

ANGUS LICENSING BOARD – 3 DECEMBER 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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SPECIAL ANGUS LICENSING BOARD – 3 DECEMBER 2019

**(a) BRECHIN CASTLE CENTRE LTD, BRECHIN CASTLE CENTRE, HAUGHMUIR,
BRECHIN, DD9 6RL**

Name and Address of Applicant

Brechin Castle Centre Ltd, Dalhousie Estates Office, Dalhousie Estate, Brechin

Type of Licence: Premises Licence – Off Sales

1. Description of Premises – Existing garden centre with gift shop and restaurant set in a rural area. The building is detached and set within 70 acres of country parkland.

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

Monday to Wednesday	10:00 to 17.00
Thursday	10:00 to 20.00
Friday	10:00 to 17.00
Saturday and Sunday	10:00 to 18.00

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

3. Activities (a) Restaurant facilities to be provided 09.00 to 17.00 weekdays and 09.00 to 18.00 at weekends.

(b) Recorded music to be played from 09.00 to 17.00 weekdays and 09.00 to 18.00 at weekends.

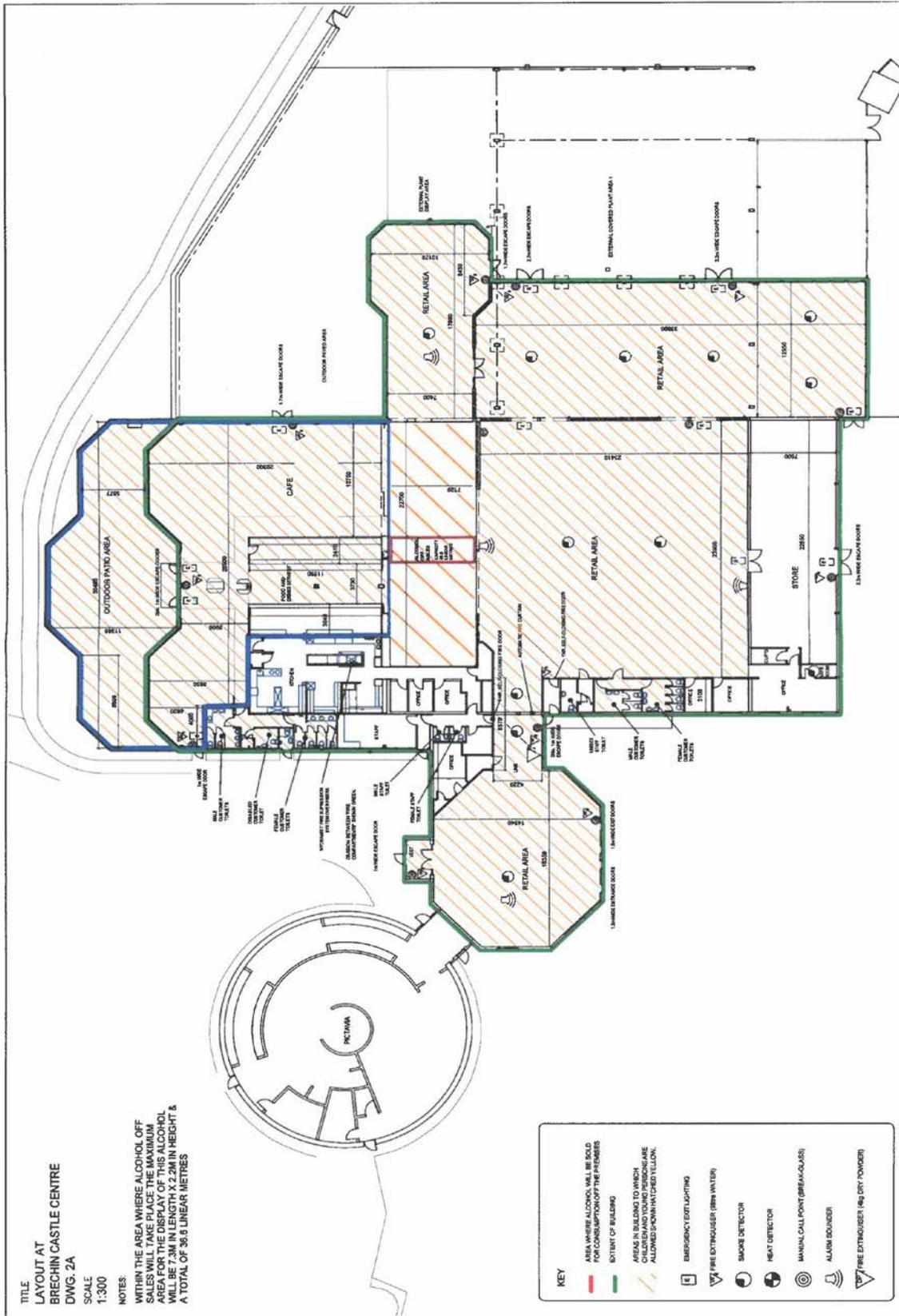
4. Capacity – 36.6 linear metres

TITLE
 LAYOUT AT
 BRECHIN CASTLE CENTRE
 DWG. 2A

SCALE
 1:300

NOTES

WITHIN THE AREA WHERE ALCOHOL OFF
 SALES WILL TAKE PLACE THE MAXIMUM
 AREA FOR THE DISPLAY OF THIS ALCOHOL
 WILL BE 300 SQ. METRES IN HEIGHT &
 A TOTAL OF 36.8 LINEAR METRES



KEY	
■	AREA WHERE ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF THE PREMISES
■	EXTENT OF BUILDING
■	AREAS IN BUILDING TO WHICH ALCOHOL OFF SALES WILL BE ALLOWED - SHOWN HATCHED YELLOW.
	EMERGENCY EXTINGUISHING
	WATER EXTINGUISHER (WET REAGENT)
	SMOKE DETECTOR
	HEAT DETECTOR
	MANUAL CALL POINT (BREAK-GLASS)
	ALARM SOUNDER
	DRY POWDER EXTINGUISHER (e.g. DRY POWDER)