

**ANGUS LICENSING BOARD – 12 AUGUST 2021**  
**APPLICATIONS FOR AN OCCASIONAL LICENCE**  
**REPORT BY CLERK TO THE BOARD**

**ABSTRACT**

The purpose of this report is to present 19 applications for an occasional licence from 7 different applicants under the Licensing (Scotland) Act 2005 which require to be determined by the Board.

**1. RECOMMENDATIONS**

It is recommended that the Board consider and determine each 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.

**2. BACKGROUND**

The Board has received 19 applications for an occasional licence from 7 different applicants under the Licensing (Scotland) Act 2005 which require to be determined by the Board. The applications are detailed within **Appendix 1** of the Report.

**3. LEGAL IMPLICATIONS**

3.1 In respect of each application 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** Members ought to note that all of these applications are to be considered by the Board rather than Officers using delegated authority because the applications are in breach of the Board's Statement of Licensing Policy at Section 4.4.4 due to the number of applications received from each applicant. Section 4.4.4 of the Policy states that:

*“...the Board will generally look to the applicant to demonstrate that the occasional licence is required for a special event. This is to avoid the occasional licence process being used as a means to circumvent the full (premises) licence process. The Board will expect the applicant to submit a full premises licence application following the submission of **no more than 4 occasional licence applications**. Notwithstanding this, **the Board will consider and determine each application on its own merits**”.*

- 3.7** Details of additional conditions which have been routinely applied to Occasional licences during the time of COVID- 19 restrictions have been included within **Appendix 2** of the Report.

#### **4. INFORMATION**

To assist the Board in determining each occasional licence application, Reports have been raised on behalf of the Licensing Standards Officer as detailed in **Appendix 1** of this report.

#### **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 and Lynsey Kimmitt, Solicitor, acting on behalf of the Licensing Standards Officer, have been consulted in the preparation of this Report.

**8. NOTIFICATION**

The Applicants, and or their Agents or representatives, have been given a copy of this report and its appendices and been invited to attend the Board.

**REPORT AUTHOR:** Nannette Page, Team Leader

**EMAIL DETAILS:** [LEGDEM@angus.gov.uk](mailto:LEGDEM@angus.gov.uk)

**APPENDIX 1 TO REPORT LB33/21**

**ANGUS LICENSING BOARD – 12 AUGUST 2021**

**(a) HAWTHORN LEISURE SCOTCO LIMITED, PORTCULLIS BAR, 6 CONON TERRACE, ARBROATH, DD11 5AP, OCCASIONAL LICENCE APPLICATION 6076, 6077 AND 6078**

**Dates Requested:** 16<sup>th</sup> – 29<sup>th</sup> August 2021, 30<sup>th</sup> August - 12<sup>th</sup> September 2021, 13<sup>th</sup> – 26<sup>th</sup> September 2021

**Report on behalf of LSO for Licensing Board for Consideration**

Hawthorn Leisure Scotco Limited submitted applications for Occasional Licences on 2 June in respect of their beer garden in the car park and external areas adjacent to the Portcullis Bar. The applicant has requested that the three licences run from 16<sup>th</sup> August 2021 with on sales from 12pm until 10pm each day. There is no application for off-sales.

The applicant has already been granted a total of 16 Occasional Licences in respect of this outdoor area. This is in excess of Board policy at Section 4.4.4.

The Board temporarily relaxed this part of their policy until 12 August 2021. Any occasional licences applied for where the proposed start date was prior to 12 August 2021 have been granted under delegated authority in line with this relaxation.

Having regard to the section of Statement of Licensing Policy noted above, the applicant is generally required to demonstrate that the Occasional Licence applied for is for a special event so that the Occasional Licence process is not being seen to circumvent the full Premises Licence/Major Variation process.

At the time of previous Occasional Licence applications submitted in earlier in the year I emailed the applicant's agent during April 2021 informing them that their client was expected to make movement towards applying for a Major Variation and highlighted the terms of the Policy. The applicant's agent stated during this correspondence that their client hoped to lodge major variations to permanently licence the area. Subsequent applications for Occasional licences have been submitted since these emails with the intention of the Occasional licences running until 26 September 2021. No application for a major variation has been lodged.

