

AGENDA ITEM 4

REPORT NO LB 39/17

ANGUS LICENSING BOARD – 14 SEPTEMBER 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);
- (ba) that the Licensing Board consider, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
- (c) that the Licensing Board considers that the granting of the application would otherwise 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 premisesthe Board considers that the premises are unsuitable for use for the sale of alcohol;
- (e) 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.

In considering whether either of the grounds for refusal specified in subsection (5)(ba) and (c) applies, the Licensing Board must, in particular, take account of:

- (a) any conviction, notice of which is given by the Chief Constable under subsection (4)(b) of section 21 and
- (b) any report given by the Chief Constable under under section 24A(2)

REPORT AUTHOR: Dawn Smeaton, Licensing and Litigation Assistant

E-MAIL: LEGDEM@angus.gov.uk

(a) CARNOUSTIE GOLF CENTRE, LINKS PARADE, CARNOUSTIE, DD7 7JE

Names and Address of Applicant

CGLMC, Registered Office Address – Thorntons Law LLP, Whitehall House, Yeaman Shore, Dundee

Type of Licence: Provisional Premises Licence – On Sales

1. Description of Premises – The premises comprise a restaurant and bar with adjoining atrium facility and outside terrace overlooking Carnoustie Golf Links all located on the first floor of a purpose built Golf Centre.

2. 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.

3. Seasonal Variation extension of hours permitted by Angus Licensing Board Policy.

4. Activities to be provided –

- (a) Within core hours – restaurant facilities, bar meals, receptions, club or other group meetings and recorded music.
- (b) Within and outwith core hours - conference facilities and televised sport.
- (c) Breakfasts, teas, coffees, soft drinks and light snacks from 8am to 11am daily. Televised sport may be shown within these times. Conferences may be open from 9am. **No alcohol is to be provided outwith core licensing hours.**
- (d) Outdoor drinking facilities to be provided within core hours.

5. Capacity – Bar Restaurant / Atrium 345. Outside Terrace 65.

6. Children and Young Persons – aged 0 to 17 years to be permitted entry/access to:-

- (a) all public parts including the restaurant area and toilet facilities
- (b) from opening time until 1 hour after the cessation of serving food in the group consuming the meal of which the child or young person forms part and during core hours when the child or young persons is attending a private function.
- (c) in accordance with the Model Local Conditions pertaining to children.

Comments Received

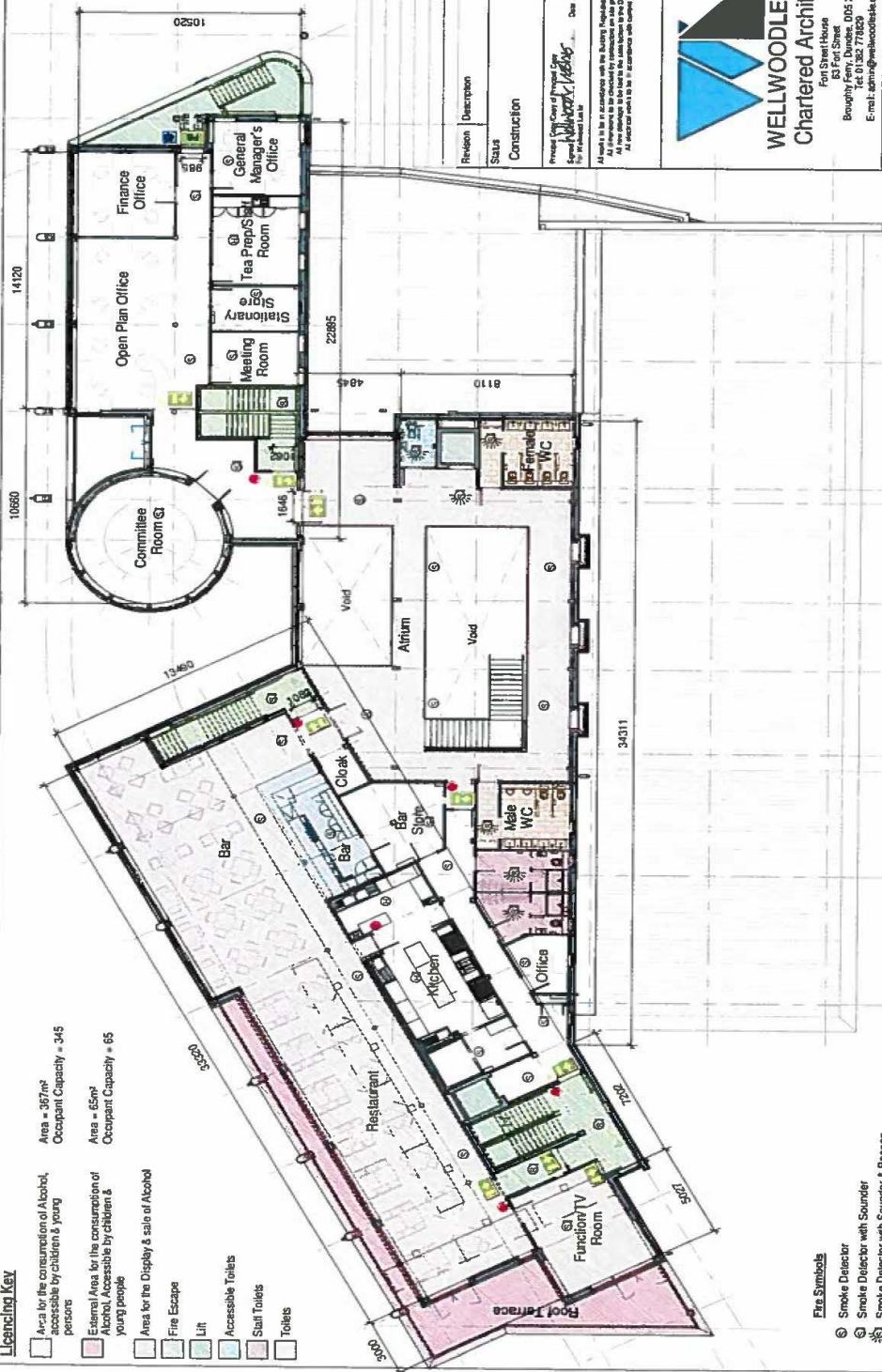
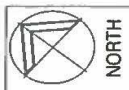
PLANNING AND PLACE advised on 9 August 2017 that a building warrant has been applied for in respect of the fit-out of the new golf centre, this has not been issued as yet with the agent for the project still having technical comments to answer

