

AGENDA ITEM 4

REPORT NO LB49/14

ANGUS LICENSING BOARD – 25 SEPTEMBER 2014

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 for a new 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 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 3.

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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ANGUS LICENSING BOARD – 25 SEPTEMBER 2014

(a) DALHOUSIE BAR, 1 MARKET STREET, BRECHIN, DD9 6BA

Names and Address of Applicant

Rustic Bars Limited, 36 Drumachlie Park, Brechin, DD9 7BU

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

The Board is asked to note that Premises Licence no. 126 was issued in respect of these premises. The licence ceased to have effect and this was reported to the Board on 4 October 2012.

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. 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

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

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

Monday to Sunday	11.00 to 22.00
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The Board is asked to note that the hours are within Board's policy.

2. Seasonal Variations to include Christmas Eve, Christmas Day, Hogmanay and New Years Day.

3. Activities to be provided within core licensed hours – club meetings; recorded music; live performances; gaming; indoor/outdoor sports; televised sports and outdoor drinking facilities.

4. Capacity – Internal 104; Beer Garden 40

5. Young Persons (16 and 17 years) accompanied by an adult to be permitted within any part of the premises until 9pm.

Young Persons (16 and 17 years) unaccompanied by an adult to be permitted entry to games room or beer garden, other than when passing through the public bar, purchasing drinks or using toilet facilities until 9pm.

It is requested that the Board note that conditions shall apply in accordance with section 2(a)(iv) of the Local Children's conditions.

Comments Received

COMMUNITIES, ENVIRONMENTAL & CONSUMER PROTECTION submitted a Memorandum of Observation dated 8 September 2014,

- subject to the submission of an appropriate noise management plan, this service would not object to this application.

The Board is asked to note that a noise management plan has not been submitted.

COMMUNITIES, PLANNING AND PLACE submitted an email requiring clarification of capacity figures.

(b) BRECHIN CASTLE GARDEN CENTRE, HAUGHMUIR, BRECHIN, DD9 6RL

Names and Address of Applicant

Brechin Castle Centre Ltd, Dalhousie Estates Office, Brechin, DD9 6SG

Type of Licence: Premises Licence – On / Off Sales

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

Monday to Sunday	11.00 to 22.00
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The Board is asked to note that the hours requested are within Board's policy.

2. Seasonal Variations to include Christmas Eve, Christmas Day, Hogmanay and New Years Day.

3. Activities to be provided within core licensed hours - live performances and dance facilities. Activities to be provided within and outwith core licensed hours – conference facilities; restaurant facilities; bar meals; receptions; club meetings; recorded music and outdoor drinking facilities.

4. Capacity – Retail Area 500; Coffee Shop 250

5. Children and Young Persons aged 0 to 17 years to be permitted within all areas.

It is requested that the Board note that Local Children's conditions shall apply.