

ANGUS LICENSING BOARD – 1 NOVEMBER 2018

PROVISIONAL PREMISES LICENCE - APPLICATION 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 provisional 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 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 provisional 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);
- (ba) 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;

- (c) that the Licensing Board considers that the granting of the application would otherwise be inconsistent with one or more of the licensing objectives;
- (d) 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;
- (e) 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.

In considering whether either of the grounds for refusal specified in subsection (5) (ba) and (c) applies, the Licensing Board must, in particular, take account of:

- (a) any conviction, notice of which is given by the Chief Constable under subsection (4) (b) of section 21 and
- (b) any report given by the Chief Constable under section 24A (2)

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(a) PIZZERIA, 14 APPLGATE, ARBROATH, DD11 1HX

Names and Address of Applicant

Karen Mitchell, 16 Applegate, Arbroath, DD11 1HX

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

1. Description of Premises – Pizzeria style café/restaurant. A home delivery service will also be offered.

2. 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 is asked to note that the hours requested are within Board's policy.

3. Seasonal Variation - additional hours approved by Angus Licensing Board from time to time including over the festive period in the terms of the Board's policy.

4. Activities to be provided -

- (a) Restaurant facilities and recorded music to be provided within and outwith core hours

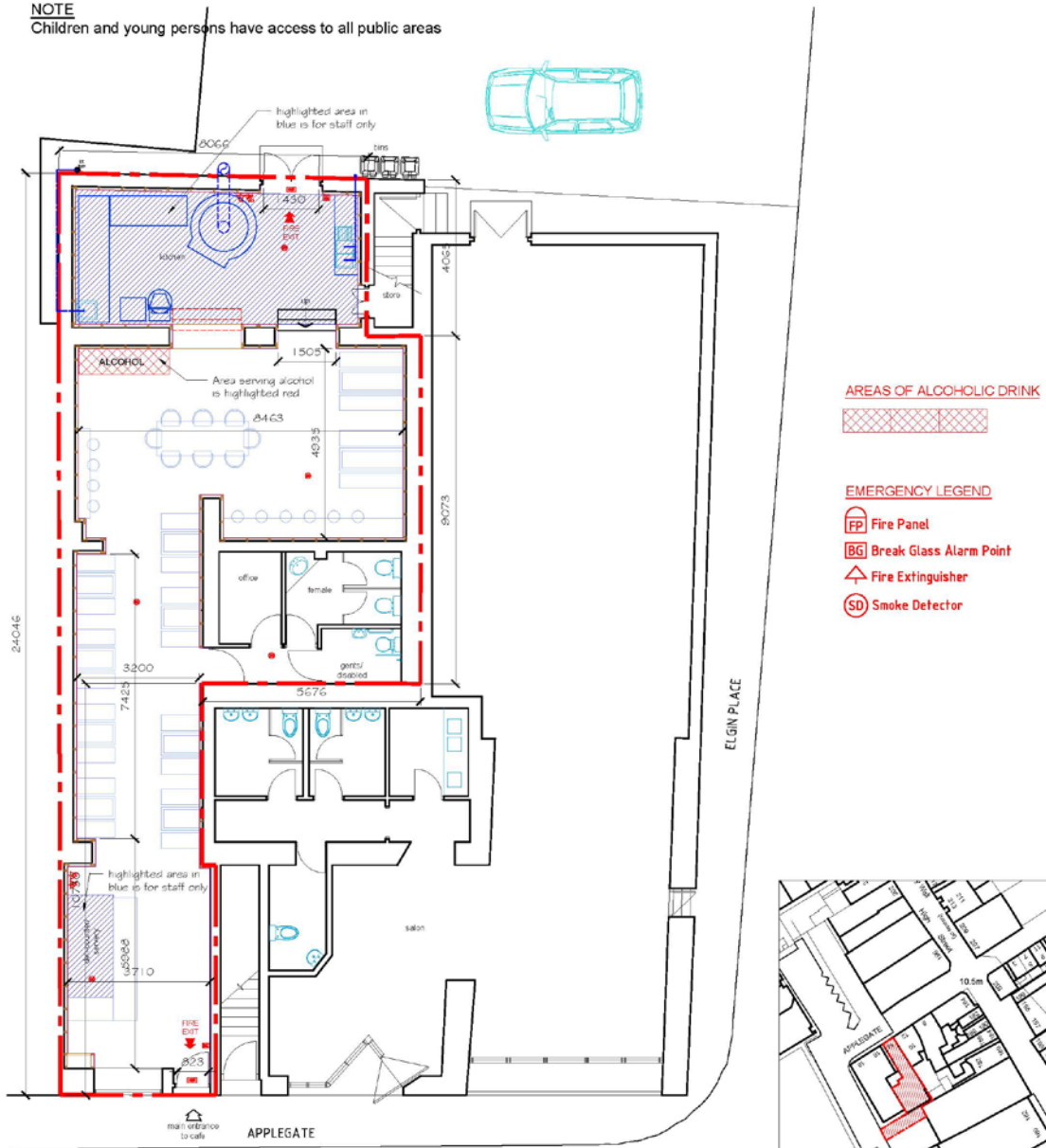
Recorded music may be played between 10am and 11am as the premises will open from 10am each day for the service of teas, coffees, soft drinks and snacks.
No alcohol will be served outwith core hours.
- (b) Receptions to be provided within core hours.
- (c) Home delivery service to be provided of pizza and related food stuffs only. Home delivery service not to include alcohol.

5. Children and Young Persons to be permitted: -

- (a) aged 0 to 17 years;
- (b) access to all public areas of premises including toilet facilities;
- (c) from opening time until 1 hour after cessation of serving food in the group consuming the meal of which the child or young person forms part and during core hours when the child or young person is attending a private function.

6. Capacity - 62.

NOTE
Children and young persons have access to all public areas



ground floor - licensing plan @ 1:100
occupant capacity = Restaurant - 62 persons



location plan @ 1:1250

Rev	Date	Description

Kilton Enterprise Centre St William Smith Road Kilton Industrial Estate Arbroath DD11 3JQ tel: 01241 435235 www.building-design-services.com building design services	created Pizzeria 14 Applegate Arbroath Angus DD11 1HX	client Karen Mitchell	drawing Licensing Plan
	scale 1:100 @ A3	date July 2018	drawing no. LP-01