

ANGUS LICENSING BOARD – 5 APRIL 2018

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.

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(a) **SMUGGLERS TAVERN, 65 Ladybridge Street, Arbroath, DD11 1AX**

Name and Address of Applicant

Brian Toner, 11 Monkbarns Drive, Arbroath, DD11 2DS

Type of Licence: Premises Licence – On and Off Sales

1. **Description of Premises** – lounge bar with fully enclosed outdoor drinking/smoking area to the rear.
2. **Seasonal Variation** – extension dates permitted by Angus Licensing Board.
3. **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

when alcohol will be sold for consumption **off** the premises:-
Monday to Sunday 11:00 to 22.00

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

4. **Activities** Receptions, club or other group meetings, recorded music, gaming and televised sport during core hours.

Outdoor drinking facilities within core hours.
5. **Capacity** 59.

COMMENTS RECEIVED

Environmental & Consumer Protection submitted a memorandum of observation dated 26 February 2018.

OBSERVATION

This Service has no objections to this application, however it is noted that there is an external drinking/smoking area associated with the premises and it is the intention of the applicant to utilise this area for the duration of the core hours. Due to the close proximity of residential properties this Service would recommend that the following is applied to any licence granted.

Standard additional conditions in respect of external drinking areas.

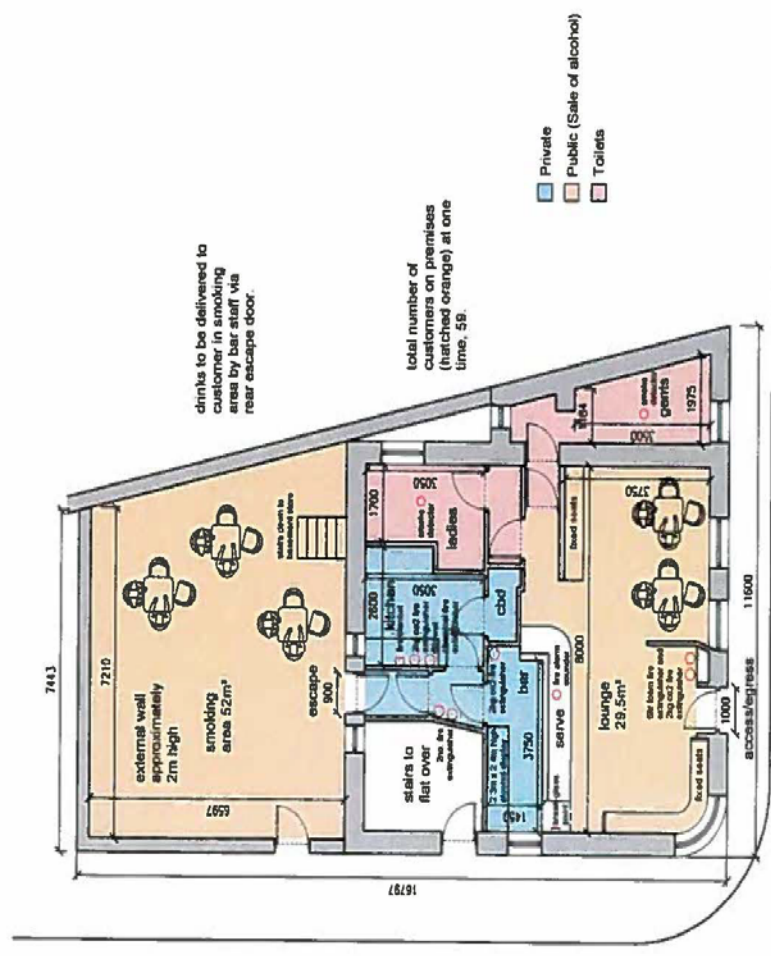
- Patrons shall not be permitted to use the external drinking area beyond 21.00.
- No music shall be provided in the external drinking area.
- No music or amplified sound should be provided anywhere within the licensed premises with the intention of being heard within the external drinking area.

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Licensing Drawings

Scale: 1:100
Date: 10/10/10
Author: [Name]
Checked: [Name]
Approved: [Name]

0135-1285K001 Rev E



East Grimby (road)

Lady Bridge Street (road)

