

ANGUS LICENSING BOARD – 22 FEBRUARY 2018

PREMISES LICENCES – REQUEST TO VARY 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 premises licences 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 applications to vary premises licences as detailed in the attached **Appendix**, in terms of one or 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 7.

2. BACKGROUND

The Board has received applications to vary 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, in relation to a Premises Licence, means any variation of:-

- (a) any of the conditions to which the licence is subject (other than the Statutory Conditions);
- (b) any of the information contained in the operating plan contained in the licence;
- (c) the layout plan contained in the licence; or
- (d) any other information contained or referred to in the licence.

5. 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:-

- (a) any variation of the layout plan, if the variation does not result in any inconsistency with the operating plan;
- (b) 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;
- (c) 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), and

- (d) any other variation of such description as may be prescribed.
6. 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.
7. The grounds for refusal are:-
- (a) that the application must be refused under Section 32(2) (the Board had previously refused an application to vary 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);
 - (b) that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives,
 - (c) that, having regard to:
 - (i) the nature of the activities carried on or 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,
 - (d) 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 (taking into account of the variation), in the locality.

REPORT AUTHOR: Tina Magson, Solicitor
EMAIL: MagsonT@angus.gov.uk

(a) LICENCE NO. 174 THE STAG HOTEL, 142-144 CASTLE STREET, FORFAR, DD8 3HX

Name and Address of Applicant

Graeme Stewart Campbell, 2 Slatefield Rise, Forfar, DD8 1XB

Type of Licence: On and Off Sales

Description of Variation

1. **Core times** when alcohol will be sold for consumption **on and off** the premises:-
 Amend Sunday opening times from 12.30 to 11.00 am
The Board are asked to note that these hours are within Board Policy.

2. **Activities** Bar meals and recorded music to be provided outwith core licensed hours
 All current activities outwith core licensed hours can commence at 7.30am, continue through core hours but not take place after core hours. Alcohol can only be sold during core hours or extended hours.
 Include as activities: dance facilities (within core hours only); theatre (within core hours only); films (within and outwith core hours); indoor and outdoor sports (within core hours); gaming (within core hours); televised sports (within and outwith core hours)
 Other activities to include comedian, magician, film for conferences and as part of TV offering, occasional race nights, casino nights, poker nights (no under 18s to be permitted in the part of the premises in which gaming activities will take place), food and drink tastings/matchings, cocktail demonstrations, promotions and product launches. Breakfasts, teas, coffees, snack, ice creams, meals, ancillary take-away food and refreshments.

3. **Children** Appropriate local conditions to apply.
 Children to be allowed access to all public parts of the premises

4. **Seasonal** Seasonal variations to include Christmas Eve, Christmas Day, Hogmanay and New Year's Day in addition to any general extension of hours offered by Angus Licensing Board.

5. **Premises Manager** Change date of birth.