Members will also wish to note that the applicant has applied for a termination time of 10pm. Previous Occasional licence applications have only been granted until 9pm in line with the standard conditions normally applied to outdoor areas and upon consultation with statutory consultees. There have been no complaints in respect of the Occasional licences granted so far.

**Reason for Comments**

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

- Having regard to the Board's own Statement of Licensing Policy at section 4.4.4, these applications bring their total number of Occasional licence applications to 19. The applicant has not submitted a complete application for a full Major Variation and has not indicated when they will submit same.
- To consider whether a 10pm termination time ought to be granted or whether the standard termination time of 9pm ought to be imposed as per previous Occasional licence applications and in line with conditions normally attached to this type of area.

If the Board is minded to grant the application(s), I would recommend granting subject to the mandatory and local conditions as well as additional conditions detailed in **Appendix 2** of the Report.

Lynsey Kimmitt, Solicitor  
On behalf of the Licensing Standards Officer

**(b) HAWTHORN LEISURE SCOTCO LIMITED, QUEEN STREET TAVERN, 45-53 QUEEN STREET, FORFAR, DD8 3AL, OCCASIONAL LICENCE APPLICATION 6070, 6071 AND 6072**

**Dates Requested:** 16<sup>th</sup> – 29<sup>th</sup> August 2021, 30<sup>th</sup> August - 12<sup>th</sup> September 2021, 13<sup>th</sup> – 26<sup>th</sup> September 2021

**Report on behalf of LSO for Licensing Board for Consideration**

Hawthorn Leisure Scotco Limited submitted applications for Occasional Licences on 2 June in respect of their beer garden which is in the car park adjacent to the premises, Queen Street Tavern. The applicant has requested that the licences run from 16<sup>th</sup> August 2021 with on sales from 11am until 9pm each day. There is no application for off-sales.

The applicant has already been granted a total of 16 Occasional Licences in respect of this outdoor area. This is in excess of Board policy at Section 4.4.4.

The Board temporarily relaxed this part of their policy until 12 August 2021. Any occasional licences applied for where the proposed start date was prior to 12 August 2021 have been granted under delegated authority in line with this relaxation.

Having regard to the section of Statement of Licensing Policy noted above, the applicant is generally required to demonstrate that the Occasional Licence applied for is for a special event so that the Occasional Licence process is not being seen to circumvent the full Premises Licence/Major Variation process.

At the time of previous Occasional Licence applications submitted in earlier in the year I emailed the applicant's agent during April 2021 informing them that their client was expected to make movement towards applying for a Major Variation and highlighted the terms of the Policy. The applicant's agent stated during this correspondence that their client hoped to lodge major variations to permanently licence the area. Subsequent applications for Occasional licences have been submitted since these emails with the intention of the Occasional licences running until 26 September 2021. No application for a major variation has been lodged.

**Reason for Comments**

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

- Having regard to the Board's own Statement of Licensing Policy at section 4.4.4, these applications bring their total number of Occasional licence applications to 19. The applicant has not submitted a complete application for a full Major Variation and has not indicated when they will submit same.

If the Board is minded to grant the application(s), I would recommend granting subject to the mandatory and local conditions as well as additional conditions detailed in **Appendix 2** of the Report.

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

(c) **JONATHAN CALDER, 24 SANDERSON PLACE, NEWBIGGING, DD5 3RQ, OCCASIONAL LICENCE APPLICATION 6032**

**Dates Requested:** 28<sup>th</sup> August - 10<sup>th</sup> September 2021

**Report on behalf of LSO for Licensing Board for Consideration**

Jonathan Calder, Personal Licence Holder, submitted an application for an Occasional Licence on 7 May in respect of a business involving preparing cocktail packs to be delivered to people in their homes. The applicant has requested that the licence runs from 28th August 2021 with off sales from 10am to 10pm each day. There is no application for on sales.

The applicant has already been granted a total of 11 Occasional Licences in respect of this outdoor area since COVID 19 restrictions impacted the trade. This is in excess of Board policy at Section 4.4.4.

The Board temporarily relaxed this part of their policy until 12 August 2021. Any occasional licences applied for where the proposed start date was prior to 12 August 2021 have been granted under delegated authority in line with this relaxation.

Having regard to the section of Statement of Licensing Policy noted above, the applicant is generally required to demonstrate that the Occasional Licence applied for is for a special event so that the Occasional Licence process is not being seen to circumvent the full Premises Licence process.

