

**ANGUS LICENSING BOARD – 6 APRIL 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.

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**(a) AENAIZA LIMITED T/A COSTCUTTER, 76 DUNDEE ROAD, FORFAR, DD8 1HW**

**Names and Address of Applicant**

Aenaiza Limited, 9 Wellington Street, Dundee, DD1 2QA

An application was received on 23 February 2017. The applicant was emailed the Site Notice on the same day and advised to display this at the premises from 24 February 2017 to 10 March 2017.

**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.

**Type of Licence: Provisional Premises Licence – Off Sales**

1. **Description of Premises** – Convenience Store set in residential area of Forfar selling food, mixed groceries, sundries, household goods, alcohol and other goods commensurate with the use and location.
2. **Core times** when alcohol will be sold for consumption off the premises:-  
  
Monday to Sunday      10.00 to 22.00

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

**3. Activities to be provided –**

- a. Within and outwith core hours – recorded music may be played at all times when the store is open to the public or occupied by the staff.
- b. Premises will be open to the public from 06.00 for the sale of all goods.

**No alcohol is to be provided outwith core licensing hours.**

**5. Capacity** – Total capacity 40.29m<sup>2</sup>

Inaccessible – 8.94 m<sup>2</sup>

Accessible - 31.35 m<sup>2</sup>

**Comments Received**

**BUILDING STANDARDS** submitted comments on 27 February 2017.

This application relates to an existing store which is being sub-divided to form two units. In principle we have no objections to same on the basis that it is an application for a provisional grant of a licence. It is our understanding that a building warrant will be submitted for the works to sub-divide the store and I assume the applicant will require to produce a Section 50 before being granted his licence.

