

**SPECIAL ANGUS LICENSING BOARD – 8 NOVEMBER 2017**  
**NEW 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 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 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 premisesthe Board considers that the premises are unsuitable for use for the sale of alcohol,
- (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.

**REPORT AUTHOR:** Tina Magson, Solicitor

**E-MAIL:** [LEGDEM@angus.gov.uk](mailto:LEGDEM@angus.gov.uk)

**APPENDIX TO REPORT LB 60/17  
SPECIAL ANGUS LICENSING BOARD – 8 NOVEMBER 2017**

**(a) ALBERT BAR, 48 MARKET STREET, MONTROSE, DD10 8RD**

**Name and Address of Applicant**

Diane Susan Duncan, 95 Bents Road, Montrose, DD10 8PX

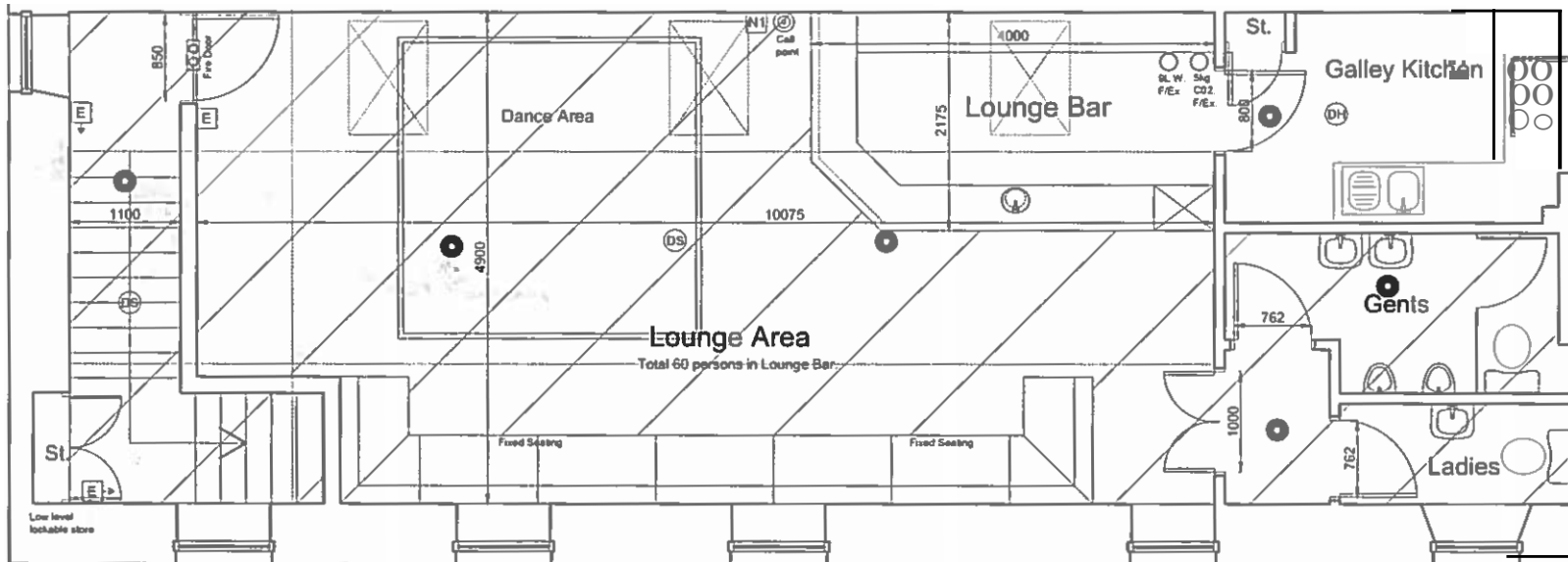
**Type of Licence: Premises Licence – On Sales**

1. **Description of Premises** – Public House (not a member's club) with bar on the ground level and lounge upstairs.
2. **Core times** when alcohol will be sold for consumption **on** the premises:-

Monday to Thursday	11:00 to 23:00
Friday and Saturday	11.00 to 01:00
Sunday	12.00 to 00:00

