

ANGUS LICENSING BOARD – 8 AUGUST 2019

NEW PREMISES LICENCE UNDER THE LICENSING (SCOTLAND) 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 section 20 of the Licensing (Scotland) Act 2005 (“the Act”) 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 or 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.

**2. BACKGROUND**

The Board has received an application for a new premises licence under section 20 of 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. LEGAL**

3.1 The Board must, in terms of section 23 of the Act, hold a hearing for the purposes of considering and determining the application. As part of this, the Board must take account of the documents which have been submitted accompanying the application. The Board must consider whether any of the grounds for refusal apply and:-

- (a) if none of them apply the Board must grant the application, or
- (b) if any of them apply, the Board must refuse the application.

3.2 The grounds for refusal are:-

- (a) that the subject premises are excluded premises in terms of section 123 of the Act,
- (b) that the application must be refused under Section 25(2) of the Act (the Board had previously refused a premises licence within the preceding one year), Section 64(2) of the Act (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) of the Act (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 premises

the Board considers that the premises are unsuitable for use for the sale of alcohol,

- (e) 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.
- 3.3 In considering whether either of the grounds for refusal specified at 3.2 (ba) and (c) above 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 of the Act; and
  - (b) any report given by the Chief Constable under section 24A (2) of the Act.

3.4 Section 23(7) of the Act provides that where the Licensing Board considers that they would refuse the application as made, but if a modification proposed by them were made to the operating plan (or layout plan, or both) for the subject premises accompanying the application, they would be able to grant the application, the Board must, if the applicant accepts the proposed modification, grant the application as modified.

3.5 Where the Licensing Board refuses an application, the Board must specify the ground for refusal and if any ground relates to the licensing objectives, the Board must state the relevant objective or objectives in question.

The licensing objectives are:-

- (i) preventing crime and disorder
- (ii) securing public safety
- (iii) preventing public nuisance
- (iv) protecting and improving public health; and
- (v) protecting children and young persons from harm

### **3.6 FINANCIAL IMPLICATIONS**

There are no financial implications arising from this Report.

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**(a) BLACK THISTLE DISTILLERIES LIMITED, UNIT 8A & 8B, BRECHIN BUSINESS PARK, BRECHIN, DD9 6RJ**

**Name and Address of Applicant**

Black Thistle Distilleries Limited, Unit 8a & 8b, Brechin Business Park, Brechin, DD9 6RJ

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

**1. Description of Premises** – Distillery, rectifying grain spirit to gin, vodka and whisky. Blending, bottling and distribution.

