

**ANGUS LICENSING BOARD – 17 MAY 2018**

**NEW PREMISES LICENCE UNDER THE LICENSING (S) ACT 2005**

**REPORT BY CLERK TO THE BOARD**

**ABSTRACT**

The purpose of this Report is to present an application for a new 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 premises 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 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),
- (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) THE ATTIC CLUB, UPPER FLOOR, 2A ST MALCOLM'S WYND, KIRRIEMUIR****Name and Address of Applicant**

Craig Ronald Milne, 20 Main Street, Glamis, DD8 1RU

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

1. **Description of Premises** – Upper Floor of a two storey semi-detached building adjoining other hotel premises located in Kirriemuir town centre. Businesses and residential premises are located to the side and rear of the premises. The Premises is to be used as a family friendly music/sports/events bar with a Gamer's Zone for younger patrons.
2. **Seasonal Variation** – Christmas Eve, Christmas Day, Hogmanay and New Years Day.
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

**Core times** when alcohol will be sold for consumption **off** the premises:-

Monday to Sunday	11:00 to 22.00
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**The Board are asked to note the hours requested are within Board Policy.**

4. **Activities:-**

Social Functions including weddings, funerals, birthdays, retirements, club and other group meetings

entertainment including recorded music, live performances, dance facilities, theatre, films, gaming, indoor/outdoor sports, televised sport, possible charity events such as race nights, prize bingo.

gaming & quiz machines are out of sight from the gamers zone and can be seen from members of staff from behind the bar area.

provision of snacks, which will consist of pies, sandwiches etc. Snacks to be catered for off the premises.

**The Board are asked to note the activities requested are to be provided within core hours.**

5. **Children and young persons:-**

Children and Young Persons aged 0 to 17 years to be permitted accompanied by their guardian and or parent. Baby changing facilities located within the disabled toilet;

Children and or young persons will be allowed access to the gamer's zone and access to the toilets. The gamers zone will be for anyone under the age of 18 but can only be permitted with an adult over the age of 18;

Children and young persons will only be permitted entry to the premises until 9pm.

6. **Capacity** 199

**COMMENTS RECEIVED - 5 OBJECTIONS** have been received, copies of which are attached.