(b) LICENCE NO. 314 DOBBIES GARDEN WORLD, ETHIEBEATON PARK, MONIFIETH

Name and Address of Applicant

Dobbies Garden Centres Limited, Melville Nursery, Lasswade, Midlothian, EH18 1AZ

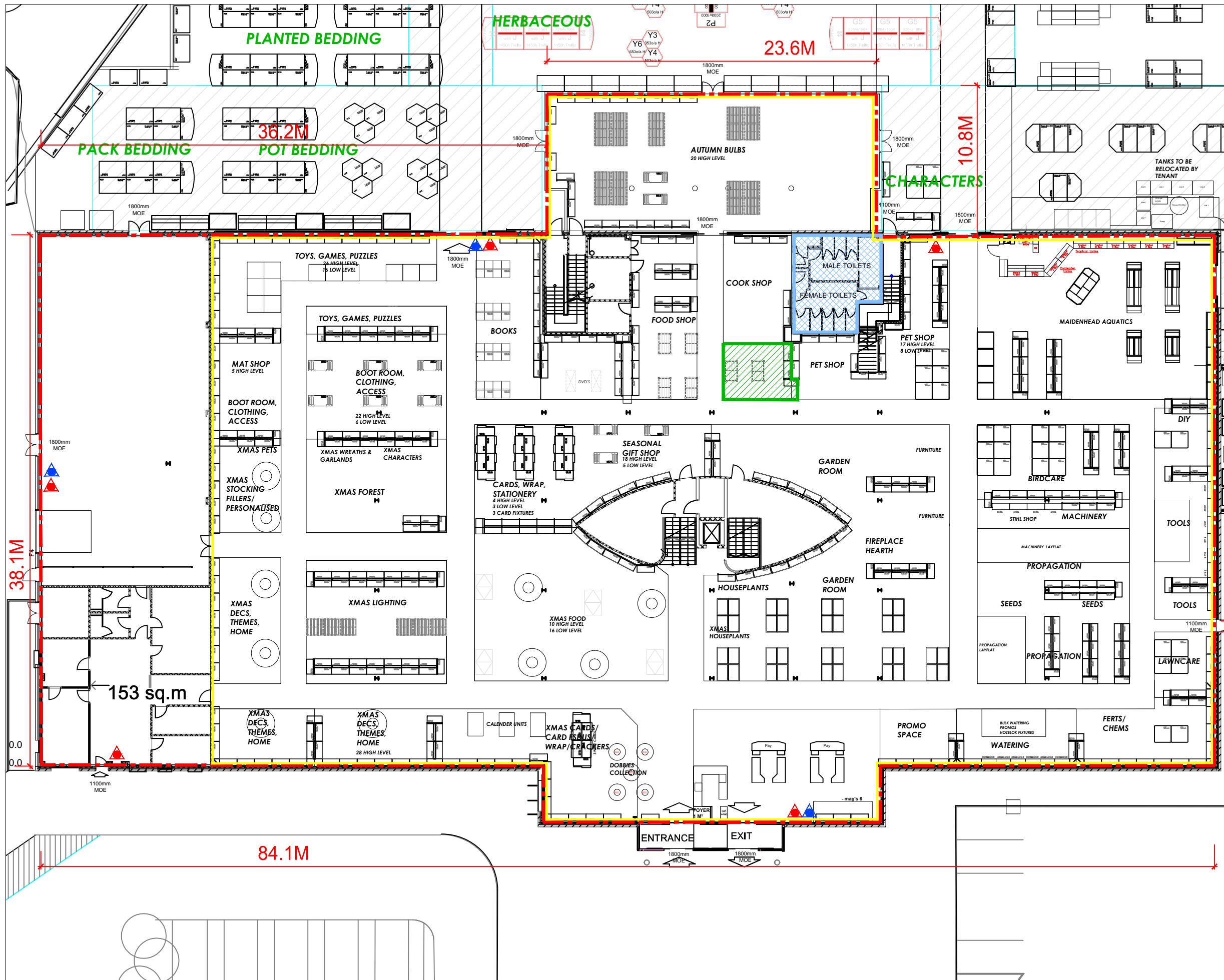
Type of Licence: On Sales

Description of Variation

- 1. Core times** add when alcohol will be sold for consumption **off** the premises:-
Monday to Sunday 10am to 10pm
An off-sales display area has been added in the foodhall.
The Board are asked to note that these hours are within Board Policy.
- 2. Activities** Recorded music may be played throughout the premises.
Live music may be played in the restaurant on occasion and in connection with any functions/events as required.
- 3. Children** Restaurant area:-
Children aged 12 years and over may access the restaurant unaccompanied.
Children under 12 will require to be accompanied by an adult
Young persons have access unaccompanied at all times.

Children and young persons to be allowed entry to all public parts of the premises

New Layout Plan provided as attached.



Notes
 1. Dimensions must be checked by Contractors and setting out drawings based on site dimensions must be approved by Dobbies Garden Centres plc prior to construction.
 2. Any variations between stated dimensions and site dimensions should be reported to the designer prior to work being executed.
 3. Samples of all finishes must be provided by Contractors for approval by Dobbies Garden Centres plc prior to construction.

