

SPECIAL ANGUS LICENSING BOARD –14 DECEMBER 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 any of the licensing objectives.

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 69(2) of the Licensing (Scotland) Act 2005, 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.

The Board, at its meeting on 15 November 2012, considered a report by the Clerk in respect of the Extension of Hours at Christmas and New Year. In respect of that report, the Board agreed to:-

- “(i) note that the Board's Policy permits on sale premises one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Years' Day;
- (ii) note that the Premises Licence of those premises licence holders who included these additional hours in their operating plan will make reference to these additional hours;
- (iii) note that those premises licence holders who did not include these additional hours in their operating plan will require to make an application for Extended Hours;
- (iv) note that 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;
- (v) approve that the processing of applications for Extended Hours in respect of Christmas and New Year cannot be guaranteed unless they are received by the Clerk no later than Friday 7 December 2012;
- (vi) that notwithstanding (i) above, no premises will be allowed to open beyond 2am; and
- (vii) that, aside from Christmas Eve, Christmas Day, Hogmanay and New Years' Day, no premises will be allowed to open during the month of December 2012 outwith the hours specified in Section 6 of the Board's policy.”

The Board is being invited to consider the applications detailed in the attached Appendix because these applications relate to hours outwith Section 6 of the Boards Policy and the terms of the decision of the Board on 15 November 2012. Notwithstanding this, each application requires to be determined on its own merits.

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.

(a) DEVITO'S, 11 MILLGATE, ARBROATH, DD11 1NN

An application has been received from Devitos Limited in respect of Devito's, 11 Millgate, Arbroath, DD11 1NN requesting an extension to their normal trading hours on Monday 24 December 2012, Tuesday 25 December 2012, Monday 31 December 2012 and Tuesday 1 January 2013 from midnight to 2.00 am the following day.

Tayside Police have lodged a letter dated 8 November 2012 which shall be circulated at the meeting.

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

Licensing Standards Officer's Report

The Licensing Board's Statement of Licensing Policy, (the Licensing Policy) at paragraph 6.9, permits on-sales premises an extension of one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Year's Day. If applicants wish to take advantage of this relaxation, they should either include provision for it in their Operating Plan, or apply for an extension of hours in terms of Sections 67 to 70 of the Act.

Devitos have made provision for this extension in their Operating Plan.

The current application from Devitos is for a further extension of 1 hour over and above the extension previously approved.

I would ask the Board to consider refusal of this application as it is outwith the hours recommended in the Licensing Policy, which 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.

The Board are asked to note if this further extension is granted the premises would be able to trade to 2am for a period of 21 Days from the 19 December 2012 to the 8 January 2013.

(b) THE PAGEANT BAR, 8 KIRK SQUARE, ARBROATH, DD11 1DX

An application has been received from Rosemount Taverns Limited in respect of The Pageant Bar, 8 Kirk Square, Arbroath, DD11 1DX requesting an extension to their normal trading hours on Monday 24 December 2012 from midnight to 1.00 am the following day and on Monday 31 December 2012 from midnight to 2.00 am the following day.

Tayside Police have lodged a letter dated 21 November 2012 which shall be circulated at the meeting.

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

Licensing Standards Officer's Report

An application for an extension of hours for the Festive Period has been received from Rosemount Taverns Ltd in respect of The Pageant Public House, Kirk Square, Arbroath. The applicant has requested extensions for Monday 24 and 31 December 2012.

Hours requested are to 1am at the end of trading on Monday 24 December and to 2am at the end of trading on Tuesday 31 December. The usual terminal hour for these premises on a Monday and Tuesday is midnight.

The additional hour, to 1am, on Monday 24 December is within Licensing Board Policy for the Festive Period and requires no further action.

The extension of two hours requested for Tuesday 31 December to 2am is outwith the Licensing Board Policy for the Festive Period. The Board are asked to note these premises are not a nightclub.

The Licensing Board's Statement of Licensing Policy, at paragraph 6.9, permits on-sales premises an extension of one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Year's Day.

The Board at its meeting on the 15 November 2012 approved the arrangements for the above extension of hours over Christmas and New Year 2012/13.

I would ask the Board to consider refusing the 2am extension as it is outwith the requirements of the Licensing Board's Policy which has 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.

