

AGENDA ITEM 4

REPORT NO LB 49/16

ANGUS LICENSING BOARD – 15 SEPTEMBER 2016

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 for a new licence under the Licensing (Scotland) Act 2005 which require 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 or local conditions which the Board may wish to impose;
- (ii) propose a modification to the operating plan 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 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 applications for new licence(s) 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. 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 Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives; and
- (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.

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(a) PANZEROTTI CAFÉ & BAKERY, UNIT 3A CRAIG O' LOCH ROAD, FORFAR, DD8 1BT

Name and Address of Applicant

Il Ponte Foods Limited, 3 Sparrowcroft, Forfar, DD8 2AP

Type of Licence: Premises Licence – On/Off Sales

1. Description of Premises – The premises is currently a mixed use premise. The front is well divided in a shop/takeaway area and a dining area. Alcohol would be then on offer both on the premises – during lunch hours and evening meals – and off the premises – a selection of Italian wines and beers would be displayed at the front in the shop area. The back of the premises is dedicated to the kitchen, the bakery and different storage areas.

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

Sunday to Wednesday 12.00 to 16.00
Thursday to Saturday 12.00 to 22.00

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

3. Seasonal Variation to include Christmas Eve, Christmas Day, Hogmanay and New Years Day

4. Activities

- (a) Restaurant facilities, bar meals and recorded music within and outwith core hours
- (b) Takeaway service will also be available during all opening hours

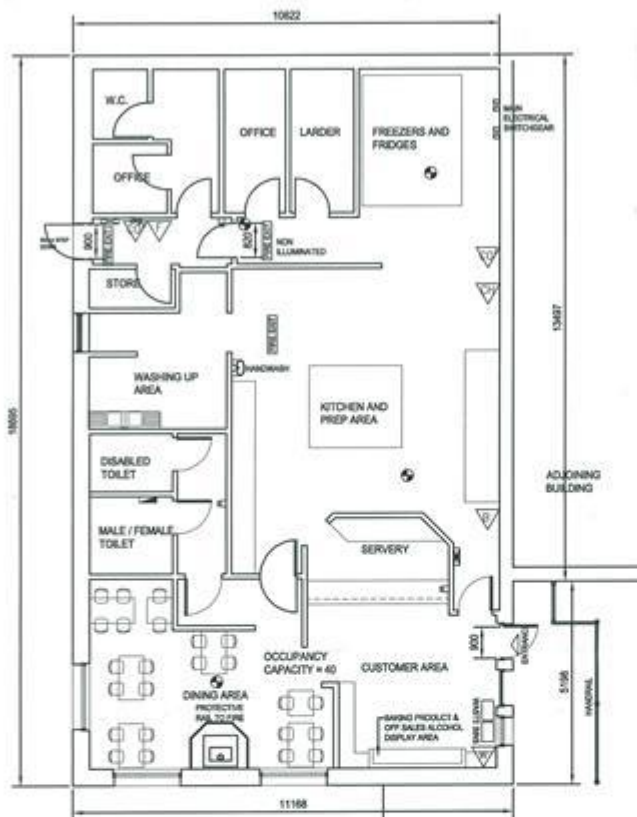
5. Children and Young Persons aged 0 – 17 years to be permitted.

Children and young persons between 6 – 17 years would be allowed access

- (a) to the shop takeaway area during opening time
- (b) to the dining area before 12.00
- (c) to the dining area during on sales hours if accompanied by an adult

It is requested that the Board note that Children's Conditions shall apply

6. Capacity – On Sales - 24
Off Sales – 70cm X 30cm X 180cm



- LEGEND**
- ▽ 5 Ltr WATER FIRE EXTINGUISHER
 - ▽ 9kg CO₂ EXTINGUISHER
 - ▽ 8L WET CHEMICAL EXTINGUISHER
 - ▽ 8L FOAM EXTINGUISHER
 - ▽ FIRE BLANKET
 - ⊙ SMOKE / HEAT DETECTOR
 - ⊙ EMERGENCY LIGHT FITTING
 - ILLUMINATED FIRE EXIT SIGN
 - ⊞ BREAK GLASS UNIT
 - ⊞ FIRE ALARM CONTROL PANEL
 - ⊞ SOUNDER UNIT
 - ⊞ BABY CHANGING UNIT

EXISTING FLOOR PLAN

CONCRETE ROADWAY

PANZEROTTI CAFE,
CRAIG O LOCH ROAD,
FORFAR,
ANGUS,
DD8 1BT.

DATE: JAN 2016
SCALE 1:100 @ A3

CAR PARKING -
COMPACTED
HARDCORE FINISH

FOOTPATH

CRAIG O LOCH ROAD