- KEY:**
- ▲ Denotes EF6 - 6 litre foam spray
 - ▲ Denotes EC20 - 2kg CO2
 - ▲ Denotes FF6 - 6 litre wet chemical
 - ▲ Denotes PB12 - Fire blanket
 - Denotes EP6 - 6kg dry powder
 - Denotes EC50 - 5kg CO2
 - Denotes extent of license application area
 - Denotes area to which young persons are permitted access
 - Denotes on-sales alcohol display areas and storage areas
 - Denotes extent of customer toilets
 - Denotes off sales display area
- DISPLAY FRONTAGE - AREA ACCESSIBLE TO THE PUBLIC
 LENGTH = 3.5M
 HEIGHT = 2.0M
 CAPACITY = 7.0 SQM
- 2NO. TABLE DISPLAY
 LENGTH = 2.0M
 WIDTH = 0.8M
 CAPACITY = 5.6 SQM
- TOTAL CAPACITY = 12.6 SQM
 LINEAR CAPACITY = APPROX 18.5M

NOTE:
 All counter tops are to be a maximum of 900mm high in both the main service and coffee bar
 Entirety of building will be covered by an automatic fire suppression SPRINKLER SYSTEM and have SMOKE DETECTION/FIRE ALARM SYSTEM to comply with BS 5839-1:2013
 Children and young people have access throughout the premises with the exception of private and staff areas.

Revision: _____

 **Dobbies Garden Centres plc**

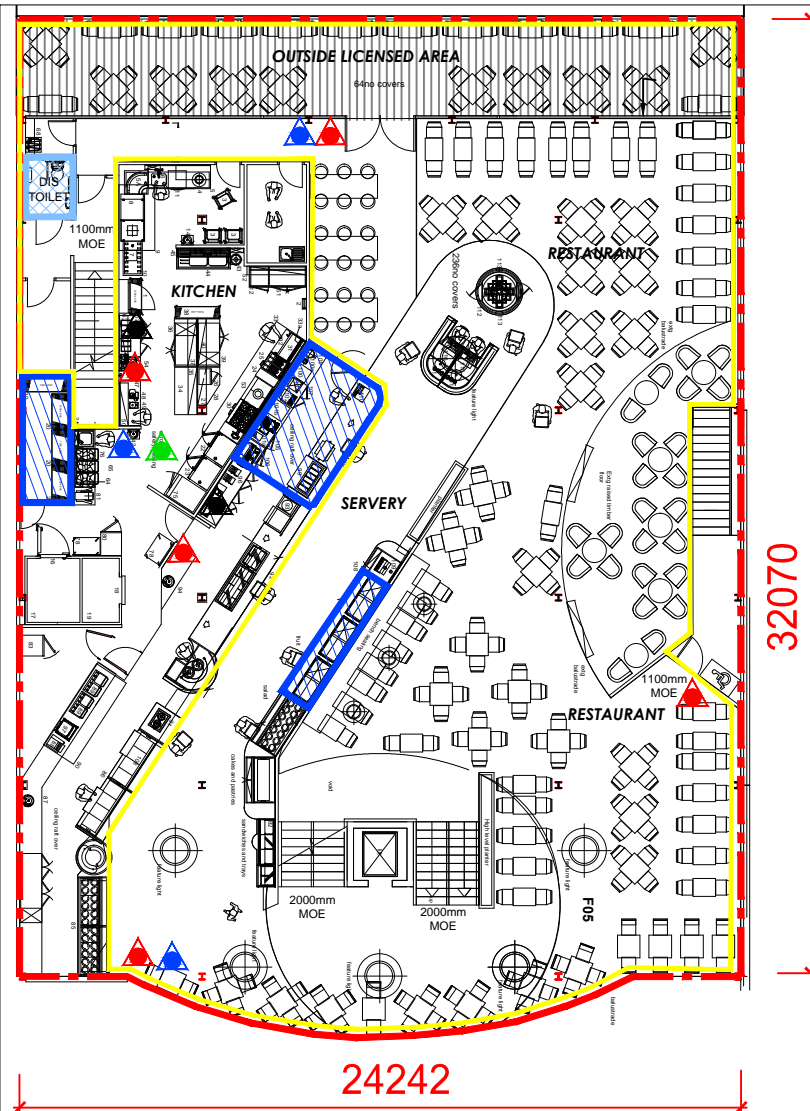
Dobbies Garden Centre
 Melville Nursery
 Midlothian
 EH18 1AZ
 Tel: 0131 663 6778

Project
DUNDEE
alcohol license - GROUND FLOOR

Scale Date Drawn/Checked
1:250@A3 10.10.17 GT












Drawing No. Revisions
G12 - AL01 -

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FIRST FLOOR

KEY:

-  Denotes EF6 - 6 litre foam spray
-  Denotes EC20 - 2kg CO2
-  Denotes FF6 - 6 litre wet chemical
-  Denotes PB12 - Fire blanket
-  Denotes EP6 - 6kg dry powder
-  Denotes EC50 - 5kg CO2
-  Denotes extent of license application area
-  Denotes area to which young persons are permitted access
-  Denotes on-sales alcohol display areas and storage areas
-  Denotes extent of customer toilets
-  Denotes off sales display area

DISPLAY FRONTAGE - AREA ACCESSIBLE TO THE PUBLIC
 LENGTH = 3.5M
 HEIGHT = 2.0M
 CAPACITY = 7.0 SQM

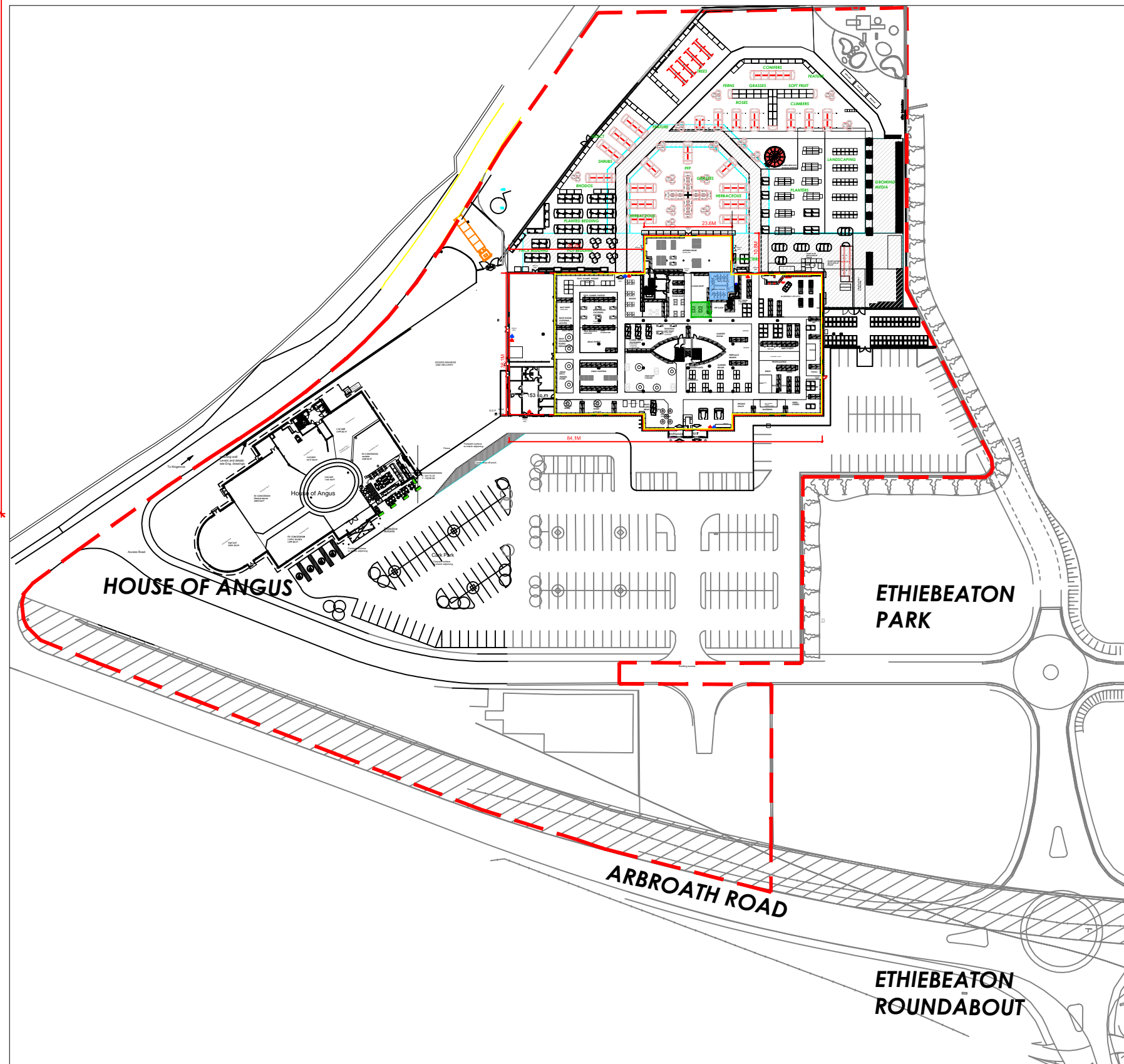
2NO. TABLE DISPLAY
 LENGTH = 2.0M
 WIDTH = 0.8M
 CAPACITY = 5.6 SQM

TOTAL CAPACITY = 12.6 SQM

LINEAR CAPACITY = APPROX 18.5M

NOTE:

All counter tops are to be a maximum of 900mm high in both the main servery and coffee bar
