

AGENDA ITEM NO 6

REPORT NO LB17/24

ANGUS LICENSING BOARD – 16 MAY 2024

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

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this report is to present an application to extend the licensed hours in respect of a premises licence(s) under the Licensing (Scotland) Act 2005 which requires 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 grant the application with such variation to the conditions the licence is subject as the Board considers necessary or expedient for the purposes of any of the licensing objectives;
- (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 an application 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 of Police Scotland, 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 this application is in the attached Appendix.

In determining an extended hours application, the Licensing Board must take into account any notice of objection given by the Chief Constable, and the Licensing Standards Officer's report. The Board is also entitled to make such variation of the conditions to which the licence is subject as the Board considers necessary or expedient for the purposes of any of the licensing objectives.

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

Police Scotland and the Licensing Standards Officer have been consulted as required.

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.

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APPENDIX TO REPORT NO LB17/24

(a) LIC NO. 305 - UTOPIA, 30-36 GEORGE STREET, MONTROSE, DD10 8EW

An extended hours licence application has been received from Janet Hood, Agent on behalf of J.R.M. (Scotland) Ltd in respect of Utopia, 30-36 George Street, Montrose, DD10 8EW. The premises currently operate within the On Sales hours:

Sunday to Thursday	19.00 to 02.00
Friday and Saturday	19.00 to 02.30

The applicant is seeking extensions to the above trading hours in respect of the Montrose Musical Festival weekend.

The extended hours applied for on the relevant dates are:

Saturday 25 May 2024	12.00 to 19.00
Sunday 26 May 2024	02.30 to 03.00
Monday 28 May 2024	02.00 to 02.30

The times requested are out with the Licensing Board's Statement of Licensing Policy and to assist the Board in determining this application a report has been submitted by the Licensing Standards Officer.

Extended Hours Application

Licensing Standards Officer's Report

Applicant Details

Applicant: Janet Hood acting on behalf of J.R.M (Scotland) Ltd

Name of premises: Utopia

Event or Occasion: Montrose Live Musical Festival weekend

Date(s) required: Saturday 25 May 2024, Sunday 26 May 2024 and Monday 27 May 2024

Extension requested times (See table below):

Date	Existing licensed hours	Requested licensed hours	Addition in hours
Saturday 25 May 2024	1900hrs - 0230hrs	1200hrs – 1900hrs	Plus 7 Hours
Saturday 25 May 2024	1900hrs - 0230hrs	0230hrs – 0300hrs (Sunday 26 May 2024)	Plus 30 Minutes
Sunday 26 May 2024	1900hrs - 0200hrs	0200hrs – 0230hrs (Monday 27 May 2024)	Plus 30 Minutes

Address or Location of Premises

Utopia, 30- 36 George Street, Montrose, DD10 8EW

Requested Extension

An extended hour's application has been received from Janet Hood (agent) for Utopia, 30- 36 George Street, Montrose, DD10 8EW. The applicant has requested additional hours to show live music during the Montrose Live Musical Festival Weekend.

LSO Comments for Licensing Board Consideration

The additional periods requested on *Saturday 25 May 2024* would allow the premises to open prior to their normal opening hours meaning they would be trading from 1200hrs Saturday 25 May 2024 until 0300hrs Sunday 26 May 2024. I would ask the Board to note that the Statement of Licensing Policy para 6.3 provides that "Any application for licensed hours for more than 14 hours should require further consideration to the extent of granting extra operating hours". If the Board are mindful to approve this application, then the premises would have the potential to trade for over 14 hours on the date specified.

In addition, the application is requesting a closing time of 0230hrs on Sunday 26 May 2024. The premises current licensing hours for on sales are Sunday are from 1900hrs until 0200hrs. This extension of hours to 0230hrs being outside the Licensing Board's Statement of Licensing Policy which is *1100hrs until 2400hrs for the day in question*.

The Board's policy hours 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.

An extension of hours may be granted by the Board, under Section 68 of the Licensing (Scotland) Act 2005, for a special event or occasion to be catered for on the premises, or special event of local or national significance. The board may wish to consider whether they think this event falls within the above definitions.

I duly submit this report to the board for consideration.

Kevin Leith | Licensing Standards Officer | Legal, Governance and Change