

**ANGUS LICENSING BOARD – 1 NOVEMBER 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.

**REPORT AUTHOR:** Dawn Smeaton, Licensing and Litigation Assistant  
**E-MAIL:** [LAWLICENSING@angus.gov.uk](mailto:LAWLICENSING@angus.gov.uk)

ANGUS LICENSING BOARD – 1 NOVEMBER 2018

(a) **BLU, THE PAVILION, LINKS PARADE, CARNOUSTIE, DD7 7JB**

**Name and Address of Applicant**

Blue Vine Limited, The Pavilion, Links Parade, Carnoustie, DD7 7JB

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

1. **Description of Premises** – Family Friendly, food led, restaurant / diner / bar / event / exhibition space situated in seaside location.

2. **Core times** when alcohol will be sold for consumption **on** the premises:-

Sunday to Thursday 10:00 to 24.00

Friday and Saturday 10:00 to 01.00

**The Board are asked to note the hours requested are outwith Board Policy.**

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

Monday to Sunday 10:00 to 22.00

**The Board are asked to note the hours requested are within Board Policy.**

3. **Seasonal Variation** – additional hours approved by Angus Licensing Board in the terms of the Board's policy.

4. **Activities**

(a) Conference facilities, restaurant facilities, bar meals, receptions, club or other group meetings, recorded music and films to be provided within and outwith core hours. These activities can commence at 0700 prior to core hours but not to take place after core hours.

(b) Live performances, dance facilities, theatre, gaming to be provided within core hours.

(c) Additional activities to take place before or during core hours:-

Food and drink tastings and matchings and displays / promotions and launches;  
Cocktail/mocktail events, competitions and displays;  
Arts and design exhibitions and displays;  
Poetry and literary readings and book launches;  
Private and ticketed events;  
Sales of ancillary products;  
Breakfasts, teas, coffees, ice creams, snacks; and  
Ancillary sales of food and drinks – for takeaways / picnics /home deliveries etc.

Alcoholic drinks to be sold for takeaway/picnic and home deliveries during off sales core hours;

Occasional gaming in the form of low stakes – poker; casino nights and race nights during core hours only. Under 18s not permitted;

Films in conjunction with events and training or conferences; and

Theatre to comprise comedians / table magicians / other small performances.

Off Sales only to be sold to patrons of the home deliveries or in conjunction with takeaway food / picnics / home deliveries.

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

- (a) Accompanied - children and young persons aged 0 to 17 years to be permitted entry for the purpose of consuming a meal or snack from opening time until the end of the meal or end of private event.

Unaccompanied - children aged 13-15 years and young persons aged 16 and 17 years to be permitted access unaccompanied by an adult until 1800 hours for the purpose of consuming a meal or a snack or to access takeaway food / meals / snacks / soft drinks / sweets / ice creams.

- (b) access to all public areas of premises;
- (c) no access to under 18s when gaming activities are taking place on the premises;