At the time of previous Occasional Licence applications submitted in earlier in the year the applicant was emailed during May 2021 informing him that he was expected to make movement towards applying for a Premises Licence and highlighted the terms of the Policy. I emailed the applicant again during July 2021 requesting that he provide us with an update in terms of the future of his business asking when he would be applying for a Premises Licence. The applicant has replied to say that he is considering applying for a Premises licence but no application has been lodged to date.

**Reason for Comments**

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

- Having regard to the Board's own Statement of Licensing Policy at section 4.4.4, these applications bring their total number of Occasional licence applications to 12. The applicant has not submitted a complete application for a full Premises Licence and has not indicated when they will submit same.

If the Board is minded to grant the application(s), I would recommend granting subject to the mandatory and local conditions as well as additional conditions detailed in **Appendix 2** of the Report with the exception of conditions 1,2,7,11,12 and 13 on the basis that it is an off-sales delivery service.

Lynsey Kimmitt, Solicitor  
On behalf of the Licensing Standards Officer

(d) **DAVID CLARK, THRUMS HOTEL, KIRRIEMUIR OCCASIONAL LICENCE APPLICATION 6118, 6119 and 6120**

**Dates Requested:** 16<sup>th</sup> – 29<sup>th</sup> August 2021, 30<sup>th</sup> August - 12<sup>th</sup> September 2021, 13<sup>th</sup> – 26<sup>th</sup> September 2021

**Report on behalf of LSO for Licensing Board for Consideration**

David Clark submitted applications for Occasional Licences on 18 June in respect of their beer garden, using the existing car park to the north of the Thrums Hotel. The applicant has requested that the licences run from 16<sup>th</sup> August 2021 with on sales from 12pm until 9pm each day. There is no application for off-sales.

The applicant has already been granted a total of 24 Occasional Licences in respect of this outdoor area. This is in excess of Board policy at Section 4.4.4.

The Board temporarily relaxed this part of their policy until 12 August 2021. Any occasional licences applied for where the proposed start date was prior to 12 August 2021 have been granted under delegated authority in line with this relaxation.

Having regard to the section of Statement of Licensing Policy noted above, the applicant is generally required to demonstrate that the Occasional Licence applied for is for a special event so that the Occasional Licence process is not being seen to circumvent the full Premises Licence/Major Variation process.

At the time of previous Occasional Licence applications submitted in earlier in the year I emailed the applicant during April 2021 informing them that they were expected to make movement towards applying for a Major Variation and highlighted the terms of the Policy. Subsequent applications have been submitted since these emails with the intention of the Occasional licences running until 24 October 2021. I understand that the applicant has been successful in applying for Planning Permission in respect of the outdoor area but that no application for a Major Variation has followed. The applicant has acknowledged that they required to apply for a Major Variation but has yet to submit the application.

**Reason for Comments**

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

- Having regard to the Board's own Statement of Licensing Policy at section 4.4.4, these applications bring their total number of Occasional licence applications to 28. The applicant has not submitted a complete application for a Major Variation and it is not clear when the applicant intends on submitting same.

If the Board is minded to grant the application(s), I would recommend granting subject to the mandatory and local conditions as well as additional conditions detailed in **Appendix 2** of the Report.

Lynsey Kimmitt, Solicitor  
On behalf of the Licensing Standards Officer

(e) **SUSAN CAMPBELL, STAG HOTEL, 142 CASTLE STREET, FORFAR, OCCASIONAL LICENCE APPLICATIONS: 5865, 5866 and 6179**

**Dates Requested:** 16<sup>th</sup> – 29<sup>th</sup> August 2021, 30<sup>th</sup> August - 12<sup>th</sup> September 2021, 13<sup>th</sup> – 26<sup>th</sup> September 2021

**Report on behalf of LSO for Licensing Board for Consideration**

Susan Campbell submitted applications for Occasional Licences on 26 October 2020 and 7 July 2021 in respect of their beer garden, using the garden area to the north of the Stag Hotel, Forfar. The applicant has requested that the licences run from 16<sup>th</sup> August 2021 with on sales and off sales from 11am until 9pm each day. Two of the applications were submitted in October ahead of lockdown restrictions. The applicant amended the dates of the application once lockdown restrictions were eased.

