

ANGUS LICENSING BOARD – 4 APRIL 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.

REPORT AUTHOR: Dawn Smeaton, Licensing and Litigation Assistant
E-MAIL: LAWLICENSING@angus.gov.uk

(a) WEE SHOP, 94 CASTLE STREET, FORFAR, DD8 3AA

Name and Address of Applicant

Brygida Szot, 22 Traill Terrace, Montrose

Type of Licence: Premises Licence –Off Sales

1. Description of Premises – Small grocery shop selling Eastern European stock.

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

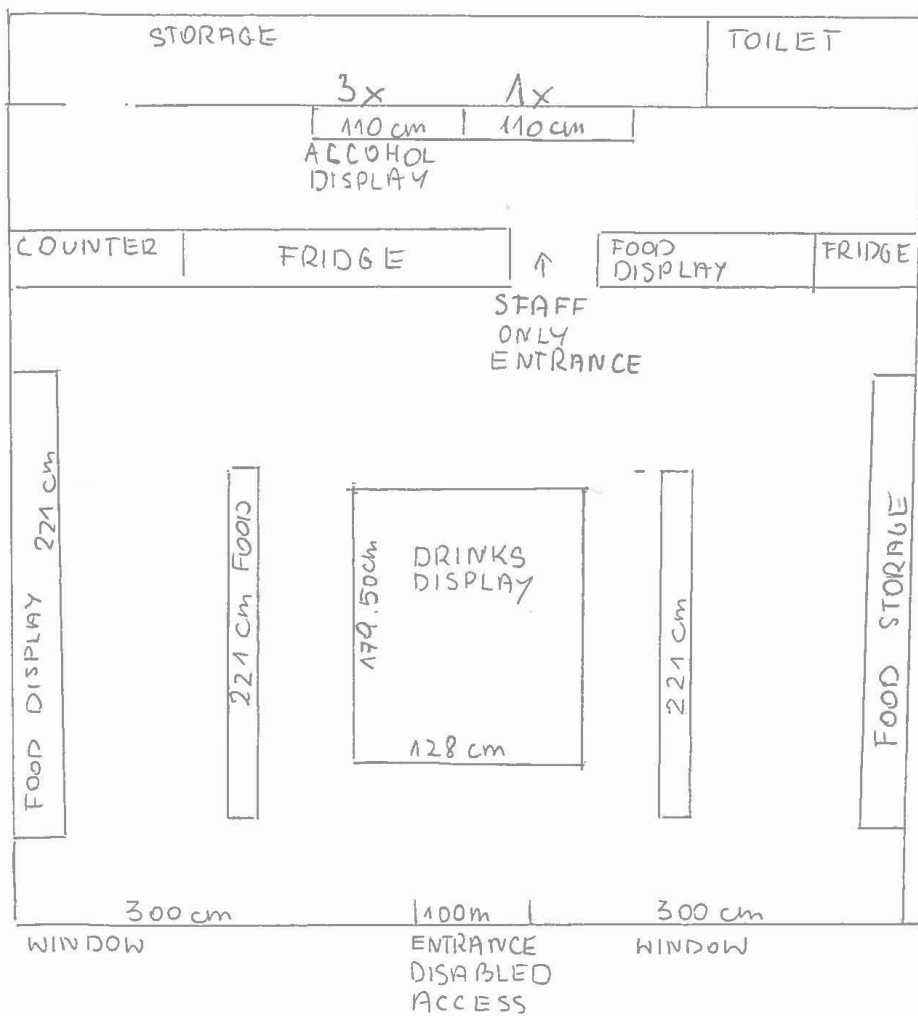
Monday to Friday	10:00 to 18.00
Saturday	10.00 to 17.00
Sunday	12.00 to 17.00

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

3. Activities – recorded music within and outwith core hours.

4. Capacity – 1.08m2

WEE SHOP
94 CASTLE STREET
FORFAR
DD 8 3 AA



CASTLE STREET

- (b) REDCASTLE BREWERY, DRUMMYGAR MAINS, CARMYLLIE, BY
ARBROATH, DD11 2RA

Name and Address of Applicant

Redcastle Farms Limited, Drummygar Mains, Carmyllie, DD11 2RA

Type of Licence: Premises Licence – On and Off Sales

1. **Description of Premises** – Self-contained brewery manufacturing ales, lagers, gins and rum.

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

Monday to Sunday 11:00 to 17.00

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 17.00

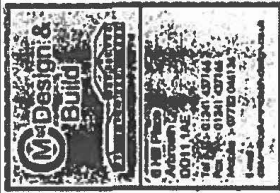
The Board are asked to note the hours requested are within Board Policy.

3. Activities

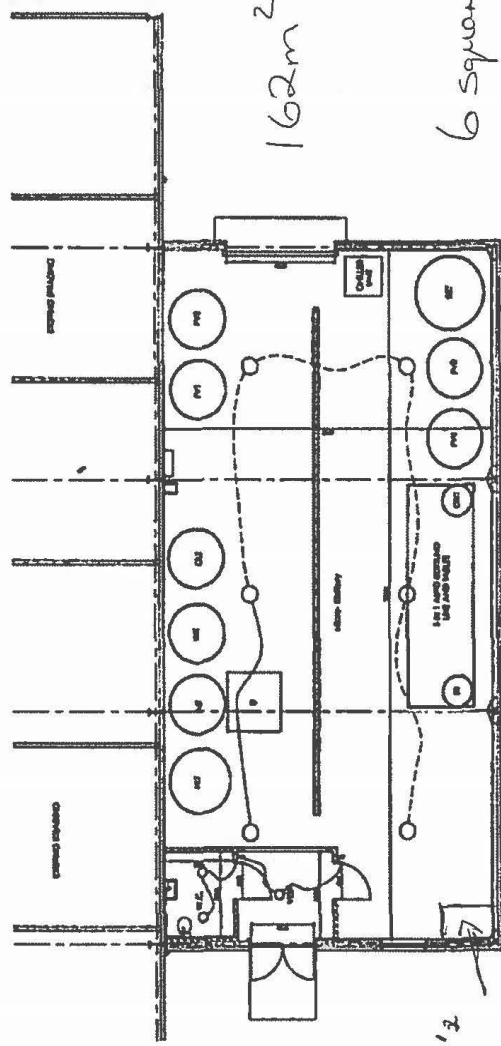
- (a) brewery tours;
- (b) alcohol to be sold from online shop.

