

ANGUS LICENSING BOARD – 4 JUNE 2020

NEW PREMISES LICENCE UNDER THE LICENSING (S) ACT 2005

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this Report is to present 3 applications for a new premises licence under the Licensing (Scotland) Act 2005 which require to be determined by the Board.

1. RECOMMENDATION

It is recommended that the Board consider and determine each 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 3 applications for a new premises licence under the Licensing (Scotland) Act 2005 which require 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 each 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) PEGGY SCOTT'S RESTAURANT, A90 NORTHBOUND, FINAVON, FORFAR,
DD8 3QE

Name and Address of Applicant

Angus Brewing Limited (trading as Peggy Scotts), Dalhousie Estates Office, Dalhousie Estate,
Brechin, DD9 6SG

Type of Licence: Premises Licence – Off Sales

1. Description of Premises – Restaurant with retail space and car park. Building is detached and within rural area at Finavon, Forfar.

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

Monday to Sunday

10.00 to 20.00

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

3. Activities - Restaurant facilities and recorded music to be provided within and outwith core hours.

4. Capacity – 18.3 linear meters

LICENSING STANDARDS OFFICER VISIT REPORT

A premises licence application has been received from Simon Ramsay, on behalf of Angus Brewing Ltd (trading as Peggy Scott's) in respect of:

Peggy Scott's Restaurant, A90 Northbound, Finavon, Forfar, Angus, DD8 3QE

The premises is located off the Dundee to Aberdeen portion of the A90 Northbound. It is not near residential properties. The proposed Premises Licence Holder is Angus Brewing Ltd (trading as Peggy Scott's), The named connected persons are Alan Johnston and Donna Lamond (the latter of who will also be the Designated Premises Manager).

Background:

The application is within Board policy.

Licensing Standards Officer's Report:

I visited the premises on 16th March 2020 and met with Alan Johnston and Donna Lamond. Donna Lamond holds a Personal Licence with South Aberdeenshire Council which I can confirm is current.

The Premises is a popular stop off for those travelling on the A90 and includes a restaurant and gift shop. The application is to allow them to store and sell local alcohol products to those travellers. The position of the off-sales can be seen in **PHOTO 1 OF APPENDIX 1** to this report. It is located in between two tills so that it can be monitored by staff.

I discussed the duties incumbent upon Premises Licence Holders and Designated Premises Managers with both persons present, and also left copies of notices that they will be required to display. I also provided them with a copy of a refusals book so they can maintain ID checks and refusals as required by Board Policy, although I do not expect this will need to be used often.

Both Alan and Donna were extremely co-operative with me during my visit.

I duly submit this report for consideration by the Board.

Daniel J. Coleman
Licensing Standards Officer
Angus Council

APPENDIX 1 to LSO REPORT

Photo 1

This is the proposed off-sales area. This is located at the back wall as you enter the premises and is between the two tills that the premises operate (one in restaurant and other in gift shop).



(b) KESCOWETH, HIGH TREES AT COCKHILL, RENMURE, ARBROATH DD8 4RZ

Name and Address of Applicant

Gail Hockin, High Trees at Cockhill, Renmure, Arbroath, DD11 4RZ

Type of Licence: Premises Licence – On and Off Sales

1. Description of Premises – A 5 bedroomed country house within its own ground. The premises is run as a two bedroomed bed and breakfast with a daytime coffee shop, gift shop and private function facility.

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

Monday to Sunday	11.00 to 22.00
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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
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The Board are asked to note the hours requested are within Board Policy.

3. Activities (a) Within and outwith core hours - restaurant facilities, receptions, club or other group meetings and recorded music.

The premises will be operated as a high quality Bed and Breakfast and coffee shop. The premises will offer breakfasts to guests and also the use of the coffee shop/lounge area after 22.00 hours to relax whereby recorded music or radio may be playing as background music. Receptions may continue within the premises after 20.00 with recorded music or radio playing.

No alcohol will be served out with core hours.

(b) Within core hours – outdoor drinking facilities to be provided.