**6. Capacity 93**

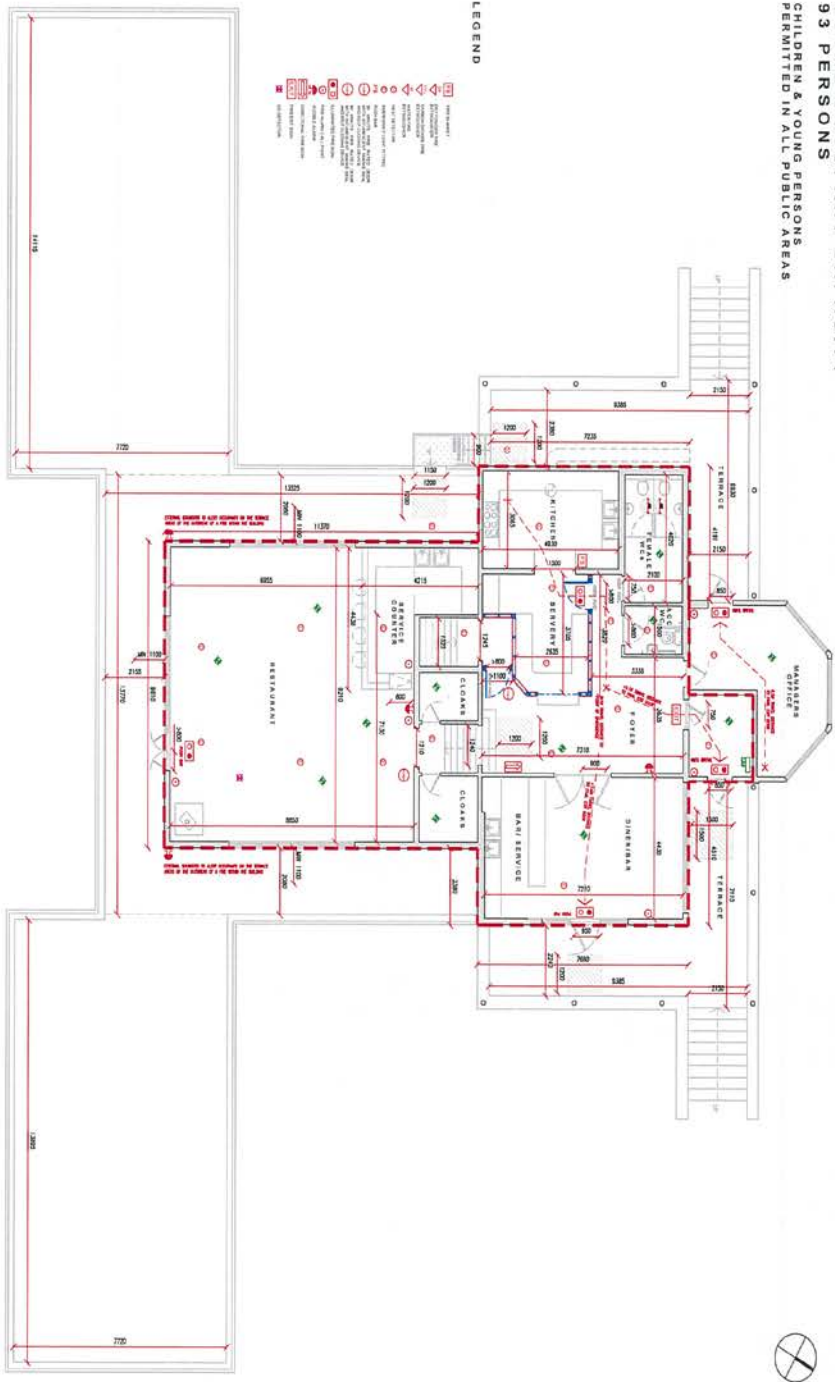
**TOTAL OCCUPANT CAPACITY**  
**93 PERSONS**  
**CHILDREN & YOUNG PERSONS**  
**PERMITTED IN ALL PUBLIC AREAS**

DO NOT SCALE FROM THIS DRAWING.



**LEGEND**

- 1. EXIT
- 2. EXIT
- 3. EXIT
- 4. EXIT
- 5. EXIT
- 6. EXIT
- 7. EXIT
- 8. EXIT
- 9. EXIT
- 10. EXIT
- 11. EXIT
- 12. EXIT
- 13. EXIT
- 14. EXIT
- 15. EXIT
- 16. EXIT
- 17. EXIT
- 18. EXIT
- 19. EXIT
- 20. EXIT
- 21. EXIT
- 22. EXIT
- 23. EXIT
- 24. EXIT
- 25. EXIT
- 26. EXIT
- 27. EXIT
- 28. EXIT
- 29. EXIT
- 30. EXIT
- 31. EXIT
- 32. EXIT
- 33. EXIT
- 34. EXIT
- 35. EXIT
- 36. EXIT
- 37. EXIT
- 38. EXIT
- 39. EXIT
- 40. EXIT
- 41. EXIT
- 42. EXIT
- 43. EXIT
- 44. EXIT
- 45. EXIT
- 46. EXIT
- 47. EXIT
- 48. EXIT
- 49. EXIT
- 50. EXIT
- 51. EXIT
- 52. EXIT
- 53. EXIT
- 54. EXIT
- 55. EXIT
- 56. EXIT
- 57. EXIT
- 58. EXIT
- 59. EXIT
- 60. EXIT
- 61. EXIT
- 62. EXIT
- 63. EXIT
- 64. EXIT
- 65. EXIT
- 66. EXIT
- 67. EXIT
- 68. EXIT
- 69. EXIT
- 70. EXIT
- 71. EXIT
- 72. EXIT
- 73. EXIT
- 74. EXIT
- 75. EXIT
- 76. EXIT
- 77. EXIT
- 78. EXIT
- 79. EXIT
- 80. EXIT
- 81. EXIT
- 82. EXIT
- 83. EXIT
- 84. EXIT
- 85. EXIT
- 86. EXIT
- 87. EXIT
- 88. EXIT
- 89. EXIT
- 90. EXIT
- 91. EXIT
- 92. EXIT
- 93. EXIT



**FIRST FLOOR PLAN**  
**SCALE 1:100**



**LICENSING**

**(b) LUNAN HOUSE, LUNAN BAY, INVERKEILOR, DD11 5ST**

**Name and Address of Applicant**

Lunan Leisure Limited, Lunan Farm, Lunan Bay, Inverkeilor, DD11 5ST

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

1. **Description of Premises** – Hallway, Dining Room, Restaurant, Kitchen, Bar Area, Office, Toilets, five guest bedrooms.