4. **Capacity** – **On Sales** 27 (25 people plus 2 members of staff.)

Off Sales 6 square feet



Proposed Section of
 Micro-Brewery at
 Drumnygar Farm
 Carrmyle
 Speasdale Farms LTD
 Floor Plan
 Working Drawing 11000
 WDH/hrs / 04/3 / 14
 1 of 100
 February 2014

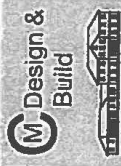


162m² whole building

6 square feet for Shop contained within brewery building

* 6'2"

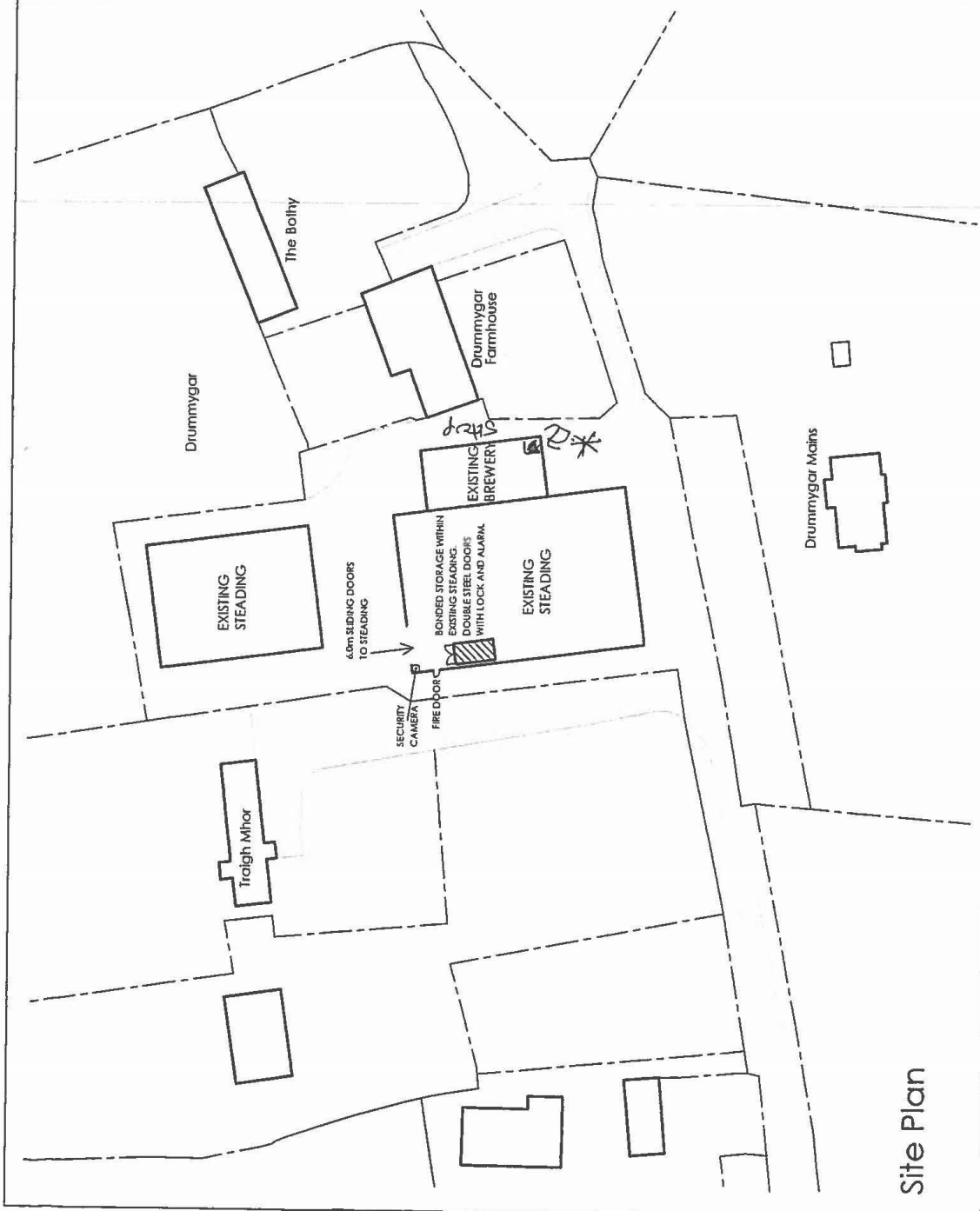
Floor Plan



6 Hill Place
Ardara
DD11 1AE
Tel : 01551 437144
Fax : 01551 437144
Mobile : 07351 043156
Email : enquiries@mdandb.co.uk

The
Layout of Redcastle
Brewery and Drummygar
Farm
Cornmyle
Redcastle Farms LTD

Scale 1:500
Site Plan
Architect
Working Drawing
S/P No. / 0445 / 14
1 of 750
Date
February 2016



Site Plan