COMMUNITIES, ENVIRONMENTAL & CONSUMER PROTECTION advised on 21 August 2017 that the standard conditions should be applied in respect of external drinking areas.

Patrons shall not be permitted to use the external drinking area beyond 21.00.

No music shall be provided in the external drinking area.

No music or amplified sound should be provided anywhere within the licensed premises with the intention of being heard within the external drinking area.



Licensing Key

- Area for the consumption of Alcohol, accessible by children & young persons
- Area = 387m² Occupant Capacity = 345
- External Area for the consumption of Alcohol, Accessible by children & young people
- Area = 65m² Occupant Capacity = 65
- Area for the Display & sale of Alcohol
- Fire Escape
- Lift
- Accessible Toilets
- Staff Toilets
- Toilets

Fire Symbols

- ⊙ Smoke Detector
- ⊙ Smoke Detector with Sounder
- ⊙ Smoke Detector with Sounder & Beacon
- ⊙ Heat Detector
- ⊙ Heat Detector with Sounder
- ⊙ Manual Call Point with RED fire equipment "Fire Alarm" sign
- ⊙ Green guidance Fire Exit sign with text "Push bar to Open"
- ⊙ Blue mandatory signage with text "Fire Exit Keep Clear" Sign to external side of door
- ⊙ Green guidance Fire Exit sign - Illuminated
- ⊙ Green guidance Fire Exit sign

