

ANGUS LICENSING BOARD – 15 SEPTEMBER 2016

**PREMISES LICENCES - REQUEST TO VARY 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 applications to vary a premises licence(s) 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 to vary a premises licence or premises 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 variation to the conditions to which the licence is subject that the Board may wish to impose;
- (ii) to defer the application to the next Licensing Board; or
- (iii) to refuse the application on one or more of the grounds referred to in Paragraph 4.

2. BACKGROUND

The Board has received applications to vary a premises licence or premises licences 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

A variation to a Premises Licence means any variation of:-

- (i) any of the conditions to which the licence is subject (other than the Mandatory Conditions),
- (ii) any of the information contained in the operating plan contained in the licence,
- (iii) the layout plan contained in the licence, or
- (iv) any other information contained or referred to in the licence,

If the variation sought is a minor variation, then the variation must be granted and powers have been delegated to the Clerk to approve these minor variation applications. Minor variations are:-

- (i) any variation of the layout plan, if the variation does not result in any inconsistency with the operating plan,

- (ii) where, under the operating plan contained in the licence, children or young persons are allowed entry to the premises, any variation reflecting any restriction or proposed restriction of the terms on which they are allowed entry to the premises; and
- (iii) any variation of the information contained in the licence relating to the premises manager (including a variation so as to substitute a new premises manager).

The Board must hold a hearing and determine applications to vary which are not minor variations.

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 application must be refused as the Board had previously refused the same variation to the premises licence in respect of the same premises within the preceding one year, 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 if alcohol is to be sold for off sales purposes before 10am or after 10pm (or both);
- (b) that the Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives; and
- (c) 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 in accordance with the proposed variation.

Where the Board grants the application, it may make a variation of the conditions to which the licence is subject.

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(a) LICENCE NO. 178 – THE STAR HOTEL, 7 NEW WYND, MONTROSE, DD10 8RB

Name and Address of Applicant

David Anthony Bray, The Star Hotel, 7 New Wynd, Montrose, DD10 8RB

Type of Licence: On/Off Sales

Description of Variation Sought

1. **Vary** the On Sales operating hours for Sunday to Thursday from the existing terminal hour 24.00 to 01.00.

The Board is asked to note that the hours requested are outwith Board Policy.

2. **Variation of Layout** – Refurbishment of bedrooms on second floor as per layout plan provided
3. **Seasonal Variation** – to add the 4 dates Christmas Eve, Christmas Day, Hogmanay and New Years Day.
4. **Other Activities**
 - (a) to add breakfasts in restaurant outwith core hours
 - (b) to provide bar meals within core hours

Comments Received

AN OBJECTION has been received dated 22 August 2016, a copy of which shall be circulated to members prior to the meeting.

Police Scotland submitted a letter of representation dated 19 August 2016, a copy of which shall be circulated to members prior to the meeting.



Cellar (1:200)



Second Floor Plan (1:200)



First Floor Plan (1:200)

Escape Door Opening Widths & Heights:

- A. 800 x 1980mm
- B. 800 x 1980mm
- C. 843 x 2030mm
- D. 800 x 2030mm
- E. 774 x 2000mm



Third Floor Plan (1:200)

Legend		
CLIENT:		
The Star Hotel		
SERVICE:		
Licence Application		
ADDRESS:		
The Star Hotel, 7 New Wynd, Montrose DD10 8BS		
SCALE:	1:200	Drawing No. JCS/AS
Drawing Title:	Licence Drawing	Date: 22.07.16
		Part: CP
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