 Entirety of building will be covered by an automatic fire suppression SPRINKLER SYSTEM and have SMOKE DETECTION/FIRE ALARM SYSTEM to comply with BS 5839-1:2013
 Children and young people have access throughout the premises with the exception of private and staff areas.



LOCATION PLAN 1:1250

Notes

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2. Any variations between stated dimensions and site dimensions should be reported to the designer prior to work being executed.
3. Samples of all finishes must be provided by Contractors for approval by Dobbies Garden Centres plc prior to construction.

Revision:

 **Dobbies Garden Centres plc**

Dobbies Garden Centre
 Melville Nursery
 Midlothian
 EH18 1AZ

Tel: 0131 663 6778

Project
DUNDEE
 alcohol license - FIRST FLOOR/SITE

Scale Date Drawn/Checked
 1:250@A3 10.10.17 GT

Drawing No. Revisions

G12 - AL02 -

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(c) LICENCE NO. 167 PIPERDAM GOLF AND LEISURE RESORT, PIPERDAM, FOWLIS, DD2 5LP

Name and Address of Applicant

Piperdam Golf and Leisure Resort Limited, Piperdam, Fowlis, DD2 5LP

Type of Licence: On and Off Sales

Description of Variation

1. **Parts of the Premises to which children and young persons will be allowed entry:-**

Add "multi purpose hall and party rooms (3)"

2. **Capacity of Premises**

Add "multi purpose hall 250 and party rooms (3) 86"

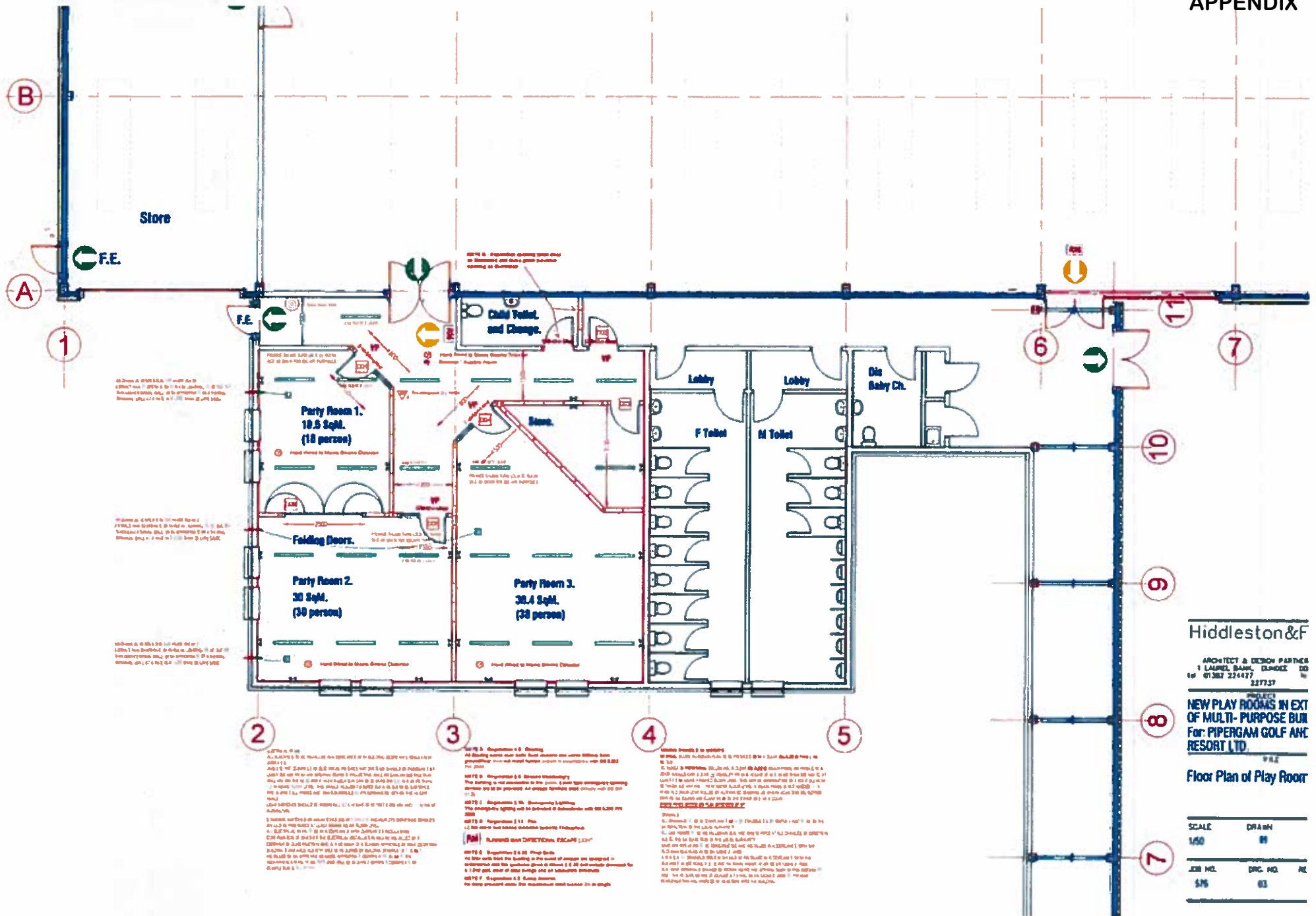
New Layout Plan provided as attached.