The applicant has already been granted a total of 20 Occasional Licences in respect of this outdoor area. This is in excess of Board policy at Section 4.4.4.

The Board temporarily relaxed this part of their policy until 12 August 2021. Any occasional licences applied for where the proposed start date was prior to 12 August 2021 have been granted under delegated authority in line with this relaxation.

Having regard to the section of Statement of Licensing Policy noted above, the applicant is generally required to demonstrate that the Occasional Licence applied for is for a special event so that the Occasional Licence process is not being seen to circumvent the full Premises Licence/Major Variation process.

At the time of previous Occasional Licence applications submitted in earlier in the year I emailed the applicant during April 2021 informing them that they were expected to make movement towards applying for a Major Variation and highlighted the terms of the Policy. Subsequent applications have been submitted since these emails with the intention of the Occasional licences running until 10 October 2021. The applicant has not provided information about when a Major Variation application will be submitted.

**Reason for Comments**

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

- Having regard to the Board's own Statement of Licensing Policy at section 4.4.4, these applications bring their total number of Occasional licence applications to 23. The applicant has not submitted a complete application for a Major Variation and it is not clear when the applicant intends on submitting same.

If the Board is minded to grant the application(s), I would recommend granting subject to the mandatory and local conditions as well as additional conditions detailed in **Appendix 2** of the Report.

Lynsey Kimmitt, Solicitor  
On behalf of the Licensing Standards Officer



(f) **ANDREW WALLACE, KINLOCH ARMS, 27-29 HIGH STREET, CARNOUSTIE, OCCASIONAL LICENCE APPLICATIONS 5946, 5947 and 5948**

**Dates Requested:** 19<sup>th</sup> August – 1<sup>st</sup> September 2021, 2<sup>nd</sup> September – 15<sup>th</sup> September 2021, 16<sup>th</sup> – 29<sup>th</sup> September 2021

**Report on behalf of LSO for Licensing Board for Consideration**

Andrew Wallace submitted applications for Occasional Licences on 26 March 2021 in respect of their beer garden, using the existing car park adjacent to the Kinloch Arms. The applicant has requested that the licences run from 19<sup>th</sup> August 2021 with on sales from 12pm until 9pm each day. There is no application for off-sales. The applicant previously applied for a 10pm finish and upon a representation being received by Police Scotland, the applicant later agreed to a 9pm finish in respect of the outdoor area.

The applicant has already been granted a total of 20 Occasional Licences in respect of this outdoor area since COVID 19 restrictions impacted the trade. This is in excess of Board policy at Section 4.4.4.

The Board temporarily relaxed this part of their policy until 12 August 2021. Any occasional licences applied for where the proposed start date was prior to 12 August 2021 have been granted under delegated authority in line with this relaxation.

Having regard to the section of Statement of Licensing Policy noted above, the applicant is generally required to demonstrate that the Occasional Licence applied for is for a special event so that the Occasional Licence process is not being seen to circumvent the full Premises Licence/Major Variation process.

At the time of previous Occasional Licence applications submitted in earlier in the year I emailed the applicant agent during April 2021 informing them that they were expected to make movement towards applying for a Major Variation and highlighted the terms of the Policy. Subsequent applications have been submitted since these emails with the intention of the Occasional licences running until 22 December 2021. The applicant advised in April 2021 that their plans for submitting a major variation were "nearing completion" and would be lodged but that they were awaiting finalising agreements with their landlords. No application has been submitted to date.

**Reason for Comments**

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

- Having regard to the Board's own Statement of Licensing Policy at section 4.4.4, these applications bring their total number of Occasional licence applications to 23. The applicant has not submitted a complete application for a Major Variation and has not been able to provide timescales for this being submitted.

If the Board is minded to grant the application(s), I would recommend granting subject to the mandatory and local conditions as well as additional conditions detailed in **Appendix 2** of the Report.

