

ANGUS LICENSING BOARD – 10 JANUARY 2019

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) **OGILVY SPIRITS LIMITED (DISTILLERY VISITOR CENTRE),
HATTON OF OGILVY FARM, GLAMIS, FORFAR, DD8 1UH**

Name and Address of Applicant

Caroline Louise Bruce, Flat 14, 51 Waterfront Park, Edinburgh, EH5 1BA

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 – Distillery Visitor Centre comprising tasting area and shop contained within a converted steading on the farm where Distillery is located.

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

Monday to Sunday 11:00 to 22.00

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 10:00 to 22.00

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

3. Activities

(a) club or other group meetings between the hours of 10:00 to 22:00

(b) alcohol to be sold from online shop – all orders will be processed and dispatched from the Visitor Centre. The processing of orders will take place seven days a week (Monday to Sunday 10:00 to 22:00).

4. Children and young persons:-

(a) Children (aged 0 to 15 years) accompanied by an adult, to be permitted entry to shop area and toilets during hours of 10:00 to 21:00.

No under 16s to be permitted on a tour of the Distillery Visitor Centre.

(b) Young persons (aged 16 and 17 years) accompanied by an adult to be permitted in all areas (tasting area, shop and toilets) during hours of 10:00 to 21:00.

Entry for Young Persons is for the purpose of a tour of the Distillery Visitor Centre and to sit in the tasting area.

Children and Young Persons are not permitted to sample/consume any alcoholic drinks.

5. Capacity - 40

COMMENTS RECEIVED – A memorandum of observation dated 21 December 2018 has been received from the Building Standards Manager regarding the above application. The Board are asked to note that this memorandum is outwith the statutory time limit for comments/objections. The Board will be required to ask the reasons why the response was received late before agreeing to consider the observation.