

ANGUS LICENSING BOARD – 17 MAY 2018

PREMISES LICENCES – REQUEST TO VARY UNDER THE LICENSING (S) ACT 2005

REPORT BY 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.

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(a) **LICENCE NO. 228 CARNOUSTIE CALEDONIA GOLF CLUB, 7 LINKS PARADE, CARNOUSTIE, DD7 7JF**

Name and Address of Applicant

Carnoustie Caledonia Golf Club, 7 Links Parade, Carnoustie, DD7 7JF

Type of 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 is not received the application may be deferred.

Description of Variation

1. **Core times** - add when alcohol will be sold for consumption **off** the premises
Monday to Sunday 10am to 10pm

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

2. **Outdoor Facilities** - Marquee to be erected within grass area at front of the premises during Golfing Events.

The Board is asked to note the grassed area is currently within the licensed area of the premises.

COMMENTS RECEIVED

ENVIRONMENTAL AND CONSUMER PROTECTION submitted a memorandum of observation dated 29 March 2018.

OBSERVATION

This Service has no objections to this application, however it is noted that there is a marquee and external drinking 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 applicant submits a noise management plan and 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 of amplified sound should be provided anywhere within the licensed premises with the intention of being heard within the external drinking area.

BUILDING STANDARDS submitted observations by email dated 20 March 2018.

Our records do not give the previous occupant capacity for the building. I require full details of how and where the 600 occupants are accommodated. The application notes that a marquee will be used for golfing events. Details of the type, area and location of the marquee should be given on the application. Details of the means of access, exit provision and the number of toilets in the building should also be noted.

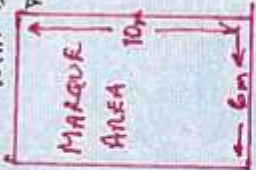
SOUTH VANDERBILT ST.

CLUBHOUSE

LINKS AVENUE

GRASSY AREA WITH BEACH SEATING + TABLES.

GRASSY AREA WITH BEACH SEATING + TABLES.



38M

17.5M

LINKS PARADE

This plan was granted on 14 May 2015 by Angus Licensing Board in respect of a non-minor variation of a premises licence at Caledonia Golf Club, Links Parade, Carmouster.

James Hume

Clerk

(b) LICENCE NO. 17 LIDL UK GMBH, QUEENSWELL ROAD, FORFAR, DD8 3JA

Name and Address of Applicant

Lidl UK GmbH, 19 Worple Road, London, SW19 4JS

Type of Licence: Off Sales

Description of Variation

1. Capacity.

Increase in display capacity from 40.59m² to 46.51m² all year round.

Additional increase of 9.54 m² from 1 December each year to 2 January of the following year.

Maximum total capacity 56.05 m²

(The store is to be closed on 09.06.2018 and reopen on 23.08.2018)

COMMENTS RECEIVED

A letter of objection dated 19 March 2018 has been submitted on behalf of NHS Tayside Public Health Directorate and the Angus Alcohol and Drugs Partnership, a copy of which is attached.

04119 Forfar – Lidl UK GmbH

Size: 5 Aisle 997 sqm

Inner Length: 47.50m

Inner Width: 21.00m

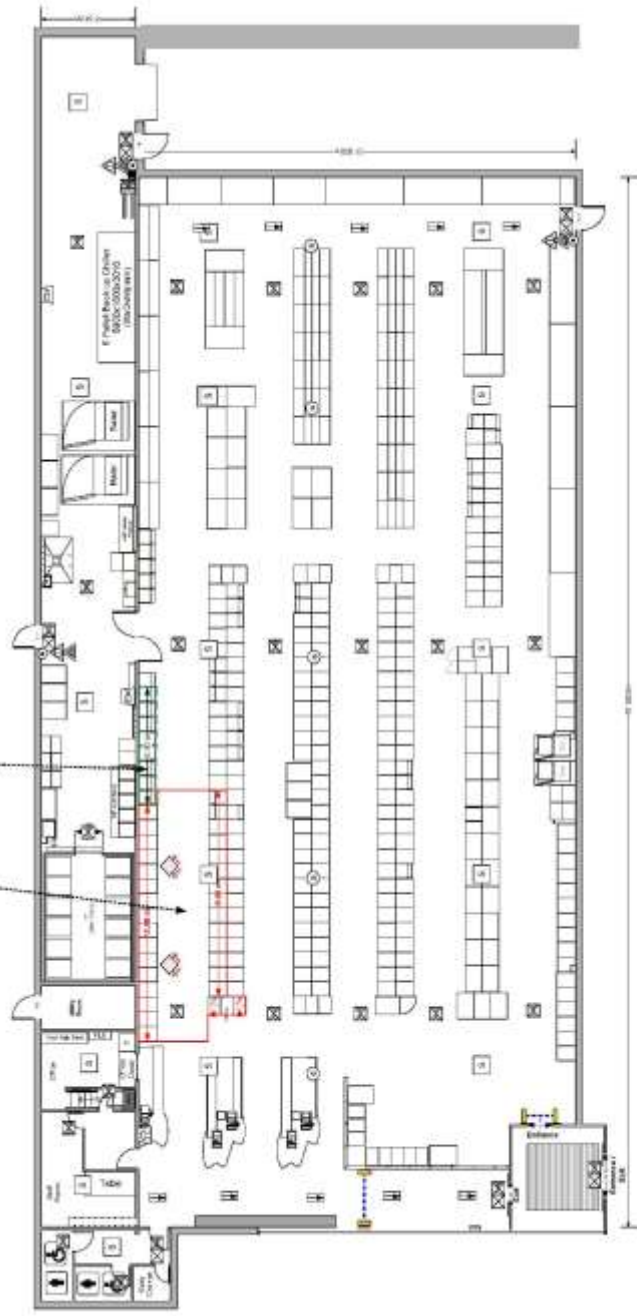
Ceiling Height: 3.00m

Updated: 13.02.18

FIRE SYMBOLS
Scale: 1:100

- Portable Alarm (ring alarm)
- Portable Alarm (continuous beep)
- Portable CO Alarm
- Portable CO Alarm (battery powered)
- Fire Alarm
- Alarm Detector
- Heat Detector
- Smoking Device (no. 1)
- Smoking Device (no. 2)
- Emergency Light
- Emergency Light (battery powered)
- Exit Sign
- Visual Alarm (visual)
- Fire & Heat Electrical Storage
- Radio Detector (wiringless)
- Fire Control Panel
- All Fire Alarms in Function & Storage
- Sprinkler (no. 1)

- Portable Alarm (ring alarm)
- Portable Alarm (continuous beep)
- Portable CO Alarm
- Portable CO Alarm (battery powered)
- Fire Alarm
- Alarm Detector
- Heat Detector
- Smoking Device (no. 1)
- Smoking Device (no. 2)



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