(c) ALL STARS, 88 - 90 DUNDEE STREET, CARNOUSTIE, DD7 7PH

An application has been received from Alan Wilson in respect of All Stars, 88 – 90 Dundee Street, Carnoustie, DD7 7PH requesting an extension to their normal trading hours from Saturday 1 December 2012 to Sunday 1 January 2013 from 11.00 am to 2.00 am the following days. An application for extended hours must not exceed the period of one month.

Tayside Police have lodged a letter dated 26 November 2012 which shall be circulated at the meeting.

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

Licensing Standards Officer's Report

An application for an extension of hours has been received from Mr A Wilson, premises licence holder, in respect of All Stars, Dundee Street, Carnoustie. The applicant has requested an extension to 2am from 1 December 2012 to 1 January 2013 all dates inclusive.

The Board are asked to note these premises are not a nightclub and the usual terminal hour is midnight Sunday to Thursday and to 1am Fridays and Saturdays.

The Licensing Board's Statement of Licensing Policy, at paragraph 6.9, permits on-sales premises an extension of one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Year's Day. The Board at its meeting on the 15 November 2012 approved the arrangements for the above extension of hours over Christmas and New Year 2012/13.

The premises have made reference to these additional hours on their operating plan and may open on each of the approved festive season dates to 1am.

I would ask the Board to consider refusing this continuous 2am extension as it is outwith the requirements of the Licensing Board's Policy, which has 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.

(d) COMMERCIAL INN, OLD SHOREHEAD, ARBROATH, DD11 1BB

An application has been received from the Commercial Inn, Old Shorehead, Arbroath, DD11 1BB requesting an extension to their normal trading hours on Monday 31 December 2012 from 11.00 am to 2.00 am the following day.

Tayside Police have lodged a letter dated 28 November 2012 which shall be circulated at the meeting.

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

Licensing Standards Officer's Report

An application for an extension of hours has been received from Mrs C Smith, premises licence holder, in respect of The Commercial Inn, Old Shorehead, Arbroath. The applicant has requested an extension to 2am on Monday 31 December 2012.

The Board are asked to note these premises are not a nightclub and the usual terminal hour is midnight on a Monday.

The Licensing Board's Statement of Licensing Policy, at paragraph 6.9, permits on-sales premises an extension of one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Year's Day. If applicants wish to take advantage of this relaxation, they either include provision for it in their Operating Plan, or apply for an extension of hours in terms of Sections 67 to 70 of the Act.

The Commercial Inn has made provision for this extension in their operating plan, meaning they may extend their operating hours from midnight to 1am on the day requested. The current application is for a further extension to the previously granted extension of licensed hours.

I would ask the Board to consider refusing this 2am extension as it is outwith the requirements of the Licensing Board's Policy, which has 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.

(e) VINE AND MONKEY, 37/43 WEST HIGH STREET, FORFAR, DD8 1BE

An application has been received from the Vine and Monkey, 37/43 West High Street, Forfar, DD8 1BE requesting an extension to their normal trading hours from Monday 24 December 2012 to Wednesday 2 January 2013 from 11.00 am to 2.00 am the following days.

No comments have been received to date from Tayside Police. Any comments received from Tayside Police shall be circulated at the meeting.

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

Licensing Standards Officer's Report

An application for an extension of hours has been received from Mr I Morrison, premises licence holder, in respect of The Vine & Monkey public house, 72 Suttieside Road, Forfar. The applicant has requested an extension to 2am between Monday the 24 December and Wednesday the 2 January 2013.

The Board are asked to note the usual terminal hours for these premises are midnight Sunday to Thursday and 1am on Friday and Saturdays.

The Licensing Board's Statement of Licensing Policy, at paragraph 6.9, permits on-sales premises an extension of one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Year's Day. If applicants wish to take advantage of this relaxation, they either include provision for it in their Operating Plan, or apply for an extension of hours in terms of Sections 67 to 70 of the Act.

The Vine and Monkey has made provision for the above extension in their operating plan, meaning they may extend their operating hours from midnight to 1am on the four approved festive dates. The current application is for a further extension to the previously granted extension of licensed hours and for additional days over and above the 24, 25 and 31 December and 1 January.

I would ask the Board to consider refusing this 2am extension and additional days as it is outwith the requirements of the Licensing Board's Policy, which has 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.

(f) **COAST BAR AND RESTAURANT (UPPER LEVEL), 4 GRAVESEND, ARBROATH, DD11 1HT**

An application has been received from the Coast Bar and Restaurant (Upper Level), 4 Gravesend, Arbroath, DD11 1HT requesting an extension to their normal trading hours on Monday 24 December 2012, Tuesday 25 December 2012, Monday 31 December 2012 and Tuesday 1 January 2013 from midnight to 2.00 am the following day.

