

AGENDA ITEM 6

REPORT NO LB21/23

ANGUS LICENSING BOARD – 23 MARCH 2023

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 hours 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 this 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 appropriate Divisional Commander, under section, and the Licensing Standards Officer's report.

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(s) and the persons 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.

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APPENDIX TO REPORT NO LB21/23

(a) THREE BELLIES BRAE, 1-3 BELLIES BRAE, KIRRIEMUIR, DD8 4EJ

An extended hours licence application has been received from Lindsey Wilson in respect of Three Bellies Brae, 1-3 Bellies Brae, Kirriemuir, DD8 4EJ. The premises currently operate within the hours:

Friday	11.00 to 01.00
Saturday	11.00 to 01.00
Sunday	12.30 to 24.00

The applicant is seeking extensions to the above trading hours for the purpose of serving the large influx of people during Bonfest. This will ensure a more staggered start and end to the day. The extended hours applied for on the relevant dates are:

Friday 28 April 2023	11.00 to 02.00
Saturday 29 April 2023	10.00 to 02.00
Sunday 30 April 2023	11.00 to 01.00

The times requested are outwith the Licensing Board's Statement of Licensing Policy for the terminal hour on Friday and Sunday and for the commencement and terminal hour on Saturday. Policy hours are 11.00 to 01.00 Friday and Saturday and 11.00 to midnight on a Sunday.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer which is attached to the end of this report.

Additional comments:

The Board are asked to note the conditions requested by the Licensing Standards Officer was forwarded to the applicant who confirmed these were completely acceptable to them. They have no late-night music booked to play. They confirmed the extension at the end of the day was more for the purpose of keeping people in the building until their taxis or transport home or back to the Bonfest festival ground arrived rather than putting people out on the street en masse so hopefully it would help reduce noise and disruption. The applicant also confirmed they always "police" their customers departure and ensure everyone is safe and dispersed so there is no street gatherings and disturbance.

Extended Hours Application

Licensing Standards Officer's Report

Applicant Details

Applicant: Premises Licence Holder: Lindsey Wilson

Name of premises: Three Bellies Brae

Event or Occasion: Bonfest 2023

Date(s) required: 28 April to 30 April 2023 inclusive

Extension requested times (See table below):

Date	Existing licensed hours	Requested licensed hours	Addition in hours
Friday 28 th April 2023	1100hrs - 0100hrs	1100hrs - 0200hrs	Plus 1 Hour
Saturday 29 th April 2023	1100hrs – 0100hrs	1000hrs - 0200hrs	Plus 2 Hours
Sunday 30 th April 2023	12.30hrs – 0000hrs	1100hrs - 0100hrs	Plus 2.5 Hours

Address or Location of Premises

The Three Bellies, 1-3 Bellies Brae, Kirriemuir, DD8 4EJ

Requested Extension

An extended hours' application has been received from Lindsey J Wilson, the current Licence holder and Premises Manager, for Three Bellies Brae, 1-3 Bellies Brae, Kirriemuir, DD8 4EJ. The applicant has requested additional hours to provide a staggered start and end to the days on the basis that she wishes to provide a better service for the town's visitors where they can maintain a safe environment.

LSO Comments for Licensing Board Consideration

The additional period requested on Friday 28th April until Sunday 30th April 2023, would allow the premises to remain open from their normal opening times of 1100hrs and 12.30hrs respectively, changing from their normal closing time of 0100hrs to 0200hrs and on 30th April to open one and a half hours earlier than usual, closing one hour later at 01.00hrs. These extensions of hours for both opening and closing are out with the policy hours in terms of the Licensing Board's Statement of Licensing Policy which is currently Sunday to Thursday 1100hrs until 0000hrs and Friday & Saturday 1100hrs until 0100hrs.

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.

An extension of hours may be granted by the Board, under Section 68 of the Licensing (Scotland) Act 2005, for a special event or occasion to be catered for on the premises, or special event of local or national significance.

Should this application be granted I would ask to consider making a condition that any live music is to stop at least 30 minutes prior to the bar closing to allow a calming down period and which will assist in preventing public nuisance and securing public safety. I understand from Police Scotland that they are not making an objection or representation to the application