

ANGUS LICENSING BOARD – 4 OCTOBER 2012

PREMISES LICENCE REVIEW APPLICATION UNDER THE LICENSING SCOTLAND ACT 2005

REPORT BY THE CLERK

ABSTRACT

The purpose of this report is to advise of an application for a review of a premises licence.

1. RECOMMENDATIONS

It is recommended that the Board:-

- (i) notes that an application for a review of a premises licence in respect of The Commercial Inn, 13 Old Shorehead, Arbroath has been received from Tayside Police; and
- (ii) determines whether to hold a hearing to consider and determine the premises licence review application.

2. BACKGROUND

2.1 The Clerk received a Premises Licence Review Application under the Licensing (Scotland) Act 2005 ("the Act") from Tayside Police on 13 September 2012 in respect of The Commercial Inn, 13 Old Shorehead, Arbroath, which are premises licensed by Angus Licensing Board. The Application from Tayside Police is attached as [Appendix 1](#).

2.2 Section 36 of the Act provides that any person may apply to the Board in respect of premises which have a premises licence in effect, for a review of the premises licence on any of the grounds for review (a Premises Licence Review Application). The application must specify the alleged ground for review.

2.3 The grounds for review are:

- (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 which are:-
 - (a) preventing crime and disorder
 - (b) securing public safety
 - (c) preventing public nuisance
 - (d) protecting and improving public health; and
 - (e) protecting children from harm.

- 2.4 The Licensing Board may reject a Premises Licence Review Application if the Board considers the application is vexatious or frivolous or does not disclose any matter relevant to any ground for review. Otherwise, the Board must hold a hearing for the purposes of considering and determining a Premises Licence Review Application.
- 2.5 The Application for Review from Tayside Police specifies the alleged grounds for review.
- 2.6 A review hearing is to be held no later than 42 days after the date on which the Board received the Premises Licence Review Application.
- 2.7 Accordingly, unless the Application is considered by the Board to be frivolous or vexatious or does not disclose any matter relevant to any ground for review, the Board must hold a hearing for the purposes of considering and determining the Premises Licence Review Application on or before 24 October 2012.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RIGHTS IMPLICATIONS

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

5. EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

6. CONSULTATION

The Head of Finance and the Chief Constable have been consulted in the preparation of this report

7. CONCLUSION

The Board is asked to note receipt of the Application for Review of Premises Licence received and to appoint a date for a hearing to consider the Premises Licence Review Application.

**SHEONA HUNTER
CLERK TO THE LICENSING BOARD**

NOTE: The background papers (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:-

- The Licensing (Scotland) Act 2005
- Licensing (Procedure) (Scotland) Regulations 2007