Observations received from Buildings Standards:

By e-mail from Len Murray on 6 December 2017:

"A building warrant (14/00374/NDOM5) and subsequent certificate of completion exists for the large multi – purpose hall. I have no issues with the capacity being as noted on the application for i.e. 250.

A buildings warrant (17/00205/NDOM5) was applied for the 3 party rooms. A certificate of completion has not been accepted in respect of this application with various issues in respect of fire safety still being outstanding. These issues were brought to the attention of the applicant in August of this year. Please note I have no issues with the capacity figures for these rooms."



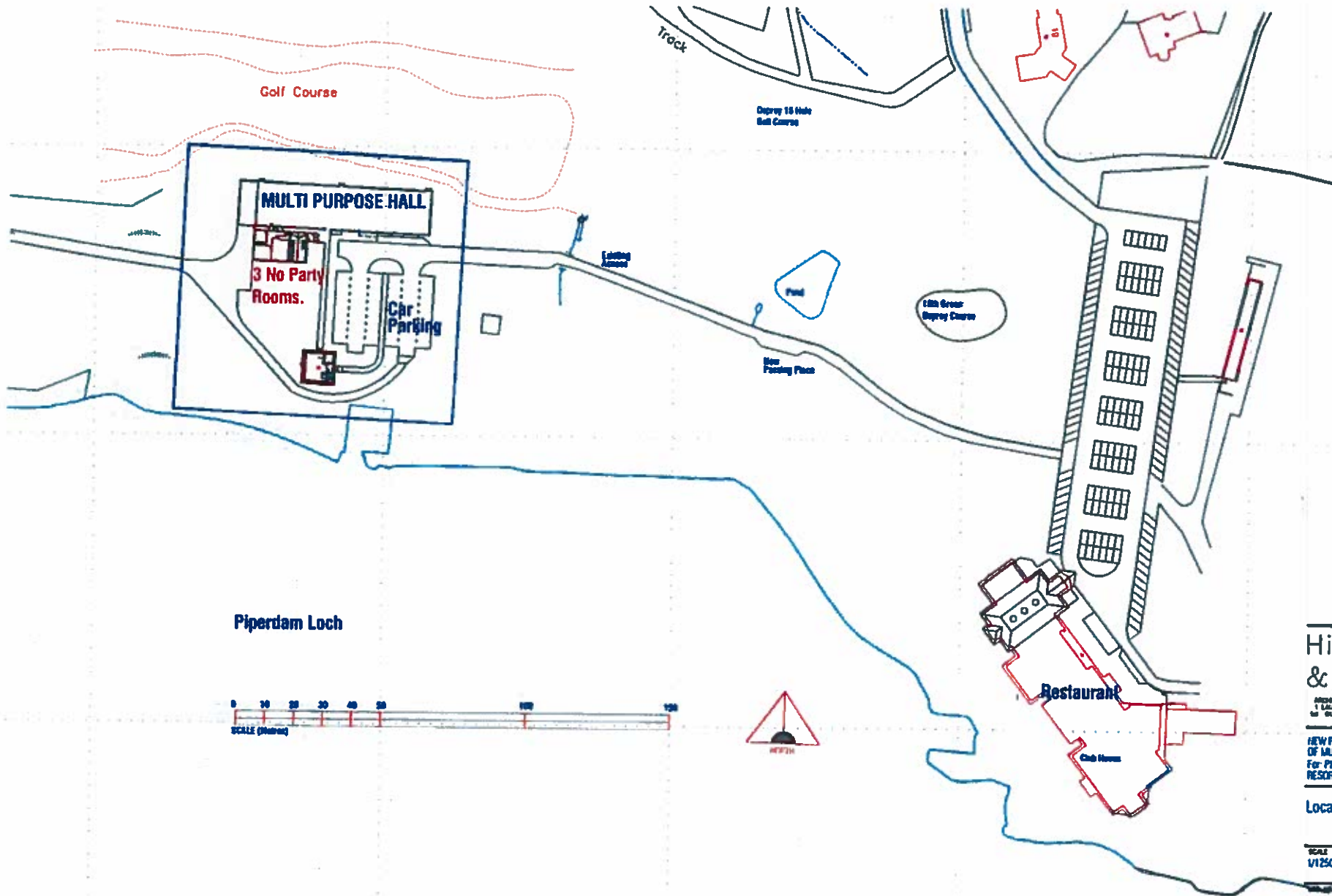
Hiddleston&F

ARCHITECT & DESIGN PARTNER
1 LAUREL BARR, DUNDEE DD
tel 01382 224417
227737

PROJECT
**NEW PLAY ROOMS IN EXT
OF MULTI-PURPOSE BUI**
For: PIPERGAM GOLF AND
RESORT LTD.