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

Monday to Sunday                      10:00 to 22.00

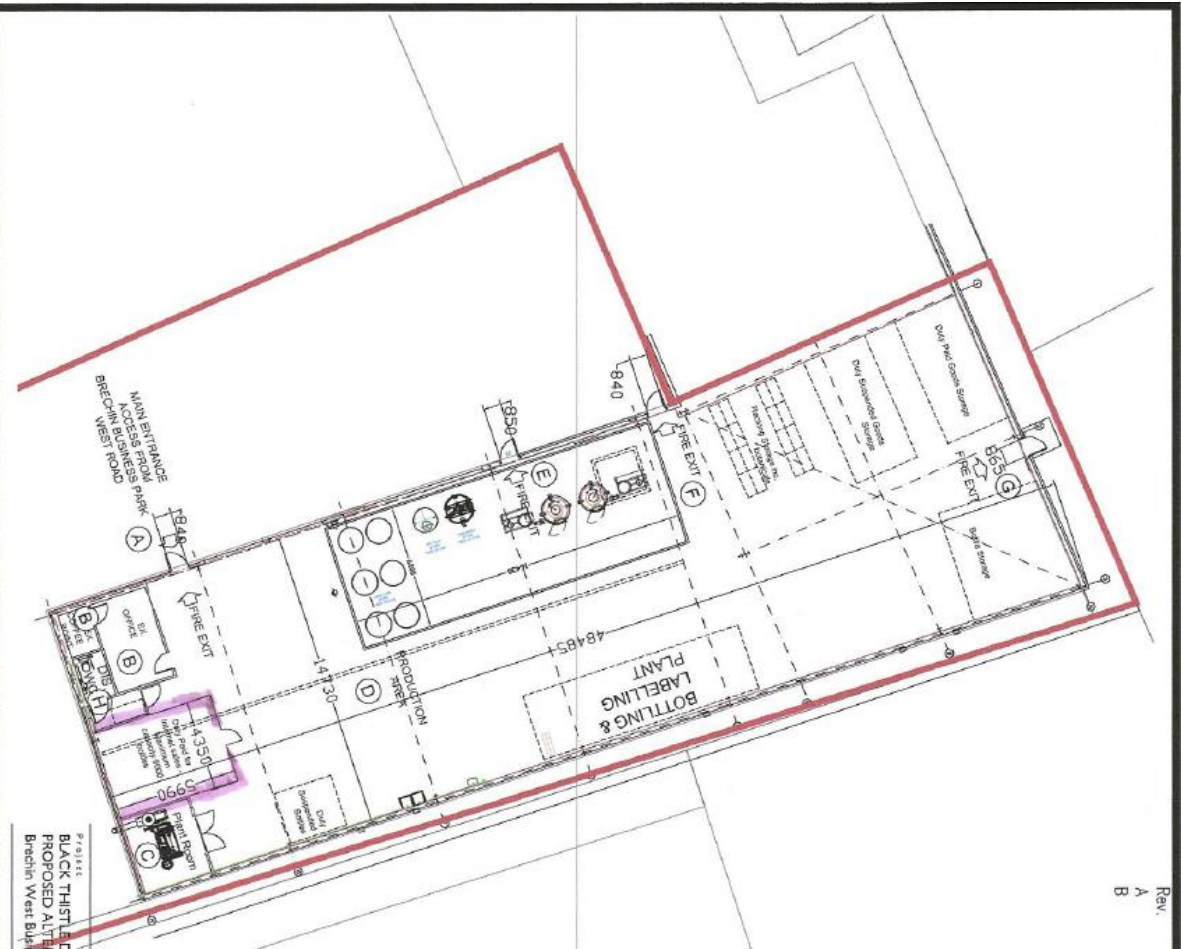
**The Board are asked to note the hours requested are within Board Policy.**

**3. Activities** - internet sales only

It is requested that the Board notes that in respect of applications for premises licences where the intention is that the premises will only receive orders for alcohol for consumption off licensed premises and/or the despatch of alcohol so ordered by the person selling it, then the following conditions should be applied:-

- (a) no sales will take place to the public over the counter unless the Board is satisfied that the premises are suitable for such sales;
- (b) no deliveries will be permitted to or from the premises between the hours of midnight and 6am; and
- (c) no persons permitted within the premises for the purpose of purchasing alcohol.

**4. Capacity** – caged area 5990mm x 4350mm (maximum 8000 bottles)



Rev.	Description	Date	A3
A	NOTES UPDATED	20.11.18	
B	DUTY RATED AREA DIMS ADDED	10.04.19	

**FIRE DETECTION & FIRE FIGHTING EQUIPMENT**

Fire detection has been installed in accordance with BS5839-1: 2013.

**A. ENTRANCE**

A 4 zone conventional notifier panel has been installed at entrance.

Manual Call Point

Wall mounted extinguishers with Fire Extinguishing projecting sign:

6 Litre AFFF Foam Extinguisher  
2Kg Co2 Extinguisher

**B. OFFICE & COFFEE ROOM**

Conventional ceiling mounted smoke detectors in each space.

Banshee Fire alarm sounder.

**C. PLANT ROOM**

Conventional ceiling mounted heat detector.

Banshee Fire alarm sounder.

**D. PRODUCTION AREA**

Apollo self-reflecting beam detector mounted at high level covering entire production area.

**E. FIRE EXIT**

Wall mounted extinguishers with Fire Extinguishing projecting sign:

6 Litre AFFF Foam Extinguisher  
2Kg Co2 Extinguisher

**F. FIRE EXIT**

Wall mounted extinguishers with Fire Extinguishing projecting sign:

6 Litre AFFF Foam Extinguisher  
2Kg Co2 Extinguisher

**G. FIRE EXIT**

Wall mounted extinguishers with Fire Extinguishing projecting sign:

6 Litre AFFF Foam Extinguisher  
2Kg Co2 Extinguisher

**H. TOILET**

Banshee Fire alarm sounder.

Project: BLACK THISTLE DISTILLERY  
PROPOSED ALTERATIONS  
Branch West Business Park

Title: GROUND FLOOR PLAN  
Scale: 1:200 @ A3

Job No: 016-002  
Date: 10.04.19

Drawn: A SCOTT  
Checked: [ ]  
Date: [ ]

BUILDING WARRANT  
DO NOT SCALE