No comments have been received to date from Tayside Police. Any comments received from Tayside Police shall be circulated at the meeting.

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

Licensing Standards Officer's Report

An application for an extension of hours has been received from Mr M Mitchell, premises licence holder, in respect of Coast Nightclub, 4 Gravesend, Arbroath. The applicant has requested an extension to 2am on the 24, 25, 31 December 2012 and 1 January 2013

The Board are asked to note the usual terminal hours for these premises on a Mondays and Tuesday is midnight.

The Licensing Board's Statement of Licensing Policy, at paragraph 6.9, permits on-sales premises an extension of one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Year's Day. If applicants wish to take advantage of this relaxation, they either include provision for it in their Operating Plan, or apply for an extension of hours in terms of Sections 67 to 70 of the Act.

Coast Nightclub has made provision for the above extension in their operating plan, meaning they may extend their operating hours from midnight to 1am on the four dates requested. The current application is for a further extension to that previously granted.

I would ask the Board to consider refusing this 2am extension as it is outwith the requirements of the Licensing Board's Policy, which has 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.

(g) CLUB ONE, 89-91 NORTH STREET, FORFAR, DD8 3BL

An application has been received from Club One, 89-91 North Street, Forfar, DD8 3BL requesting an extension to their normal trading hours on Monday 24 December 2012, Tuesday 25 December 2012, Monday 31 December 2012 and Tuesday 1 January 2013 from 11.00pm to 2.00am the following day.

No comments have been received to date from Tayside Police. Any comments received from Tayside Police shall be circulated at the meeting.

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

Licensing Standards Officer's Report

An application for an extension of hours has been received from Dero Ltd, premises licence holder, in respect of Club One Nightclub, 89 -91 North Street, Forfar. The applicant has requested an extension to 2am on the 24, 25, 31 December 2012 and 1 January 2013

The Board are asked to note the usual terminal hour for these premises is 11pm for the dates requested.

The Licensing Board's Statement of Licensing Policy, at paragraph 6.9, permits on-sales premises an extension of one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Year's Day. If applicants wish to take advantage of this relaxation, they either include provision for it in their Operating Plan, or apply for an extension of hours in terms of Sections 67 to 70 of the Act.

Club One has made provision for the above extension in their operating plan, meaning they may extend their operating hours from 11pm to midnight on the four approved festive dates. The current application is for a further extension of 2 hours to that already granted.

I would ask the Board to consider refusing this 2am extension as it is outwith the requirements of the Licensing Board's Policy, which has 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.

APPENDIX TO REPORT NO LB 74/12

(h) STAR HOTEL, 7 NEW WYND, MONTROSE, DD10 8RB

An application has been received from the Star Hotel, 7 New Wynd, Montrose, DD10 8RB requesting an extension to their normal trading hours on Monday 24 December 2012, Tuesday 25 December 2012, Monday 31 December 2012 and Tuesday 1 January 2013 from 11am to 2.00am the following day.

The Board is asked to note that the terminal hour for the premises on a Monday and Tuesday is 12 midnight. The Star Hotel has not made provision for seasonal variations in their operating plan. The current application is for an extension of 2 hours.

No comments have been received to date from Tayside Police. Any comments received from Tayside Police shall be circulated at the meeting.

The Licensing Standards Officer's report has not been received. A copy of the Licensing Standards Officer's Report shall be circulated at the meeting.

APPENDIX TO REPORT NO LB 74/12

(i) PORTCULLIS BAR, 4 CONON TERRACE, ARBROATH, DD11 5AP

An application has been received from the Portcullis Bar, 4 Conon Terrace, Arbroath, DD11 5AP requesting an extension to their normal trading hours on Monday 31 December 2012 from 11am to 2.00am the following day.

The Board is asked to note that the terminal hour for the premises on a Monday is 12 midnight. The Portcullis Bar has made provision for seasonal variations in their operating plan, meaning they may extend their operating hours from midnight to 1.00am on Monday 31 December 2012. The current application is for a further extension of 1 hour.

No comments have been received to date from Tayside Police. Any comments received from Tayside Police shall be circulated at the meeting.

No comments have been received to date from the Licensing Standards Officer. A copy of the Licensing Standards Officer's Report shall be circulated at the meeting.