Championship

The enclosed licensed area will contain a number of food vendors and alcohol vendors. Alcohol will be sold for consumption in the licensed area. Only on sale drinks purchased from the bars will be allowed to be consumed within the enclosed licensed area. All on sale drinks will be dispensed into plastic glasses at the point of sale.

It is the applicant’s intention to stop serving alcohol at 21:00. The applicant has however, requested that the licence run until 00:00 in the event that they are able to host evening functions as part of the event and require more flexibility. The applicant has confirmed that there are no such receptions planned at present due to COVID – 19 restrictions but if these do materialise, they will update their Alcohol Management Plan to the satisfaction of the Board through its Clerk. The applicant has confirmed that children would not be permitted to attend such functions.

Reason for Comments:

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

1. This application is to permit alcohol sales and consumption in connection with the Women’s Open at Carnoustie in August. This will be a reasonably high profile event for the Angus area particularly in light of recent COVID 19 restrictions.

2. There are parts of the application which are outwith Licensing Board policy as per the Angus Licensing Board's Statement of Licensing Policy such as:-

- (a) On sale hours

The Board's Statement of Licensing Policy notes that on sales policy hours for Occasional Licences include an 11am start on every day of the week. As noted above, the on sales hours requested are Saturday 14 August 2021 to Monday 23 August 2021 10.00 to 00.00.

This is out with the Board's Statement of Licensing Policy and Members are asked to consider whether they are prepared to grant this request.

- (b) Children and Young Persons

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 an adult but that they will not be able to remain within this area.

The Board is asked to consider whether they are prepared to grant this request.

3. If the Board is 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" is made an additional condition of the licence.
4. In addition to point 3 above, I respectfully suggest that the following conditions should be placed on the licence: -
 - a. Licensed area defined as per Layout Plan titled "AIGWO Site Layout"
 - b. Stewarding to be provided to the satisfaction of Police Scotland
 - c. Emergency vehicle access to be maintained to the satisfaction of Scottish Fire and Rescue Service
 - d. No children will be permitted in any facility selling alcohol beyond 9pm
 - e. A complete list of all Personal Licence Holders working at the event shall be provided to the Clerk to the Licensing Board and Police Scotland at least 7 days prior to the event
 - f. The licence holder shall comply with any order or instruction given by any Police Officers in connection with any emergency or disturbance (including an order or instruction to close the premises or part thereof for a limited period) or 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.
 - g. The licence holder must ensure that there are procedures in place to ensure no spectators leave the venue in possession of open containers of alcohol in accordance with the Angus Byelaws in place in relation Prohibition of Consumption of Alcohol in a Public Place.
 - h. It is the licence holder's responsibility to ensure they are up to date in respect of all COVID guidelines throughout the duration of this occasional licence. To protect and improve public health the licence will only be operated in accordance with, legislation, regulations and directions of the UK and Scottish Governments relative to the COVID-19 pandemic in respect of Gateway Events.

Lynsey Kimmitt, Solicitor
Acting on behalf of the Licensing Standards Officer
Angus Council