2. **Core times** when alcohol will be sold for consumption **on** the premises:-

Monday to Sunday                      11.00 to 24.00

**The Board are asked to note the hours requested are within Board Policy.**

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

Monday to Sunday                      11.00 to 22.00

**The Board are asked to note the hours requested are within Board Policy.**

3. **Activities**

(a) accommodation, conference facilities, restaurant facilities, bar meals, receptions, club or other group meetings, recorded music, live performances, dance facilities, televised sport to be provided within core hours.

(b) additional activities - breakfasts, teas, coffees, soft drinks and light snacks to be provided.

4. **Outdoor Drinking facilities** to be provided within core hours.

Standard outdoor conditions to apply:-

(a) Patrons shall not be permitted to use the external drinking area beyond 21.00;

(b) No music shall be provided in the external drinking area; and

(c) No music of amplified sound should be provided anywhere within the licensed premises with the intention of being heard within the external drinking area.

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

(a) Children and young persons aged 0 to 17 years to be permitted entry;

(b) access to all public areas of premises;

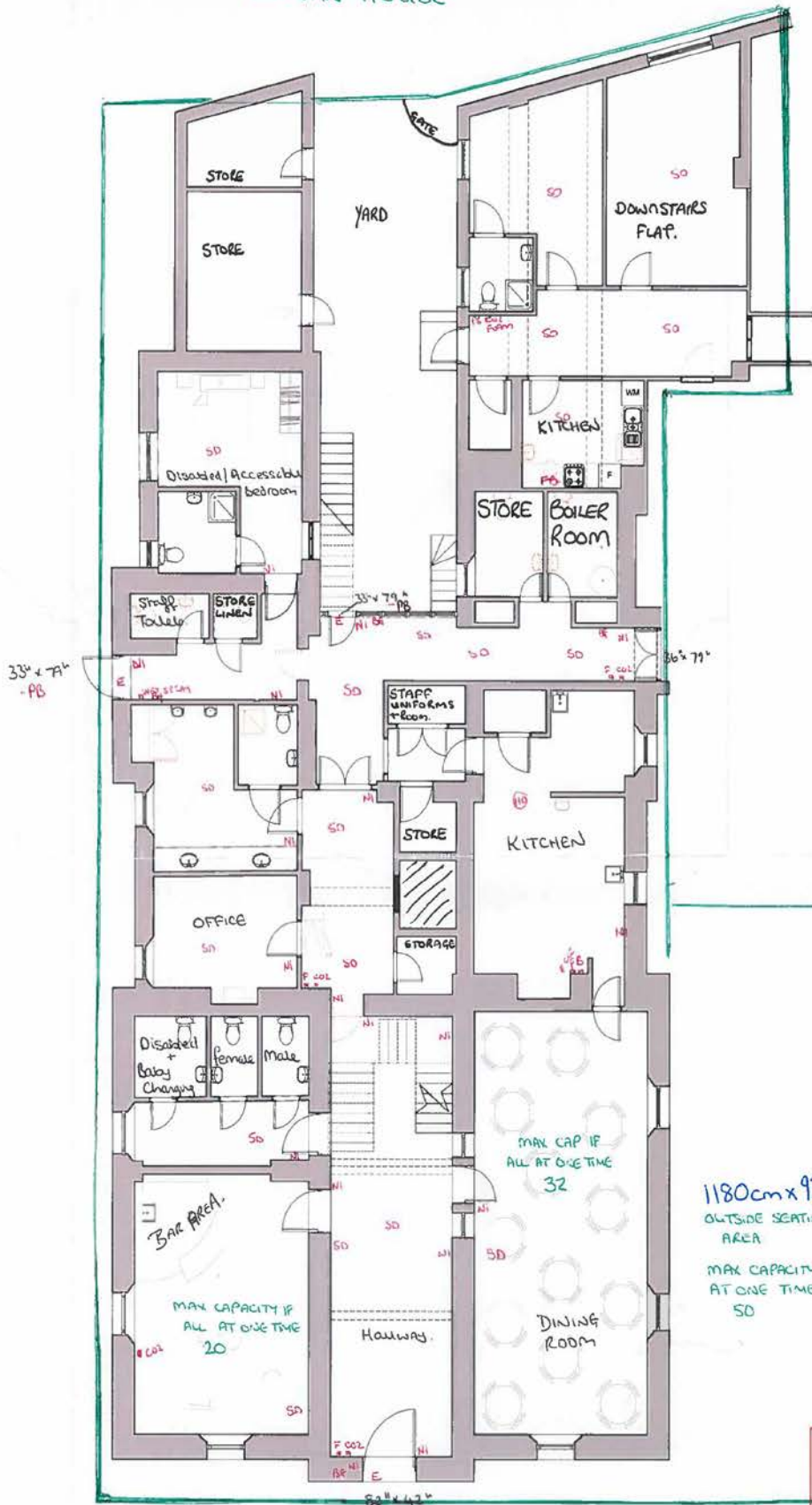
(c) from opening time to one hour after the cessation of serving food in the group consuming the meal of which the child or young person forms part of or during core hours at a private function.

