

ANGUS LICENSING BOARD – 23 FEBRUARY 2017

PROVISIONAL PREMISES LICENCE APPLICATION

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 for a new provisional 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 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 provisional 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 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) VISOCCHI'S, 37 HIGH STREET, KIRRIEMUIR, DD8 4EG

Names and Address of Applicant

Scott James Partnership t/a Visocchi's, 37 High Street, Kirriemuir, DD8 4EG

Type of Licence: Provisional Premises Licence – On/Off Sales

1. **Description of Premises** – Café/Restaurant facility offering a wide range of catering from light snacks and ice creams through to full meals, with emphasis on restaurant side of business in evenings with an extended menu.
2. **Core times** when alcohol will be sold for consumption off the premises:-
Monday to Sunday 11.00 to 22.00
Core times when alcohol will be sold for consumption on the premises:-
Sunday to Thursday 16.00 to 24.00
Friday and Saturday 16.00 to 01.00

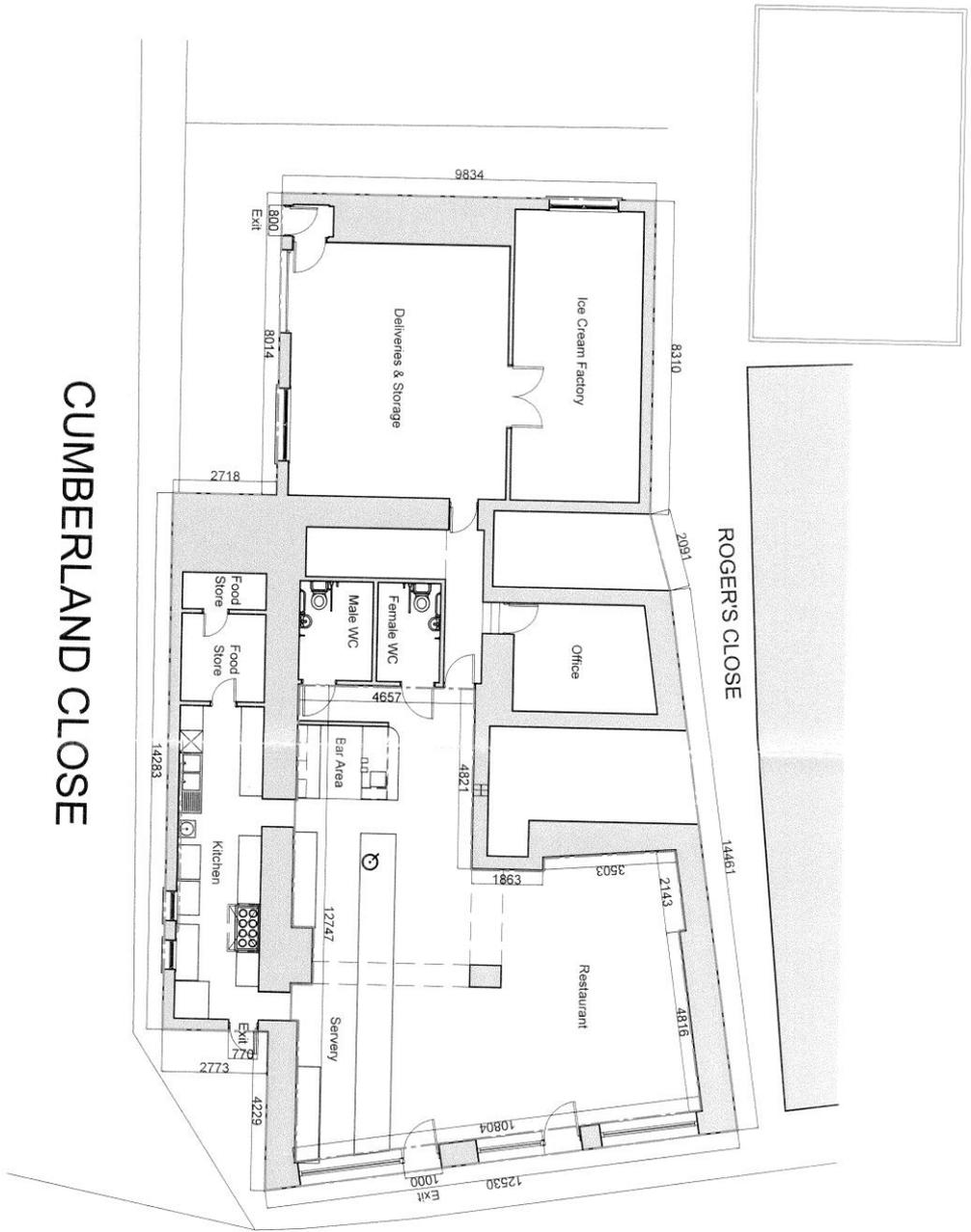
The Board is asked to note that the hours requested are within Board's policy.