4. Children and Young Persons

(a) It is proposed that where children and young persons are resident at the premises, Model Local Condition for Children and Young Persons (2)(a)(v) which relates to alcohol sold in family oriented hotels shall apply. This shall allow children and young persons who are resident access to both the Coffee Shop / Lounge area until 9pm. This would also allow Children and Young Persons access to the Sun Room which is named on the layout plan.

(b) For children and young persons that are not resident at the premises, Model Local Condition for Children and Young Persons (2)(a)(ii) relating to where alcohol is sold ancillary to food shall apply. This will limit the attendance of children and young people to one hour after the cessation of serving food to the individual person or group of persons consuming a meal.

5. Capacity – On Sales - 40 (Coffee Lounge 22; sunroom 18)
Off Sales – 2 alcohol cabinet displays situated in the gift shop
(chiller cabinet 0.6m x 2.0m and counter spirit display 1.5m x 1.2m)

**Kescoweth, High Trees, Renmore,
Nr. Montrose, Angus DD11 4RZ**

Sheet 1: Ground Floor

Key:

- Start Only Access
- Glazing
- Fire Extinguisher - Dry powder
- Fire Extinguisher - CO₂
- Smoke detector/stem
- Fire exit/ emergency lighting sign
- Emergency specific rooms to which
- Off-site alcohol display units

Scale 1:100

(All dimensions expressed in mm)

SCJ Business Services
Drawn by H.J. Ellis 3.10.2019

Alcohol displays:

- A. Chiller cabinet 0.6m X 2.0m
Display frontage 1.2m
- B. Counter spirit display 1.5m X 1.2m
Display frontage 1.8m.

- Capacity
- Coffee Shop - 20
- Sun Room - 18



**Kescoweth
Ground Floor**

LICENSING STANDARDS OFFICER VISIT REPORT

A premises licence application has been received from Gail Susan Hockin in respect of:

Kescoweth, High Trees at Cockhill, Renmure, Arbroath, DD11 4RZ

The premises is located in a rural area with no immediate neighbours or amenities. It operates as a Bed and Breakfast and is also the applicant's home. The proposed Premises Licence Holder is Gail Susan Hockin, High Trees at Cockhill, Renmure, Arbroath, DD11 4RZ

Background:

The application is within Board policy.

Licensing Standards Officer's Report:

I visited the premises on 16th March 2020 to meet with proposed Premises Licence Holder and Designated Premises Manager Gail Hockin. I met with her to discuss her application for Premises Licence which would allow her premises to serve alcohol to guests of the B&B and customers.

I discussed with Ms Hockin the duties that would be incumbent upon her if the application is granted. I explained, in particular, the duty to undertake staff training for those without Personal Licences, display notices and keep a refusals book (although I do not expect this to be used frequently at this premises). Ms Hockin was receptive to this discussion and took on board the guidance I offered her. She also advised me that she has staff under the age of 18, but they will not be permitted to sell or serve alcohol.

I discussed with the applicant their proposals for children and young person access. It is proposed that where children and young persons are **resident** at the premises for a B&B booking, Model Local Condition for Children and Young Persons (2)(a)(v) which relates to alcohol sold in family orientated hotels shall apply. If the Board are minded to agree to the application of this condition, this shall allow children and young persons who are resident, access to both the Coffee Shop area which acts as the "lounge" for the hotel until 9pm, after which they will retire. This would also allow Children and Young Persons access to the "Sun Room" which is named on the layout plan.

For children and young persons that are **not resident** at the premises and are perhaps visiting for a meal only, Model Local Condition for Children and Young Persons (2)(a)(ii) relating to where alcohol is sold ancillary to food shall apply. This will limit the attendance of children and young people to one hour after the cessation of serving food to the individual person or group of persons consuming a meal. The Coffee Shop closes to the public at 4:30pm therefore non-resident children and young people shall not be permitted entry after 4:30pm unless for a pre-booked private function.

I can confirm that the premises has Baby Changing facilities to my satisfaction in the disabled toilet (accessible to any gender) and should that not be available, guests (resident or not) are permitted to use the upstairs toilet beside the guest rooms for extra privacy.

