

**ANGUS LICENSING BOARD – 25 NOVEMBER 2021**

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

**REPORT BY CLERK TO THE BOARD**

**ABSTRACT**

The purpose of this report is to present an application to extend the licensed hours in respect of a premises licence(s) 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 or premises licences 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 an application to extend the licensed hours in respect of a premises licence or premises licences 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 hour's application, the Board must give notice of it, together with a copy of the application, to the Divisional Commander, Tayside Division of Police Scotland, and the Licensing Standards Officer.

The Divisional Commander, may within 10 days of receipt of notification, by notice, object to the application if the Divisional Commander, considers it necessary to do so for the purposes of the crime prevention objective.

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 hour's application, the Licensing Board must take into account any notice of objection given by the appropriate Divisional Commander, 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 Divisional Commander, 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 Divisional Commander, Tayside Division 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. They have also been advised of their entitlement to attend the Board should they wish.

**REPORT AUTHOR: David Thompson, Principal Solicitor**

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**(a) THE CORN EXCHANGE, OLYMPIA BUILDINGS, MARKET PLACE, ARBROATH, DD11 1NA**

An application has been received for the Corn Exchange, Olympia Buildings, Market Place, Arbroath, DD11 1NA in respect of an extension to their normal trading hours on Wednesday 22 December and Thursday 23 December 2021. The application is requesting a closing time of 01.00am, which is one hour later than the Licensing Board’s Statement of Licensing Policy, which is 12 midnight on these days. The premises current licensing hours for on sales are Sunday to Thursday 11.00am until midnight and Friday and Saturday 11.00am until 01.00am.

The application is to cover an additional two days out with those granted under Seasonal Variations.

To assist the Board in determining the applications the following report has been submitted on behalf of the Licensing Standards Officer.

**Report on behalf of the Licensing Standards Officer**

Applicant Details

Applicant: Premises Licence Holder: J D Wetherspoon (Scot) Ltd  
 Name of premises: The Corn Exchange  
 Event(s) or Occasion(s): Festive period – extension of hours for the provision of licensable activities for two days prior to Christmas  
 Dates required: Wednesday 22 December 2021 and Thursday 23 December 2021  
 Extension requested times: Wednesday – 12 midnight until 01.00am  
 Thursday – 12 midnight until 01.00am

Date	Existing licensed hours	Requested licensed hours
Wednesday 22 December 2021	11.00am until 12 midnight	11.00am until 01.00am
Thursday 23 December 2021	11.00am until 12 midnight	11.00am until 01.00am

Address or Location of Premises

The Corn Exchange, Olympia Buildings, Market Place, Arbroath, DD11 1NA

Requested Extensions

An application has been received for the Corn Exchange, Olympia Buildings, Market Place, Arbroath, DD11 1NA in respect of an extension to their normal trading hours on Wednesday 22 December and Thursday 23 December 2021. The application is requesting a closing time of 01.00am, which is one hour later than the Licensing Board’s Statement of Licensing Policy, which is 12 midnight on these days. The premises current licensing hours for on sales are Sunday to Thursday 11.00am until midnight and Friday and Saturday 11.00am until 01.00am.

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.

1 The Application form for states “Extension of hours for the provision of licensable activities for the Wednesday and Thursday evenings prior to Christmas”.

I would ask the Board to consider the above application as the extension requested is outwith the hours allowed by the Board's Statement of Licensing Policy, which is 11.00am until 12 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.

I duly submit this report for consideration.

Nicky Corletto  
Licensing Standards Officer  
Angus Council