(d) access permitted for breakfasts (07:00 to 10:00, light snacks (10:00 to 11:00) and meals (11:00 to 22:00)

6. **Capacity:** - 68 (Guest House Rooms 16 guests; Bar Area – 20 guests; Restaurant – 32 guests).

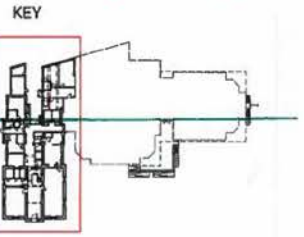
# LUNAN HOUSE

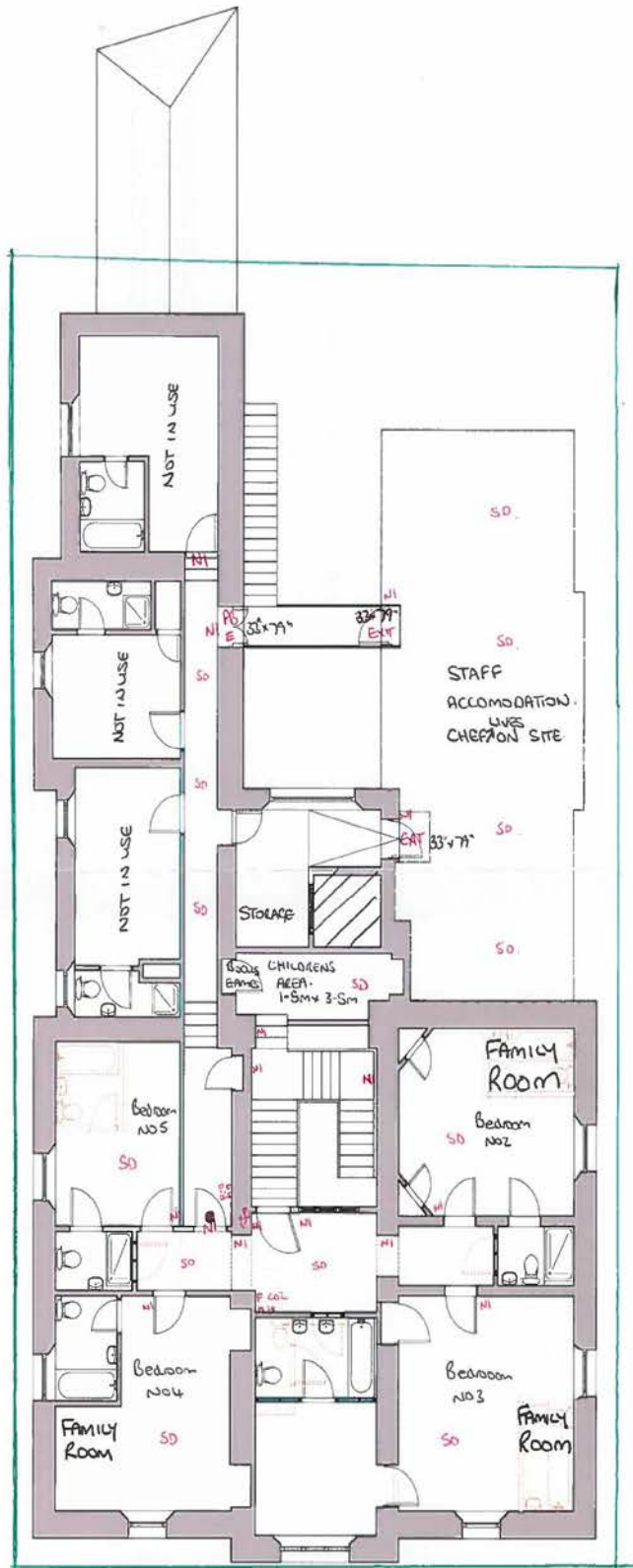
Area to be licenced.