There is also an outdoor drinking area proposed for this premises as can be seen in **PHOTO 1 of APPENDIX 1 to this report**. This area already has benches available. Ms Hockin advised me that the location of the drinking area is on purpose as she will be able to see out the window directly on to it and ensure that proper behaviour is observed. Environmental Health have not on this occasion required a Noise Management Plan or asked for the usual outdoor drinking area conditions to be applied. In this instance, I would have no issue with this as it is a very remote area and will not cause disturbance to any locality.

I also discussed with the applicant the reason they had selected "yes" on the operating plan for receptions outwith core hours. She explained that she is happy for a reception to carry on past the terminal hour of on-sales of 10pm in the Coffee Shop, but she does not want alcohol to be sold any later than 10pm as this is also her home. Ms Hockin does not want there to be excessive drinking in her home and is of the view that alcohol is an enhancement to what her premises offers and not the main attraction.

The applicant has also applied for off-sales. These sales will take place in the Gift Shop between 10am-5pm. It is envisaged that there will be two storage locations in the Gift Shop as outlined at **PHOTOS 2 and 3 of APPENDIX 1 to this report.**

I duly submit this report for consideration by the Board.

Daniel J. Coleman
Licensing Standards Officer
Angus Council

APPENDIX 1 to LSO REPORT

Photo 1

This is the proposed out door drinking area. It can be seen through the windows of the coffee shop which the proprietor said is deliberate so she can keep a watch on patrons using it.



Photo 2

This is the proposed off-sales area, marked as A on the layout plan provided to members. It is in the gift shop area. Bottles will be displayed behind the counter under the hooks.



Photo 3

This is the proposed off-sales area, marked as B on the layout plan provided to members. It is in the gift shop area. A rack will be installed here with the larger shelves removed to keep wine and other products.



Photo 4

This is the coffee shop area which is open to the public between 10am-4:30pm for them to come and have a meal/drink. Before and after this is a lounge for guests of the B&B. This is where children and young persons will have access as outlined in the report.



Photo 5

This is the sun room which will also form part of the licenced area for patrons to consume alcohol.



