

ANGUS LICENSING BOARD – 16 MAY 2019

NEW PREMISES LICENCE UNDER THE LICENSING (S) ACT 2005

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this Report is to present an application for a new premises licence 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 for a new premises licence as detailed in the attached Appendix, in terms of one of the following options:-

- (i) to grant the application, subject to Statutory Conditions and any other discretionary local conditions which the Board may wish to impose;
- (ii) to propose a modification to the operating plan or layout plan (or both) and if the applicant accepts the proposed modification, request that the applicant amend the application and, thereafter, grant the modified application with the proposed amendment, subject to the Statutory Conditions and any other discretionary or local conditions which the Board may wish to impose;
- (iii) to defer the application to the next Licensing Board; or
- (iv) to refuse the application on one or more of the grounds referred to in Paragraph 4.

2. BACKGROUND

The Board has received an application for a new premises licence under the Licensing (Scotland) Act 2005 which requires to be determined by the Board because the matters are not subject to delegation and shall only be discharged by the Licensing Board.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

4. OTHER IMPLICATIONS

Legal

The Board must, in considering and determining the application, consider whether any of the grounds for refusal applies and:-

- (a) if none of them applies, the Board must grant the application, or
- (b) if any of them applies, the Board must refuse the application.

The grounds for refusal are:-

- (a) that the subject premises are excluded premises,
- (b) that the application must be refused under Section 25(2) (the Board had previously refused a premises licence within the preceding one year), Section 64(2) (alcohol would be sold for a continuous period of 24 hours from the premises, unless there are exceptional circumstances which justify allowing the sale of alcohol on the premises during such a period), or Section 65(3) (if alcohol is to be sold for off sales purposes before 10am or after 10pm, or both),
- (c) that the Licensing Board consider, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence,

- (d) that the Licensing Board considers that the granting of the application would otherwise be inconsistent with one or more of the licensing objectives,
- (e) that, having regard to:
 - (i) the nature of the activities proposed to be carried on in the subject premises;
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premisesthe Board considers that the premises are unsuitable for use for the sale of alcohol,
- (f) that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality.

REPORT AUTHOR: Dawn Smeaton, Licensing and Litigation Assistant
E-MAIL: LAWLICENSING@angus.gov.uk

(a) PRO-GIFTS, 7 INVERARITY CRESCENT, HILLSIDE, MONTROSE, DD10 9HS

Name and Address of Applicant

Pro-Gifts Limited, 7 Inverarity Crescent, Hillside, Montrose, DD10 9HS

Type of Licence: Premises Licence – Off Sales

1. Description of Premises – Online gift store specialising in gift sets and hampers.

2. Core times when alcohol will be sold for consumption **off** the premises:-

Monday to Friday	10:00 to 18.00
Saturday	10.00 to 16.00
Sunday	CLOSED

The Board are asked to note the hours requested are within Board Policy.

3. Activities – online sales.

4. Capacity – 3m x 1.25m wide

COMMENTS RECEIVED - Section 50 Planning certificate was issued on the basis that the following additional conditions are attached to the operating plan:-

1. Alcohol will be stored in a locked concrete shed 3m x 1.25m wide.
2. Shed is concrete block with a solid wooden door, with a sturdy mortice lock.
3. The materials, hampers, ribbon, glasses and so forth are stored in an office in the house.
4. A limited stock of no more than 8 bottles to be kept.
5. Sales of 2/3 hampers per week, with 5/6 per week for special occasions.
6. Maximum of 200 packages a year to be alcohol related.
7. Alcohol to be picked up from wholesalers, not delivered.
8. Hampers to be delivered or transported to Post Office. Royal Mail to request age verification.

(b) REDCASTLE BREWERY, DRUMMYGAR MAINS, CARMYLLIE, BY ARBROATH, DD11 2RA

Name and Address of Applicant

Redcastle Farms Limited, Drummygar Mains, Carmyllie, DD11 2RA

Type of Licence: Premises Licence – Off Sales

1. Description of Premises – Ancillary visitor centre shop, distribution point and tasting area situated within self-contained Brewery/Distillery.

