

**ANGUS LICENSING BOARD – 9 NOVEMBER 2023**

**PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005**

**LICENCE REVIEW PROPOSALS**

**REPORT BY CLERK TO THE BOARD**

**ABSTRACT**

The purpose of this report is to advise members of the non-payment of Annual Premises Licence Fees under the Licensing (Scotland) Act 2005 (“the 2005 Act”) as detailed in the Appendix to this Report.

**1. RECOMMENDATIONS**

It is recommended that the Board consider and determine:-

- (i) to review the premises licence (“a premises licence review proposal”) in respect of each of those premises detailed in the attached Appendix;
- (ii) to specify that the ground to be contained within the premises licence review proposal is that one or more of the conditions to which the premises licence is subject has been breached, and that the condition alleged to have been breached is that the licence holders detailed in the attached Appendix have failed to pay their annual fee;
- (iii) to fix a review hearing date in respect of each of those premises within 42 days of the decision to make the premises licence review proposal; and
- (iv) to agree that any review hearing be cancelled should the outstanding fees be paid prior to the Hearing.

**2. LEGAL**

Paragraph 10 of Schedule 3 to the 2005 Act makes it a mandatory condition applicable to all premises licences that the fee must be paid as required by The Licensing (Fees) (Scotland) Regulations 2007. The regulations provide for the fee being an annual fee and specifies the amounts due by different types of premises.

The Regulations specify that the first annual fee is due within 30 days after the date on which the licence takes effect.

The Regulations further specify that subsequent annual fees are due on 1<sup>st</sup> October each year or, where that date falls on a Saturday or Sunday, on the immediately following Monday.

Despite reminders for payment being made to the licence holders, the annual fees in respect of each of the licensed premises detailed in the attached Appendix have not been paid.

Under Section 37(1) of the 2005 Act, the Licensing Board may, on its own initiative, propose to review a premises licence on any of the grounds for review. The grounds for the Licensing Board making such a premises licence review proposal are under Section 36(3):

- za) that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence
- a) that one or more of the conditions to which the premises licence is subject has been breached; or
- b) any other ground relevant to one or more of the licensing objectives.

Under Section 37(4) of the 2005 Act, a premises licence review proposal must specify the alleged ground for review, including in particular: -

- za) where the ground is that specified in za) above, a summary of the information on which the Board's view that the alleged ground applies is based
- a) where the ground is that specified in a) above, the condition or conditions alleged to have been breached
- b) where the ground is that specified in b) above, the licensing objective to which the ground of review relates

In respect of the premises detailed in the attached Appendix, it is recommended that the condition alleged to have been breached is that the licence holders have failed to pay their annual fee and that the Board ought to specify this in making a premises review proposal.

In making a premises review proposal, the Board may include in the proposal any information that the Board considers may be relevant to their consideration of the alleged ground for reviewing, including, in particular, information in relation to: -

- a) the licence holder,
- b) where the licence holder is neither an individual nor a council, a connected person in relation to the licence holder, or
- c) any person who is an interested party in relation to the licensed premises.

If the Board decides to make a premises review proposal, they should be aware that the review hearing must take place within **42 days** from the date they make the proposal in line with the Licensing (Procedure) (Scotland) Regulations 2007.

### **3. FINANCIAL IMPLICATIONS**

If the fees below are not paid by the licence holders, Board income will decrease by £19,556.77.

### **4. HUMAN RIGHTS IMPLICATIONS**

In dealing with the matters as set out in this report, the Board will have regard to any human rights issues in relation to the licence holders.

Members are advised that Article 1 of the First Protocol of the European Convention of Human Rights (i.e., protection of property) applies in relation to this Report. The licence holder is considered to be the owner of the licence and as such is entitled to the peaceful enjoyment of his/her possession. However, Angus Licensing Board may take such action as it deems necessary to control the use of the property in accordance with the general interest and subject to the conditions provided for by law. Article 14 ECHR requires non-discriminatory treatment of individuals in the enjoyment of their rights.

The legal basis for taking any action in connection with this Report is in terms of the 2005 Act.