Floor Plan of Play Room

SCALE	DRAWN	
1/50	89	
JOB NO.	DOC. NO.	REV
576	03	



Hiddleston & Feist

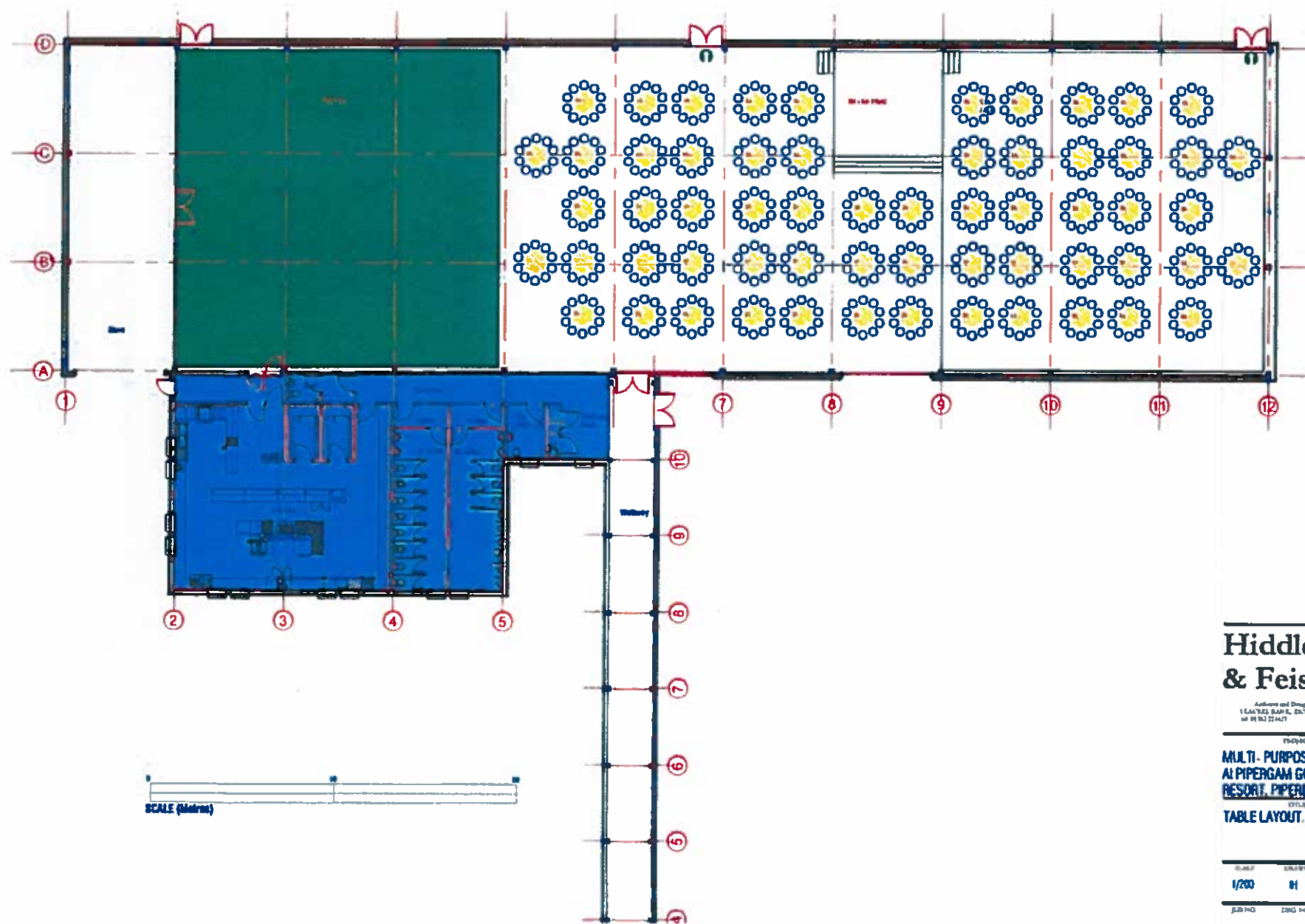
ARCHITECTS & DESIGN PARTNERSHIP
 1 LARSEN BARRIE BUILDING 1000 GLEN
 ST. GEORGE 164427 TEL: 04322 507727

PROJECT
 NEW PLAY ROOMS BY EXTENSION
 OF MULTI-PURPOSE BUILDING
 FOR PIPERDAM GOLF AND LEISURE
 RESORT LTD

Location Plan

SCALE	DRAWN	DATE
V1250	01	Mar '17
576	05	

Activity Centre



Hiddleston & Feist

Architects and Design Consultants
 1 EARL STREET, BATH, BA1 1RN, UK
 Tel: 01225 312121 Fax: 01225 312122

PROJECT
**MULTI-PURPOSE BUILDING,
 AT PIPERHAM GOLF AND LEISURE
 RESORT, PIPERHAM, D02 5LP**
 DRAWING
TABLE LAYOUT

NO.	DATE	BY	CHKD
1/200	01	Jan '16	
JLB:HQ	DWG:HQ	SLT:JLB	

(d) LICENCE NO. 252 THE ROYAL BRITISH LEGION SCOTLAND CARNOUSTIE BRANCH, 88 DUNDEE STREET, CARNOUSTIE

Name and Address of Applicant

Royal British Legion Scotland (Carnoustie Branch), 88 Dundee Street, Carnoustie, DD7 7PH

Type of Licence: On sales

Description of Variation

1. **Core times** when alcohol will be sold for consumption **on** the premises:-
amend Sunday opening times from 12.30 to 11.00 am
amend terminal hour on a Saturday from 00.30 to 00.45

The Board are asked to note that these hours are within Board Policy.
2. **Activities** recorded **music to be provided during core hours.**
3. **Licence Type** Change from a qualifying club to a full premises licence (including appointment of a Premises Manager)
4. **Children** Children only to be permitted into the function room where there is no bar facility and only from opening time until 9.00pm.