2. Core times when alcohol will be sold for consumption **off** the premises:-

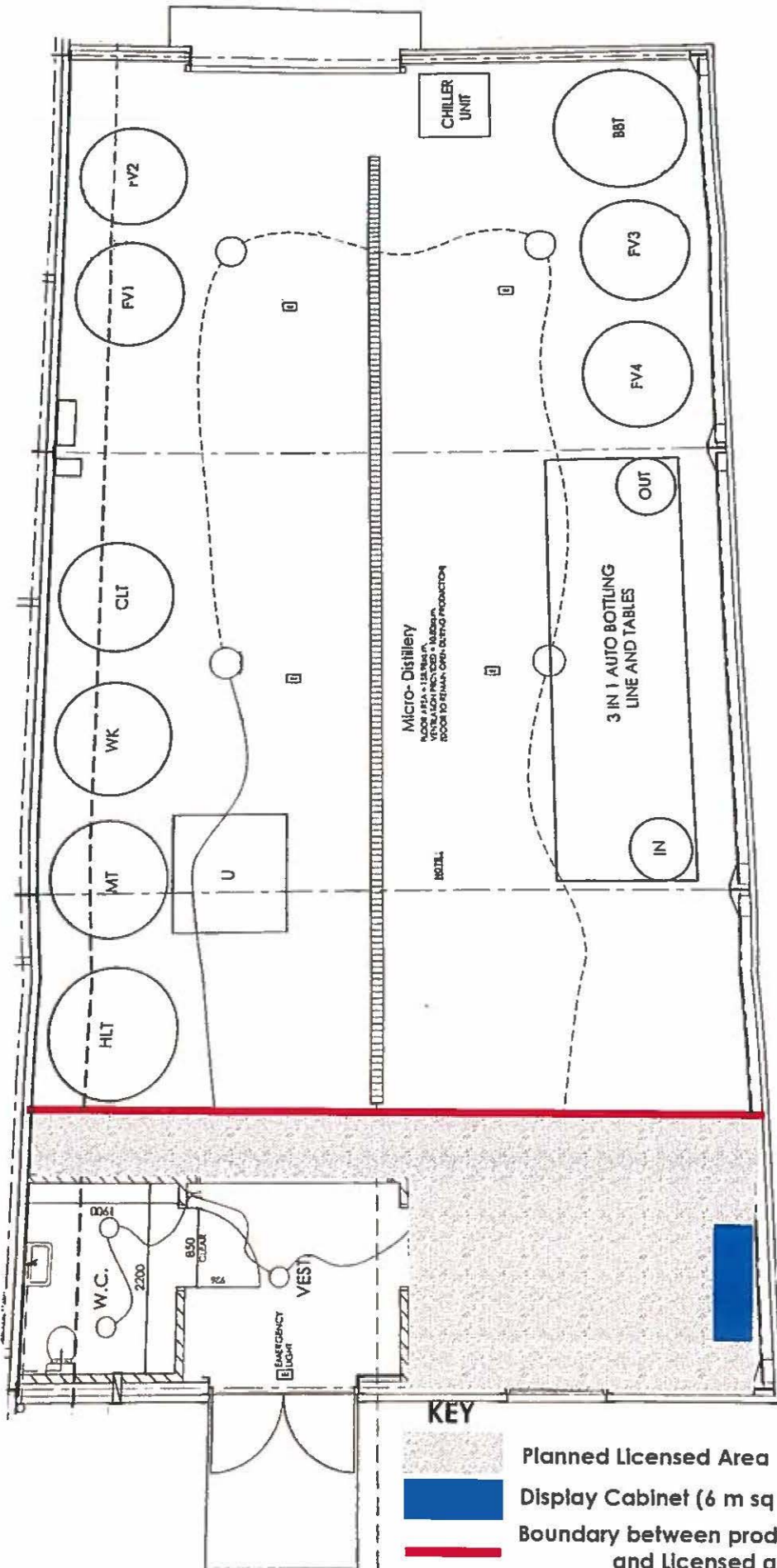
Monday to Sunday 10:00 to 22.00

The Board are asked to note the hours requested are within Board Policy.

3. Activities

- (a) brewery and distillery products distribution point for domestic and trade sales, ancillary visitor retail centre area and tasting room;
- (b) alcohol can be bought by persons taking part in distillery/brewery tours, via on-line and telephone sales;
- (c) alcohol can be delivered from site by applicant and via post and dispatch companies to be sold from online shop;
- (d) alcohol can be collected from site by online and telephone purchasers.

4. Capacity – Off Sales 6 SQ.M



Floor Plan

(c) GIN EXPERIENCE VISITOR CENTRE SHOP, KIRKWYND, GLAMIS, DD8 1RT

Name and Address of Applicant

Gin Bothy Limited, Garlow Bank Smiddy, Brechin Road, Kirriemuir, DD8 4LH

Type of Licence: Premises Licence – Off Sales

1. Description of Premises – Premises are situated in the historic village of Glamis and comprise gin distillery shop / visitor centre.