Revision	Description	Date

Status: Construction

Please Copy Copy of Project Copy
 Special Authority
 For enclosed Use

All work to be in accordance with the Building Regulations & Local By-Laws
 All drawings to be produced by computer on A3 paper by construction
 All drawings to be produced by computer on A3 paper by construction
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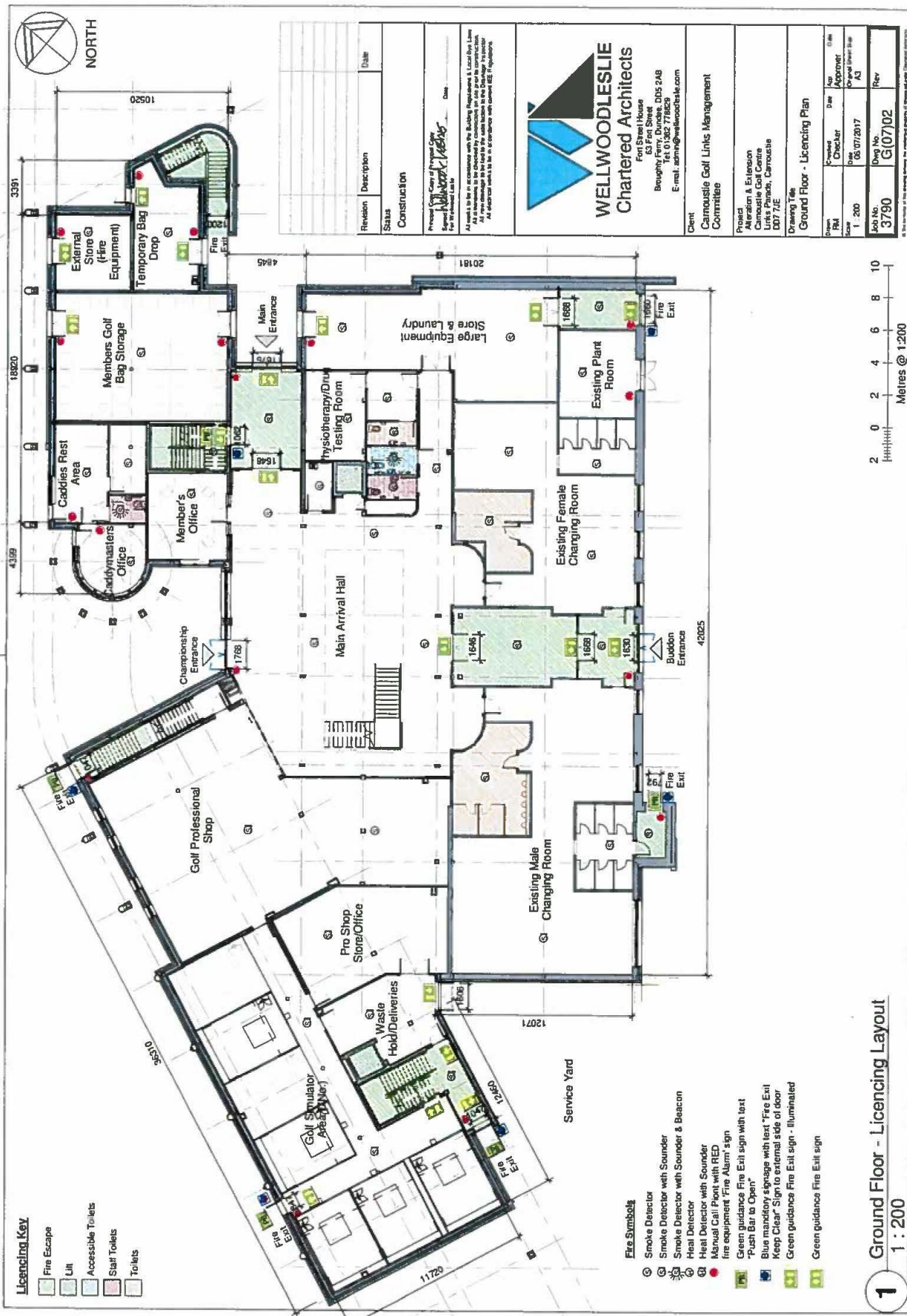
WELLWOODLESLIE
 Chartered Architects

Fort Street House
 83 Fort Street
 Broughly Ferry, Dunblair, DD5 2AB
 Tel: 01846 811111
 E-mail: info@wellwoodleslie.com

Client	Carnoustie Golf Links Management Committee		
Project	Attention & Extension of Carnoustie Golf Links, Carnoustie DD7 7JE		
Drawing Title	First Floor - Licensing Layout		
Drawn	Checked	Approved	Date
1:200	05/07/2017	AJ	
Job No.	Proj No.	Rev	
3790	G(07)03		

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 Metres @ 1:200

1 First Floor - Licensing Layout
 1 : 200



Licensing Key

[Symbol]	Fire Escape
[Symbol]	Uit
[Symbol]	Accessible Toilets
[Symbol]	Staff Toilets
[Symbol]	Toilets

- Fire Symbols**
- Ⓢ Smoke Detector
 - Ⓢ Smoke Detector with Sounder
 - Ⓢ Smoke Detector with Sounder & Beacon
 - Ⓢ Heat Detector
 - Ⓢ Heat Detector with RED
 - Ⓢ Manual Call Point with RED fire equipment "Fire Alarm" sign
 - Ⓢ Green guidance Fire Exit sign with text "Push Bar to Open"
 - Ⓢ Blue mandatory signage with text "Fire Exit Keep Clear" Sign to external side of door
 - Ⓢ Green guidance Fire Exit sign - illuminated
 - Ⓢ Green guidance Fire Exit sign

1 Ground Floor - Licencing Layout
1 : 200



Revision	Description	Date

Project: **Camrouse Golf Links Management Committee**

Client: **Camrouse Golf Links Management Committee**

Project: **Alteration & Extension Camrouse Golf Centre 1007/105, Camrouse**

Drawing Title: **Ground Floor - Licencing Plan**

Drawn: [Name], Checked: [Name], Date: [Date], App. Approval: [Name], Date: [Date], Scale: 1:200, Drawing Date: 06/07/2017, Drawing Issue: 1/1, Job No.: 3790, Draw No.: G(07)02, Rev: []

WELLWOODLESIE
Chartered Architects

Fort Street House
65 Fort Street, Dundee DD5 2AB
Broughty Ferry, Dundee DD5 2AB
Tel: 01382 778839
E-mail: admin@wellwoodlesie.com

Private Copy of Project Copy
Signed: [Signature], Date: [Date]

All works to be in accordance with the Building Regulations & Local By-Laws
All drawings to be checked by competent persons for use in construction
This drawing is to be used in accordance with the Building Regulations & Local By-Laws
All structural works to be in accordance with current BS 7189