Any actions considered by the Licensing Board must be proportionate, i.e., there should be as little intervention as possible to achieve the Board's desired aim.

### **5. CONCLUSION**

The Board is requested to determine to agree to make a premises licence review proposal in respect of the premises detailed in the Appendix, to specify the ground for review as being failure to pay the annual fee, and to fix a review hearing date within 42 days of their decision to make the proposal. The Board is asked to agree that any hearing be cancelled should the outstanding fees be paid prior to the hearing.

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**APPENDIX 1 TO REPORT LB 59/23**

**ANGUS LICENSING BOARD - 9 NOVEMBER 2023**

**NON-PAYMENT OF ANNUAL FEES FOR 2023**

Lic. No	Premises	Address	Town	Postcode	Annual Fee
2	Pucci's	24-30 Murray Street	Montrose	DD10 8LB	£220.00
3	Forfar Premier	90 Glenogil Terrace	Forfar	DD8 1NG	£220.00
6	Thrums Hotel	25 Bank Street	Kirriemuir	DD8 4BE	£280.00
7	The Pageant	10 Kirk Square	Arbroath	DD11 1DX	£280.00
11	Ram's Heid	East Muirlands Road	Arbroath	DD11 3ES	£220.00
21	Harbour Foodstore	35 High Street	Arbroath	DD11 1AN	£220.00
24	Forfar Arms	95 East High Street	Forfar	DD8 2EQ	£220.00
27	Thistle Bar	199-201 East High Street	Forfar	DD8 2HL	£220.00
29	Smithies	16 Keptie Street	Arbroath	DD11 1RJ	£220.00
30	The Park Bar	19-21 Park Road	Brechin	DD9 7AE	£220.00
37	Old Mason's Arms	135-139 East High Street	Forfar	DD8 2EQ	£280.00
43	Bestway Foodstore	25 Mayfield Terrace	Arbroath	DD11 5DL	£220.00
45	Golden Lion Filling Station	Montrose Road	Arbroath	DD11 5JP	£500.00
52	Costcutter	4 Lower Craigo Street	Montrose	DD10 8AU	£220.00
66	Rupali Restaurant	3/5 Queen Street	Forfar	DD8 3AJ	£220.00
72	Stags Head Inn	61 Dundee Street	Carnoustie	DD7 7PN	£280.00
91	The City Royal Bar	26 City Road	Brechin	DD9 6DW	£280.00
94	The Old Brewhouse	Dangerpoint, 1/3 High Street	Arbroath	DD11 1BH	£280.00
100	Fisherman's Inn	57 High Street	Arbroath	DD11 1AN	£220.00
117	Seafront Leisure Centre	Red Lion Holiday Park, Dundee Road	Arbroath	DD11 2PT	£700.00
122	Hillside Hotel	Kinnaber Road	Hillside By Montrose	DD10 9HE	£280.00
135	The Quayside	14 Trinity Road	Brechin	DD9 6BE	£220.00
139	Finavon Hotel	Finavon	By Forfar	DD8 3QE	£280.00
140	The East End Bar & Nova Suite	91 Montrose Street	Brechin	DD9 7DG	£220.00

