

ANGUS LICENSING BOARD – 23 MARCH 2023

TEMPORARY PREMISES LICENCE APPLICATION UNDER THE LICENSING (S) ACT 2005

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this Report is to present an application for a temporary premises licence under the Licensing (Scotland) Act 2005 (the 2005 Act) which requires to be determined by the Board.

1. RECOMMENDATIONS

It is recommended that the Board considers the application for a temporary premises licence as detailed in the attached Appendix, in terms of the following options: -

- (i) whether further procedure is required to enable the application to come before them at a future date for determination or
- (ii) if no further procedure is required whether either
 - a) to grant the application, subject to the existing statutory and discretionary local conditions or subject to such amended discretionary local conditions as the Board may wish to impose; or
 - b) to refuse the application.

2. BACKGROUND

The Clerk has received an application for a temporary premises licence under the Licensing (Scotland) Act 2005 which requires to be determined by the Board because this matter is not subject to delegation and can only be discharged by the Licensing Board.

3. LEGAL

3.1 Where any licensed premises (other than premises in respect of which a provisional premises licence or occasional licence has effect) are undergoing, or are to undergo, reconstruction or conversion (“the principal premises”) the Board may issue a temporary licence to the principal premises licence holder for such other premises within the Licensing Board’s area as are specified in the application.

3.2 The 2005 Act does not specify procedural requirements for processing a temporary premises licence application. The applicant has been requested to submit a location plan.

3.3 The Board may issue a temporary licence, if satisfied as to the following matters: -

- (a) that the temporary premises are suitable for use for the sale of alcohol, and
- (b) that it is necessary to grant the application to enable the applicant to carry on business pending reconstruction or conversion of the principal premises.

3.4 A temporary premises licence—

- (a) has effect for such period of not more than 2 years beginning with the date of its issue as the Licensing Board may determine, and
- (b) is subject to the same conditions as those to which the premises licence in respect of

the principal premises is subject at the time the temporary premises licence is issued, with such exceptions or variations (if any) as the Licensing Board considers appropriate.

3.5 On application by a Temporary Licence holder the period during which their temporary licence has effect may be extended for such further period of not more than 12 months as the Board may determine.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

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**APPENDIX TO REPORT LB26/23
ANGUS LICENSING BOARD – 23 MARCH 2023**

LICENCE NO. 255, ROYAL MONTROSE MERCANTILE GOLF CLUB, 4 TRAILL DRIVE, MONTROSE, DD10 8SW

Name of Applicant: Royal Montrose Mercantile Golf Club, Traill Drive, Montrose, DD10 8SW

Type of Licence: On and Off Sales

The Clerk received an application for a Temporary Premises Licence on 9 March 2023. The application detailed that they required the current licence for the premises until 2 April 2023 with a new Temporary Premise Licence beginning 3 April 2023. The reason for the application being, they are temporarily moving to building No 3 Traill Drive for 7-8 months whilst refurbishment is being carried out on Building No 4 (current premises).

Licensing contacted the applicants requesting they submit a layout plan of the temporary premises which the Clerk subsequently received and is attached to this report.