TO BUNKHUS

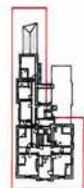
- \* FD - FIRE RESISTING DOOR
  - NI - GENERAL FIRE NOTICES
  - PB - FIRE BLANKET
  - Ext Extinguishers Foam or CO2 or WetSpr
  - E - EXIT
  - SD - Smoke DETECTOR
  - PB - PUSH BAR
  - BG - BREAK GLASS
- 1180cm x 920cm  
OUTSIDE SEATING AREA
- MAX CAPACITY IF ALL AT ONE TIME 20
- MAX CAPACITY IF ALL AT ONE TIME 32
- FIRE SYSTEM PAS 79
- FICE STRATEGY + RISK ASSESSMENT  
stan@accs-safety.com





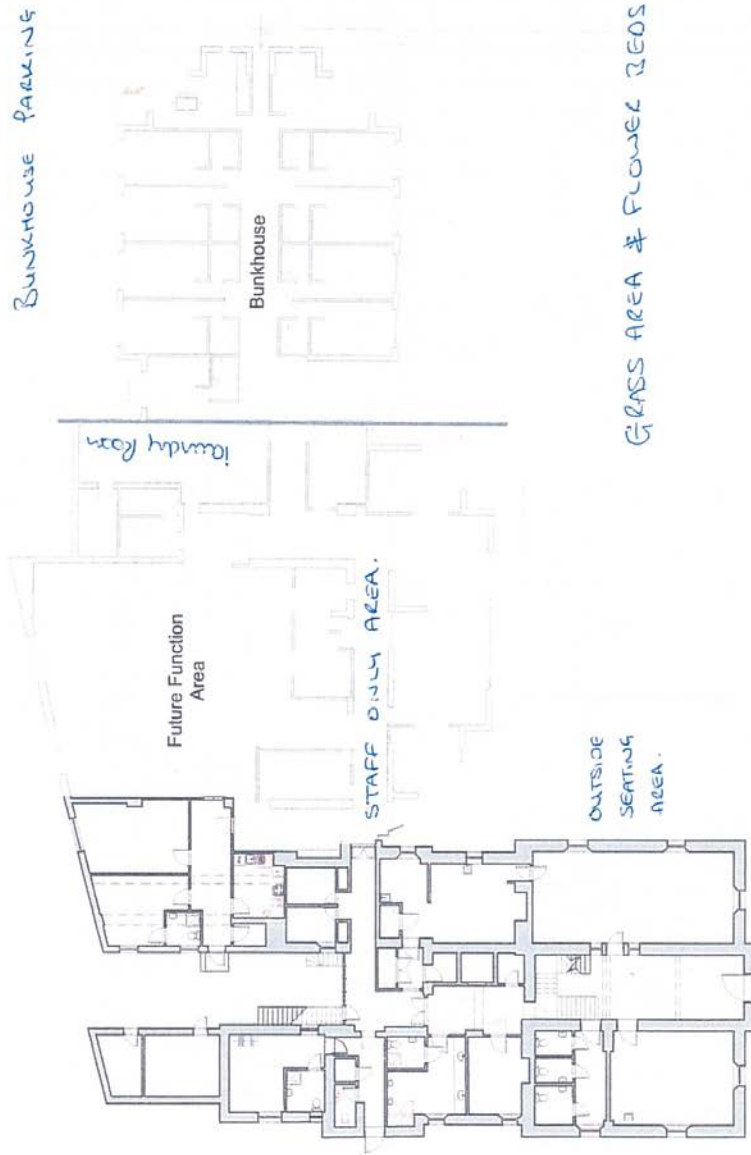
MAX CAPACITY OF GUESTS  
**13 ADULTS + 8 CHILDREN**  
 (ROOMS 1 - 5) + SELF CATERING  
 FLAT,  
 DOWNSTAIRS

Key





BUNKHOUSE PARKING AREA



GLASS AREA & FLOWER BEDS.



GUESTHOUSE PARKING AREA