- (c) **GATHER KITCHEN AND DELI LIMITED, 25-27 DUNDEE STREET,
CARNOUSTIE, DD7 7PB**

Name and Address of Applicant

Gather Kitchen and Deli Limited, 85 High Street, Arbroath, DD11 1AN

Type of Licence: Premises Licence – Off Sales

1. Description of Premises – Retail shop with attached coffee shop.

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

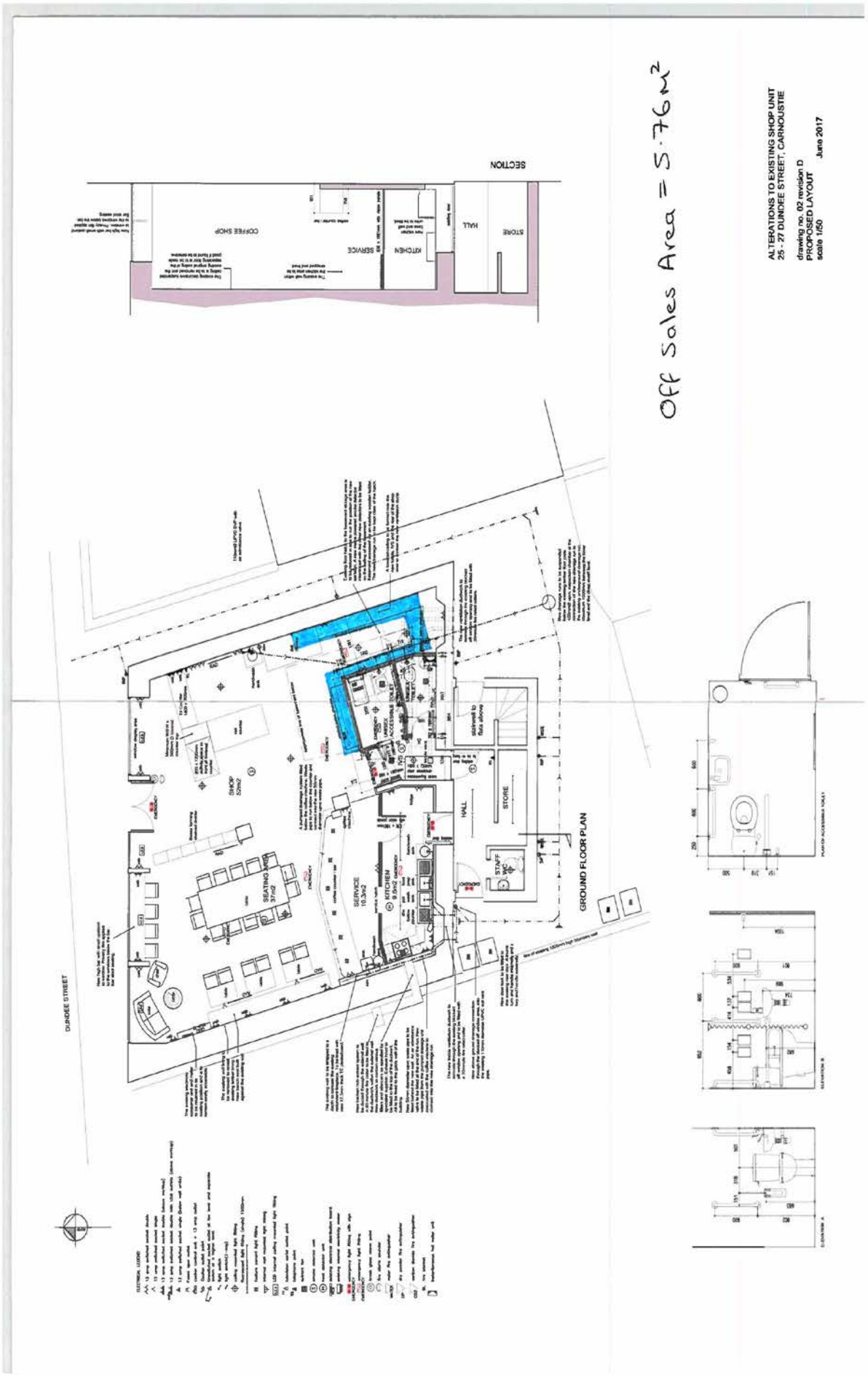
Monday to Sunday

10.00 to 17.00

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

3. Activities - Restaurant facilities to be provided within core hours.

4. Capacity – 5.76m2



- EXISTING LEGEND**
- A 12 mm thick solid timber floor
 - B 12 mm thick solid timber floor
 - C 12 mm thick solid timber floor
 - D 12 mm thick solid timber floor
 - E 12 mm thick solid timber floor
 - F 12 mm thick solid timber floor
 - G 12 mm thick solid timber floor
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 - S 12 mm thick solid timber floor
 - T 12 mm thick solid timber floor
 - U 12 mm thick solid timber floor
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 - W 12 mm thick solid timber floor
 - X 12 mm thick solid timber floor
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 - Z 12 mm thick solid timber floor
 - AA 12 mm thick solid timber floor
 - AB 12 mm thick solid timber floor
 - AC 12 mm thick solid timber floor
 - AD 12 mm thick solid timber floor
 - AE 12 mm thick solid timber floor
 - AF 12 mm thick solid timber floor
 - AG 12 mm thick solid timber floor
 - AH 12 mm thick solid timber floor
 - AI 12 mm thick solid timber floor
 - AJ 12 mm thick solid timber floor
 - AK 12 mm thick solid timber floor
 - AL 12 mm thick solid timber floor
 - AM 12 mm thick solid timber floor
 - AN 12 mm thick solid timber floor
 - AO 12 mm thick solid timber floor
 - AP 12 mm thick solid timber floor
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 - AW 12 mm thick solid timber floor
 - AX 12 mm thick solid timber floor
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 - BA 12 mm thick solid timber floor
 - BB 12 mm thick solid timber floor
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 - BE 12 mm thick solid timber floor
 - BF 12 mm thick solid timber floor
 - BG 12 mm thick solid timber floor
 - BH 12 mm thick solid timber floor
 - BI 12 mm thick solid timber floor
 - BJ 12 mm thick solid timber floor
 - BK 12 mm thick solid timber floor
 - BL 12 mm thick solid timber floor
 - BM 12 mm thick solid timber floor
 - BN 12 mm thick solid timber floor
 - BO 12 mm thick solid timber floor
 - BP 12 mm thick solid timber floor
 - BQ 12 mm thick solid timber floor
 - BR 12 mm thick solid timber floor
 - BS 12 mm thick solid timber floor
 - BT 12 mm thick solid timber floor
 - BU 12 mm thick solid timber floor
 - BV 12 mm thick solid timber floor
 - BW 12 mm thick solid timber floor
 - BX 12 mm thick solid timber floor
 - BY 12 mm thick solid timber floor
 - BZ 12 mm thick solid timber floor
 - CA 12 mm thick solid timber floor
 - CB 12 mm thick solid timber floor
 - CC 12 mm thick solid timber floor
 - CD 12 mm thick solid timber floor
 - CE 12 mm thick solid timber floor
 - CF 12 mm thick solid timber floor
 - CG 12 mm thick solid timber floor