2. Core times when alcohol will be sold for consumption **off** the premises:-

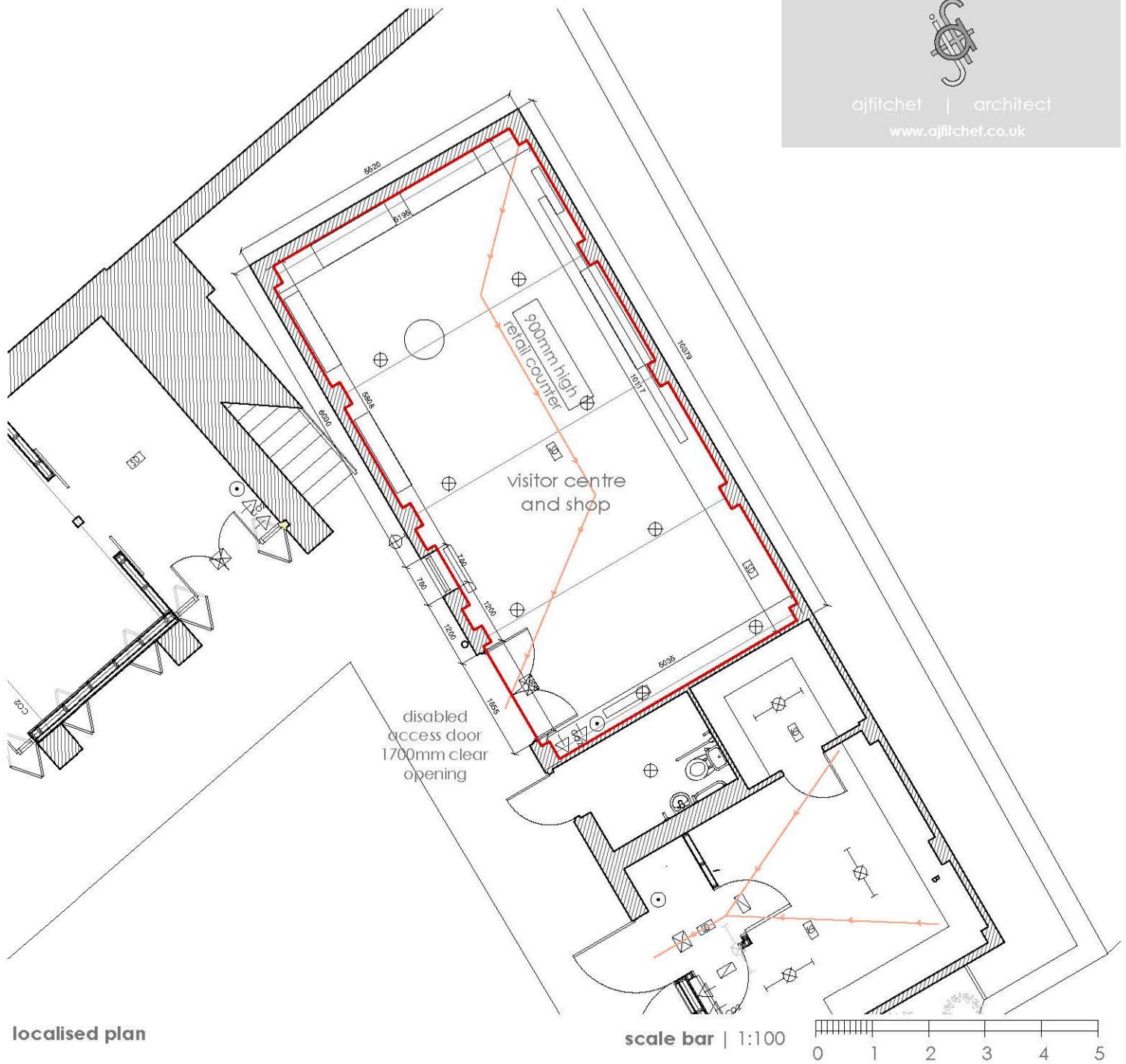
Monday to Sunday	10:00 to 22.00
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The Board are asked to note the hours requested are within Board Policy.

3. Activities

- (a) visitor centre shop show-casing the history of the locality and Scotland craft skills, the sale of craft alcohol and other products and comestibles, branded gifts, books and other goods appropriate to a visitor centre;
- (b) premises will be used for the distribution of all goods including alcohol for delivery to the public and trade via online and telephone sales in accordance with the off-site sales and delivery policy; and
- (c) recorded music to be provided within and outwith core hours. Outwith hours to commence at 9am but not after core hours.

4. Capacity – Applicant has advised that premises comprise visitor centre shop and do not require to detail display area capacity.



localised plan

scale bar | 1:100



LEGEND:

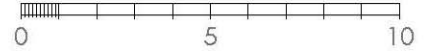
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|--|---|--|--|
| | One way light switch | | 13A double switched socket |
| | Pendant light fitting | | 13A double switched socket above worktop |
| | enclosed external light | | hard-wired smoke detector |
| | internal wall light | | carbon monoxide detector |
| | Enclosed bathroom fitting | | hard-wired heat detector |
| | Recessed L.V. downlighter | | break glass point |
| | Fluorescent fitting | | Fire extinguisher - water / foam |
| | Non-maintained emergency fitting | | Fire extinguisher - CO2 |
| | Non-maintained emergency fitting with running man / direction arrow | | |





site plan

scale bar | 1:200



LEGEND:

- | | | | |
|--|---|--|--|
| | One way light switch | | 13A double switched socket |
| | Pendant light fitting | | 13A double switched socket above worktop |
| | enclosed external light | | hard-wired smoke detector |
| | internal wall light | | carbon monoxide detector |
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