

**ANGUS LICENSING BOARD – 2 NOVEMBER 2017**

**PREMISES LICENCE**

**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 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 **APPENDIX 1**, 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 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 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;
- (d) that the Licensing Board considers that the granting of the application would otherwise be inconsistent with one or more of the licensing objectives;
- (e) 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;  
and

- (f) 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) GREY HARLINGS, 5 TRAILL DRIVE, EAST LINKS, MONTROSE, DD10 8SW**

**Name and Address of Applicant**

Framework Property Development Limited, 5 Traill Drive, East Links, Montrose, DD10 8SW  
(Company registration number: 173004)

**Type of Licence: Premises Licence – On 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. Description of Premises –** 2 storey 17<sup>th</sup> Century building operating as a Guest House. Located next to a golf course and across from a golf club. There are a few residential properties to the rear.

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

Monday to Thursday	11:00 to 22:00
Friday and Saturday	11.00 to 01:00
Sunday	11.00 to 00:00

**The Board are asked to note that these hours are within Board Policy.**

**3. Activities** Accommodation and restaurant facilities within and outwith core licensing hours

Recorded music within core licensed hours (background music in restaurant and lounge)

Televised sport within and outwith core licensed hours (residents staying in the guest house may view sports and television in the public areas at any time)

Outdoor drinking facilities within and outwith core licensed hours (guests and visitors may drink in the guest house grounds)

**4. Children** Non-resident children and young persons (between the ages of 0 and 17 years) will be permitted in the restaurant, lounge/pool room, inner and outer halls (reception area) and the guest house grounds between 7am and 9.30pm.

Resident children and young person to have access to all public areas and grounds.

**5. Capacity** – 30 (including staff, guests and residents)

**Comments Received**

A letter of objection has been submitted by Brodies LLP Solicitors on behalf of their clients Dr Kevin Prudhoe and Dr Tracey Prudhoe and is attached as **APPENDIX 2** to this report.

Members are asked to note that a late objection has been received from the Head of Housing, Regulatory and Protective Services in connection with the application