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

3. **Activities**  
Receptions within core licensed hours  
Club or other group meetings within core licensed hours  
Recorded music/dance facilities/indoor and outdoor sports within core licensed hours  
Gaming within core licensed hours  
Televised sport within core licensed hours
4. **Children** No children to be permitted on the premises
5. **Capacity** 120



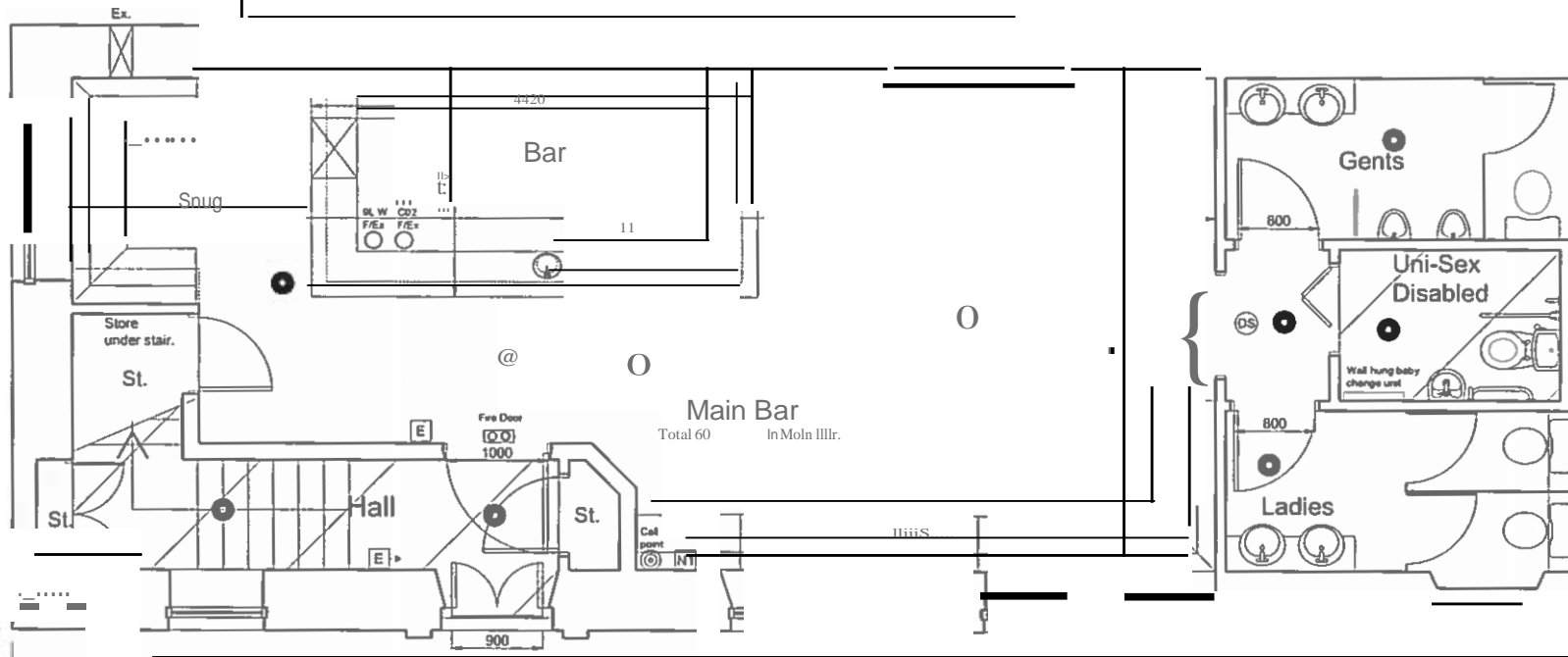
First Floor Plan

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Scale	Date
1:50	April 2010
Drawing Title	Drawn By
Licensing Plan	
Drawing No	Checked

"Hatching indicates areas on the premises where children and young persons will have access."

"Children / Young persons to have access into Uni-Sex Disabled within Main Bar area on ground floor for use of Baby Change facilities."



Ground Floor Plan

- Emergency Lighting Points
- ⊙ Fire Alarm Call Points
- ⊙ Detector of Smoke
- ⊙ Dotted Droptail
- ⊙ Fire Door Signs
- ⊙ Fire Exit Signs
- ⊙ EUD - Area Signs
- ⊙ Genonil Fire Notice

ulBin Storage