151	Hillside Shop & Post Office	2 Lindsey Place, Main Road	Hillside By Montrose	DD10 9HQ	£220.00
156	Keystore	34/36 Dundee Street	Carnoustie	DD7 7PF	£220.00
163	Corner Newsmarket	6-8 Barry Road	Carnoustie	DD7 7QL	£220.00
168	The Castle Club	100/108 Castle Street	Forfar	DD8 3HR	£280.00
173	Shimla	19 Swan Street	Brechin	DD9 6EE	£280.00
176	Portcullis Bar	6 Conon Terrace	Arbroath	DD11 5AP	£280.00
185	The Webster Memorial Theatre	64 High Street	Arbroath	DD11 1AW	£500.00
207	Royal British Legion (Brechin)	2a Bank Street	Brechin	DD9 6AX	£180.00
208	Strathmore Cricket Club	Lochside Park	Forfar	DD8 1DU	£180.00
209	Airlie Lodge No 286	47 Roods	Kirriemuir	DD8 4EY	£180.00
211	The Carnoustie Golf Club	3 Links Parade	Carnoustie	DD7 7PF	£180.00
217	David Lloyd Dundee	Ethiebeaton Park	Monifieth	DD5 4HB	£900.00
221	Shanghai Restaurant	162 High Street	Montrose	DD10 8JB	£220.00
231	Brown Horse	62 Market Street	Brechin	DD9 6BD	£280.00
238	Forfar Bowling Club	Melbourne Place, Lour Road	Forfar	DD8 2AS	£180.00
248	Montrose Caledonia Golf Club	Traill Drive	Montrose	DD10 8SW	£180.00
261	Tutties Neuk	Gayfield, Dundee Road	Arbroath	DD11 1QJ	£220.00
273	Tour & Taste	2 Mattocks Road	Wellbank Dundee	DD5 3PJ	£220.00
275	Aboukir Hotel	38 Ireland Street	Carnoustie	DD7 6AT	£280.00
276	Stracathro Service Area	Stracathro	Brechin	DD9 7PX	£500.00
279	Spar	42-44 Lindsay Street	Kirriemuir	DD8 5AP	£220.00
303	Spar Store	43 Barry Road	Carnoustie	DD7 7QQ	£280.00
304	Black Abbott	Coronation Way	Montrose	DD10 9DW	£280.00
310	The Railway Inn	1 Gardyne Street	Friockheim	DD11 4SN	£220.00
313	Bar 1320 (formerly Stag Inn)	1 West Port	Arbroath	DD11 1RF	£280.00
317	Rug Bug Benny's	2 Hume Street	Montrose	DD10 8JD	£280.00
320	Al Karim	St Malcolm's Wynd	Kirriemuir	DD8 4HB	£220.00
321	Zoar Inn	20 Muir Street	Forfar	DD8 3JY	£220.00
333	The Milton Hotel	Grange Road	Monifieth	DD5 4LU	£280.00
336	Coast Bar & Nightclub (Upper Level)	4 Gravesend	Arbroath	DD11 1HT	£280.00
339	Rupali Palace	198 High Street	Forfar	DD8 2HG	£280.00
348	Coast Bar (Lower Level)	4 Gravesend	Arbroath	DD11 1HT	£280.00
349	Newtyle Post Office	19 North Street, Newtyle	Blairgowrie	PH12 8TU	£220.00
350	Costcutter	5 Gardyne Street	Letham	DD8 2PR	£220.00

356	Service Station Premises	3 Academy Street	Forfar	DD8 2XF	£500.00
357	Webmor's	66 High Street	Arbroath	DD11 1AW	£220.00
375	Thai Kitchen	7 Queen Street	Carnoustie	DD7 7AX	£220.00
378	Sportsterz	14 Market Place	Arbroath	DD11 1HR	£280.00
379	Shotz Pool & Snooker Club	2-4 John Street West	Arbroath	DD11 1RT	£280.00
401	Panzerotti Café & Bakery	Unit 3A Craig O' Loch Road	Forfar	DD8 1BT	£220.00
408	Daily Grind Coffee Co	1B Millgate	Arbroath	DD11 1NN	£220.00
410	The Attic Club	2A St Malcolm's Wynd	Kirriemuir	DD8 4HB	£280.00
424	Cashleys	1 Castle Street	Forfar	DD8 3AE	£220.00
437	Bowmans Coffee House	27A High Street	Monifieth	DD5 4AA	£220.00
443	Cliffburn Hotel	Cliffburn Road	Arbroath	DD11 5BT	£280.00
447	Angus Grill and Larder	Balnabreich	Brechin	DD9 6RN	£280.00
451	Forfar Supermarkets Ltd	76 Dundee Road	Forfar	DD8 1HW	£328.33
453	Ferry Stop	12 Ferry Street	Montrose	DD10 8DA	£228.44
<b>TOTAL OUTSTANDING</b>					<b>£19,556.77</b>