Lynsey Kimmitt, Solicitor  
On behalf of the Licensing Standards Officer

**(g) WILLIAM DORWARD, MARKET ARMS, 95 HIGH STREET, MONTROSE, DD10 8QY LICENCE APPLICATION 6095, 6096 and 6097**

**Dates Requested:** 17<sup>th</sup> – 30<sup>th</sup> August 2021, 31<sup>st</sup> August - 13<sup>th</sup> September 2021, 14<sup>th</sup> – 27<sup>th</sup> September 2021

**Report on behalf of LSO for Licensing Board for Consideration**

William Dorward submitted applications for Occasional Licences on 9 June in respect of their pavement café which is situated on the pavement outside the Market Arms. The applicant has requested that the licences run from 17<sup>th</sup> August 2021 with on sales from 11am until 9pm each day. There is no application for off-sales. Members should note that the applicant has been granted permission by the Roads Authority to use the pavement area. A condition has been attached to the Road permission that the area can only be used until 8pm.

The applicant has already been granted a total of 4 Occasional Licences in respect of this outdoor area since COVID 19 restrictions impacted the trade. If this application is granted, it will be in excess of Board policy at Section 4.4.4.

Applications prior to this one have been granted under delegated authority.

Having regard to the section of Statement of Licensing Policy noted above, the applicant is generally required to demonstrate that the Occasional Licence applied for is for a special event so that the Occasional Licence process is not being seen to circumvent the full Premises Licence/Major Variation process.

The applicant has not indicated that they intend to apply for a Major Variation at this stage.

The Board ought to bear in mind the terms of the Statement of Licensing Policy 6.6, namely that, every application needs to be dealt with on its own merits and you are not restricted in your decision making.

**Reason for Comments**

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

- Having regard to the Board's own Statement of Licensing Policy at section 4.4.4, these applications bring their total number of Occasional licence applications to 7. The applicant has not submitted a complete application for a Major Variation and has not yet provided timescales for this being submitted.

If the Board is minded to grant the application(s), I would recommend granting subject to the mandatory and local conditions as well as additional conditions detailed in **Appendix 2** of the Report.

Lynsey Kimmitt, Solicitor  
On behalf of the Licensing Standards Officer

Good morning Your honours

This submission is in respect of the remainder of a suite of occasional licence applications made on behalf of my clients West Bay Fisheries (Gourdon) Limited.

### **Premises Management**

My clients West Bay Fisheries (Gourdon) Limited, own and operate the Market Arms in Montrose. The premises are run by the premises manager Sharon Patricia Dorward and her husband William "Willem" Dorward. The premises are well run and managed in a compliant manner. As far as I am aware there have been no occasions when the licensing board or Police Scotland have taken issue with my clients running of the premises.

### **Occasional Licence Applications and Your Honours Policy**

My clients instructed me to make a suite of 9 occasional licence applications for the Market Arms to permit a pavement cafe to operate adjacent to the premises from June to the end of October this year. The application referred to the premises licence AN/302 and the personal licence of William Dorward AN/481.

### **Compliance with Policy**

The premises the Market Arms benefit from a full premises licence number AN/302 and so fall positively within the terms paragraph 4.4.4. of your honours Licensing Policy which paragraph I attach. Nothing in the policy states that any other application is required or action is required if a premises licence is held. My clients are not trying to circumvent "the full premises licence process" as they already have a full premises licence.

*4.4.4. The Angus Licensing Board acknowledges that the Licensing (Scotland) Act 2005 does not provide regulations on the type of event an occasional licence may apply to. However, the Board will generally look to the applicant to demonstrate that the occasional licence is required for a special event. This is to avoid the occasional licence process being used as a means to circumvent the full (premises) licence process. The Board will expect the applicant to submit a full premises licence application following the submission of no more than 4 occasional licence applications. Notwithstanding this, the Board will consider and determine each application on its own merits.*

My clients would be delighted to make an application to extend the premises licence into the pavement cafe area if an application of that type would be countenanced by the board - I imagine that should an application of that type succeed it would require to be conditioned as follows: "that the premises licence would incorporate that area of ground only and if each year an annual pavement consent were to be granted by Angus Council's roads department"

### **Operation of the occasional licence and pavement consent - compliance clash**

My clients have been operating the occasional licences and pavement consent without issue in terms of compliance with licensing law. It transpires as a matter of fact that while occasional licences hours are granted to 2100 the pavement consent hours are only granted to 2000. I was not aware that pavement consent hours differed from those of the occasional licence. The pavement consent application was submitted by my client's architect as a precise plan is required to be prepared for applications of this nature. I am not sure why the roads department conditions would not be such as to require compliance with occasional licence hours granted or vice versa.