 - CH 12 mm thick solid timber floor
 - CI 12 mm thick solid timber floor
 - CJ 12 mm thick solid timber floor
 - CK 12 mm thick solid timber floor
 - CL 12 mm thick solid timber floor
 - CM 12 mm thick solid timber floor
 - CN 12 mm thick solid timber floor
 - CO 12 mm thick solid timber floor
 - CP 12 mm thick solid timber floor
 - CQ 12 mm thick solid timber floor
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 - CT 12 mm thick solid timber floor
 - CU 12 mm thick solid timber floor
 - CV 12 mm thick solid timber floor
 - CW 12 mm thick solid timber floor
 - CX 12 mm thick solid timber floor
 - CY 12 mm thick solid timber floor
 - CA 12 mm thick solid timber floor

Off Sales Area = 5.76m²

ALTERATIONS TO EXISTING SHOP UNIT
 25 - 27 DUNDREE STREET, CARROUSTIE
 drawing no. 02 revision D
 PROPOSED LAYOUT
 scale 1/50
 June 2017



LICENSING STANDARDS OFFICER VISIT REPORT

A premises licence application has been received from Bethany Bowles on behalf of Gather Kitchen and Deli Limited, 85 High Street, Arbroath, DD11 1AN in respect of:

Gather Kitchen and Deli Limited, 25-27 Dundee Street, Carnoustie DD7 7PB

The proposed Premises Licence Holder is Gather Kitchen and Deli Limited, 85 High Street, Arbroath, DD 11 1AN. The named connected persons is Bethany Bowles who will also be Designated Premises Manager.

Background:

This prospective Premises Licence Holder appeared before the Board at its meeting in January 2020. This was in respect of the premises continually using the Occasional Licence system to avoid applying for a Premises Licence. The application is within Board policy.

Licensing Standards Officer's Report:

As Board Members will be aware, I normally undertake a visit to a premises to meet with any new applicant. However, due to the COVID-19 crisis, I have been unable to undertake my normal due diligence checks and meet with the prospective Premises Licence Holder.

Board Members may recall that Ms Bowles appeared before the Board in respect of her applications for Occasional Licence. Ms Bowles had submitted numerous Occasional Licence applications for her deli business instead of applying for a Premises Licence.

The licensing department received an application from the applicant for a Premises Licence on 27th June 2019. The application was incomplete. After several discussions which resulted in her attendance at the January Board Meeting, it transpired that obtaining the Building Standards Certificate proved to be a stumbling block. After agreeing to have requisite works carried out in order to obtain the section 50 certificate, all requisite information was duly received in March 2020 but too late for the April Board meeting, which was subsequently cancelled in any event.

Ms Bowles has been a Premises Licence before when her business operated from 49 High Street Carnoustie and will be aware of the requirements upon her as a licence holder. Further, I can confirm to the Board that there had been no compliance issues or complaints in respect of that Premises Licence when it was in effect.

I duly submit this report for consideration by the Board.

Daniel J. Coleman
Licensing Standards Officer
Angus Council