

ANGUS LICENSING BOARD – 5 JANUARY 2017

PREMISES LICENCES

UNDER THE LICENSING (S) ACT 2005

REPORT BY SHEONA C HUNTER CLERK TO THE BOARD

ABSTRACT

The purpose of this Report is to present an application or applications for a new licence under the Licensing (Scotland) Act 2005 which require/s to be determined by the Board.

1. RECOMMENDATION

It is recommended that the Board consider and determine the application for a new licence or new licences 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/s for a new licence/s under the Licensing (Scotland) Act 2005 which require/s 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 considers that the granting of the application would be inconsistent with one or more of the licensing objectives,
- (d) 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 premises

the Board considers that the premises are unsuitable for use for the sale of alcohol,

- (e) 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

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(a) **LORNE BAR, 17 COMMERCE STREET, ARBROATH, DD11 1NA**

Name and Address of Applicant

Brian Toner, 190c High Street, Arbroath, DD11 1HW

Type of Licence: Premises Licence – On/Off Sales

The Board is asked to note that Premises Licence no. 55 was issued in respect of these premises. The licence ceased to have effect and this was reported at the meeting of Angus Licensing Board on 12 May 2016.

Confirmation Notice

If the confirmation notice is received before the Board date then this application will be dealt with. If the confirmation notice is not received the application may be deferred.

1. **Description of Premises** – Public House comprising public bar and adjacent lounge.

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

Sunday to Thursday 11.00 to 24.00
Friday and Saturday 11.00 to 01.00

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

Monday to Sunday 11.00 to 22.00

The Board is asked to note that the hours requested are within Board's policy

3. **Seasonal Variation** extension of hours permitted by Angus Licensing Board Policy.

4. **Activities** – Recorded music and gaming to be provided within core hours.

5. **Capacity** – 65 (Bar 40; Lounge 25)

Comments Received

COMMUNITIES, ENVIRONMENTAL & CONSUMER PROTECTION submitted a memorandum of observation dated 30 November 2016.

I refer to the above application for a premises licence which will include recorded music. I would advise that the premises are situated along a row of shops with residential properties situated above and the public house also appears to have accommodation above.

It is my understanding that at present there is no information contained within the proposed operating plan to demonstrate how noise will be controlled to prevent a public nuisance. Noise from amplified music has the potential to cause excessive noise if not properly managed and controlled.

In light of the above, I would request that the applicant be required to submit an appropriate noise management plan to demonstrate how noise from recorded music will be adequately controlled and managed.

Provided a satisfactory noise management plan is submitted and approved by this service, I would have no objections to this application.



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Leanne Bar
 17 Commerce Street
 Altrincham
 for Mr. B. Toner

Legend Key / Colour code

Gantry 4 m Display

FE1 -
Favent Fire Extinguisher
 FE2 -
CO2 Fire Extinguisher

THE BAR
 Number of
 Patrons
 Allowed: 35
 seating & 15
 standing

THE LOUNGE
 Number of
 Patrons Allowed:
 29 seating & 5
 standing

Step

Ramp

Bar

Fixed Seating

Game Machine

Cellar

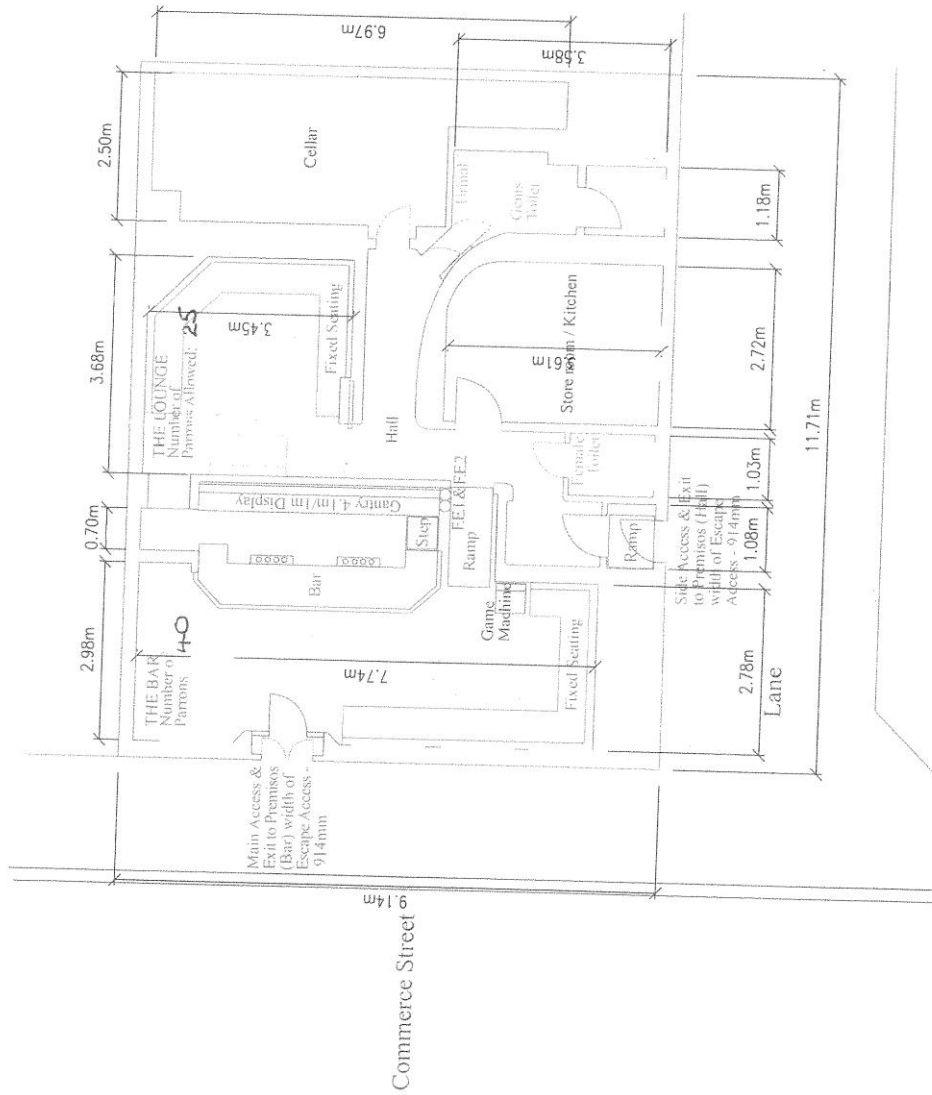
Hall

Store room / Kitchen

Female Toilet

Game Toilet

Entrance



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DATE: 15/05/14
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

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