I do not believe that this issue of differing hours of consent was raised at the committee meeting when the pavement consent was granted and the issue was not made clear to my client. I presume but do not know that the report would have stated that the application to permit my client to use the pavement was in conjunction with a suite of occasional licences to facilitate sales of food and drink from the adjacent public house.

I was therefore surprised when my client advised that he had had a complaint from the roads department that he had been operating in breach of the pavement consent and it was only at that

time that I became aware of the issue of the differing hours. On being advised of the issue my client immediately reverted to operating the pavement consent area during pavement consent hours. I trust this "breach" of pavement consent hours will not adversely affect my clients application.

### **Occasional Licences Law and policy**

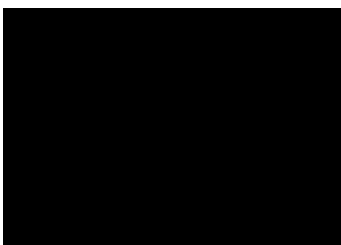
My clients and I fully accept and agree with the Angus Licensing Board's position in relation to abuse of occasional licences by persons who may indeed seek to circumvent licensing legislation. As your policy states the Licensing (Scotland) Act 2005 does not deal with the matter and an unlimited number of occasional licences are "permissible" in law with no requirement for an "event" as was the previous position with the Licensing (Scotland) Act 1976.

However I ask your honours to consider whether occasional licence applications attached to premises which benefit from a full premises licence fall foul of your honours policy and whether they require to be considered by your honours' Board instead of being dealt with by delegated powers.

My clients paid the fee of £90.00 to Angus Licensing Board and a further fee of £159.50 for the pavement consent. I also rendered a fee for my services. I will have to render another fee for this submission. The calling in of applications which do not fall foul of policy does add another layer of expenditure and oversight which is not in my opinion required although that is of course a matter for your honours.

I move the grant of the next occasional licence and request that the remaining 4 occasional applications be dealt with in the normal manner by delegated powers.

I apologise for not being present today and thank your honours for agreeing to deal with this matter by written submission. If any matters arise which require clarification I can be reached by mobile on 07718882837



AGENT: Janet Hood LLB Dip LP NP

Accredited as a Specialist in Liquor Licensing Law by the Law Society of Scotland

M: [REDACTED]

E: [REDACTED] - PLEASE RESPOND TO ME BY EMAIL

A: [REDACTED]



**APPENDIX 2 TO REPORT LB33/21**  
**ANGUS LICENSING BOARD – 12 AUGUST 2021**

**Additional Conditions for Occasional Licences:**

- 1) No music to be played in the outdoor area
- 2) No music to be played from an indoor area with the intention of it being heard in the outdoor area
- 3) Licence to be operated in line with risk assessment
- 4) Licence to be operated in line with Noise Management Plan if applicable
- 5) Licence to be operated in line with layout plan
- 6) It is the responsibility of the Licence Holder to ensure they are up to date in respect of social distancing guidelines and all government advice to ensure compliance
- 7) Furniture is to be cleaned and sanitised after each customer leaves and before a new customer takes their place
- 8) All staff must be given additional COVID-19 training and be provided with a copy of the COVID-19 procedures. Staff must use correct PPE, such as Disposable gloves
- 9) The premises will only be operated where permitted by, and in accordance with, legislation, regulations and directions of the UK and Scottish Governments relative to the COVID-19 pandemic, whether relating to the protection of public health, restrictions of social gatherings, requirement for social distancing or otherwise. For the avoidance of doubt, the legislation, regulations and directions of the UK and Scottish Governments relative to the COVID-19 pandemic shall override any conditions contained in this document should they be at conflict.
- 10) All drinks must be decanted into plastic containers at the point of sale
- 11) Premises are expected to provide adequate recycling facilities for the plastic and disposable crockery
- 12) The operation of toilets must be in accordance with Scottish Government Guidelines as written here: <https://www.gov.scot/publications/coronavirus-covid-19-public-and-customer-toilets-guidance/>
- 13) The Licence Holder shall maintain a record of Customer details as outlined by the Scottish Government Test and Protect programme here: <https://www.gov.scot/publications/coronavirus-covid-19-tourism-and-hospitality-sector-guidance/pages/collecting-customer-contact-details/>