3. **Seasonal Variation** extension of hours permitted by Angus Licensing Board Policy.
4. **Activities to be provided –**
 - (a) Within core hours – bar meals, receptions, club or other group meetings, recorded music, live performances and televised sport
 - (b) Within and outwith core hours - restaurant facilities
 - (c) Breakfasts, teas, coffees, soft drinks and light snacks from 9am daily

No alcohol is to be provided outwith core licensing hours.
5. **Capacity** – Total capacity of premises 60 (including 50 within public area of premises highlighted on layout plan 2).
6. **Children and Young Persons** – aged 0 to 17 years to be permitted entry/access to:-
 - (a) shop take away area between the hours of 09.00 and 21.00 daily
 - (b) licensed dining area unaccompanied outwith core hours only between 09.00 and 15.00
 - (c) licensed dining area during core hours and only in accordance with the Model Local Conditions pertaining to children.

Comments Received

- 5 **OBJECTIONS** have been received, copies of which shall be circulated to members prior to the meeting.

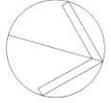


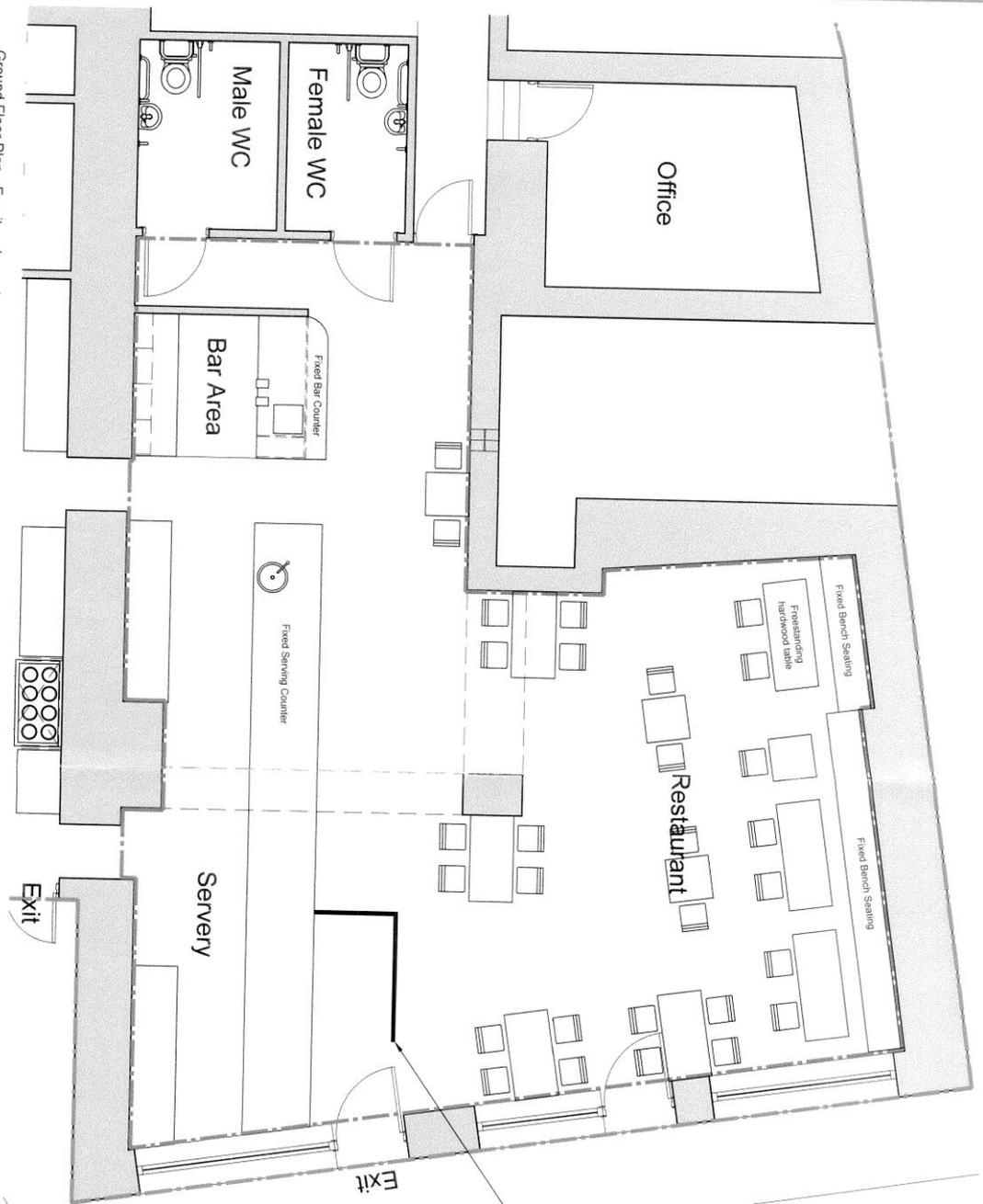
CUMBERLAND CLOSE

ROGER'S CLOSE

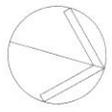
HIGH STREET

---	Site Boundary (315.8sqm)
---	Area to be Licenced Restaurant - 95.4sqm



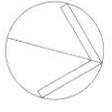
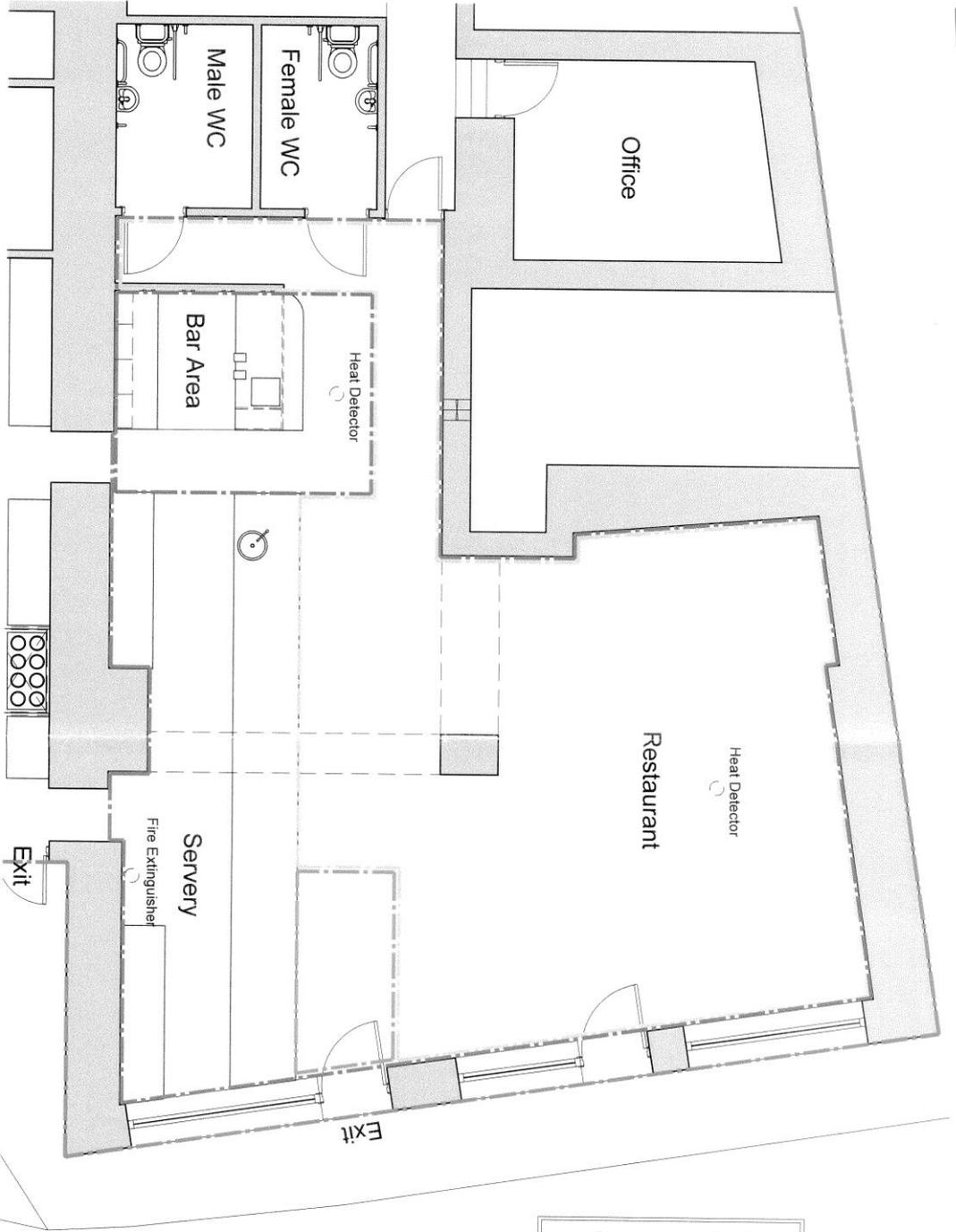


Ground Floor Plan - Furniture Layout
Scale 1:100



- Site Boundary
- 315.8sqm
- - - Area to be Licensed
- Restaurant - 96.4sqm

1000mm high barrier
(separating purchase
of take-away food)
Young persons under the age of 18
must be supervised beyond barrier



- Site Boundary
- 315.8sqm
- Area to be Licensed
- Restaurant - 96.4sqm
- Area designated for the Sale of Alcohol (table service to be offered)
- Area to which children and young persons will have access (whilst supervised)
- Area to which children and young persons will have access

Ground Floor Plan - Areas
Scale 1:100