

ANGUS LICENSING BOARD – 18 APRIL 2012

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

REPORT BY THE CLERK

**ABSTRACT**

The purpose of this report is to present applications 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 applications 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 Chief Constable, and the Licensing Standards Officer.

The Chief Constable may within 10 days of receipt of notification, by notice, object to the application if the Chief Constable 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 hours application, the Licensing Board must take into account any notice of objection given by the appropriate Chief Constable 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 Chief Constable 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 Head of Finance, Director of Infrastructure Services and Chief Constable have 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.

**SHEONA C HUNTER  
CLERK TO THE LICENSING BOARD**

**NOTE:** No background papers were relied on to a material extent in preparing the above report.

**(1) FRIOCKHEIM BOWLING CLUB, FARNELL ROAD, FRIOCKHEIM**

Three applications have been received from Friockheim Bowling Club in respect of extensions to their normal trading hours on Sunday 10 June 2012, Sunday 8 July 2012 and Sunday 2 September 2012.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer.

**Licensing Standards Officer's Report**

Friockheim Bowling Club have requested extensions to open the bar at 10.00am, which is one hour earlier than the premises opening time of 11.00am on Sunday 10 June 2012, Sunday 8 July 2012 and Sunday 2 September 2012 for bowling competitions

The requested extensions are outwith the Licensing Board's Statement of Licensing Policy for premises which is 11.00am.

**(2) SHARKY'S BAR, 21 GEORGE STREET, MONTROSE**

An application has been received from Sharky's Bar requesting extensions of one additional hour to their normal trading hours on Friday 25 May 2012 and Saturday 26 May 2012.

To assist the Board in determining this application a report has been submitted by the Licensing Standards Officer.

**Licensing Standards Officer's Report**

Sharky's Bar have requested extensions of one additional hour each day to their normal trading hours on Friday 25 May 2012 and Saturday 26 May 2012 of 11.00 am to 1.00 am for the Montrose Music Festival. This extension if granted would allow the premises to remain open until 2 am on both dates.

The requested extensions are outwith the Licensing Board's Statement of Licensing Policy for premises on a Friday and Saturday which is until 1.00 am.