

**ANGUS LICENSING BOARD – 17 SEPTEMBER 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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ANGUS LICENSING BOARD – 17 SEPTEMBER 2020

(a) ROTTAL STEADING, ROTTAL, GLEN CLOVA, KIRRIEMUIR, DD8 4QT

**Name of Applicant** - Dee Eamon Ward

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

**1. Description of Premises** – Stone built farm steading (20m x 25m) converted into event space with floor area 17m x 23m. Within a larger complex surrounded by gravelled and grass land. Car parking available for 100 cars.

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

Sunday – Thursday, 12noon – 12 midnight

Friday – Saturday 12 noon – 1am.

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

**3. Activities** Restaurant facilities, receptions, recorded music, live performances, dance facilities to be provided within core hours;

Conference facilities and club meetings to be provided within and outwith core hours. These events may commence prior to 12 noon. No alcohol to be consumed prior to core licensing hours; and

Outdoor drinking facilities to be provided within core hours. Capacity 100.

**4. Children and Young Persons** to be permitted -

(a) Accompanied by a responsible adult;

(b) Ages 0 – 17 years;

(c) To attend family events/celebrations;

(d) Access to whole of single room venue and toilets. Under 18s not permitted to be at or near the bar area;

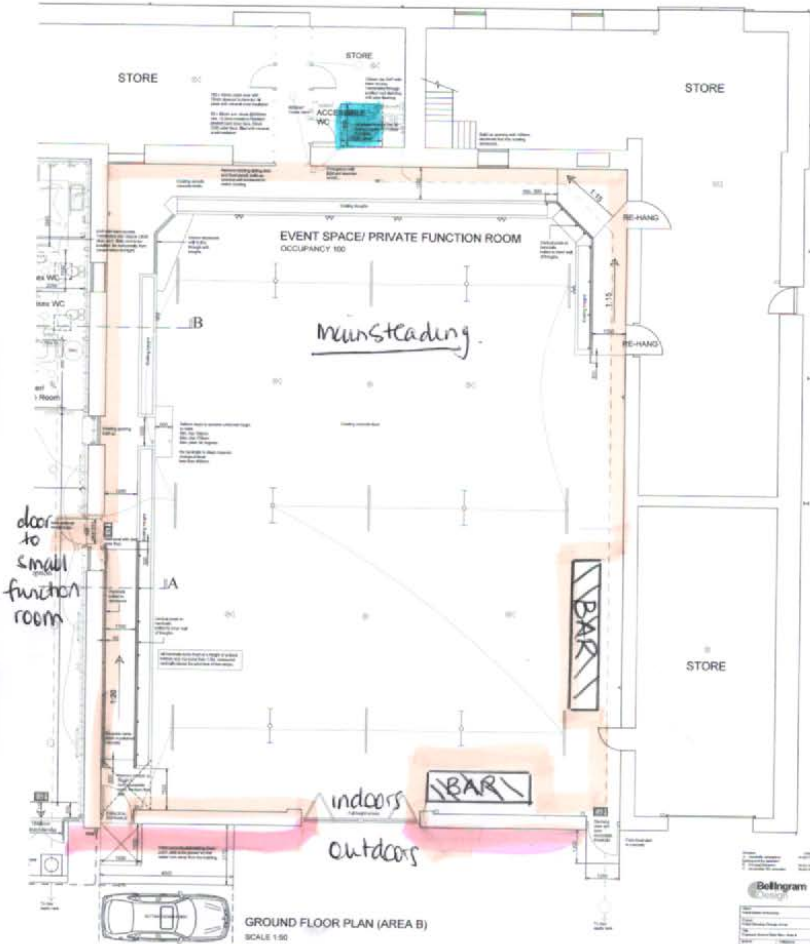
(e) The applicant has advised that they are willing to adhere to a restriction on children under 12 years departing by 22.00 at any 21<sup>st</sup> birthday party celebrations; and

(f) In accordance with the model local children's conditions.

**5. Capacity** – number of guests at weddings and celebrations with the maximum capacity of 100 guests. Outdoor drinking facilities also 100 and are included in the overall capacity.



# Location Plan Main Steading



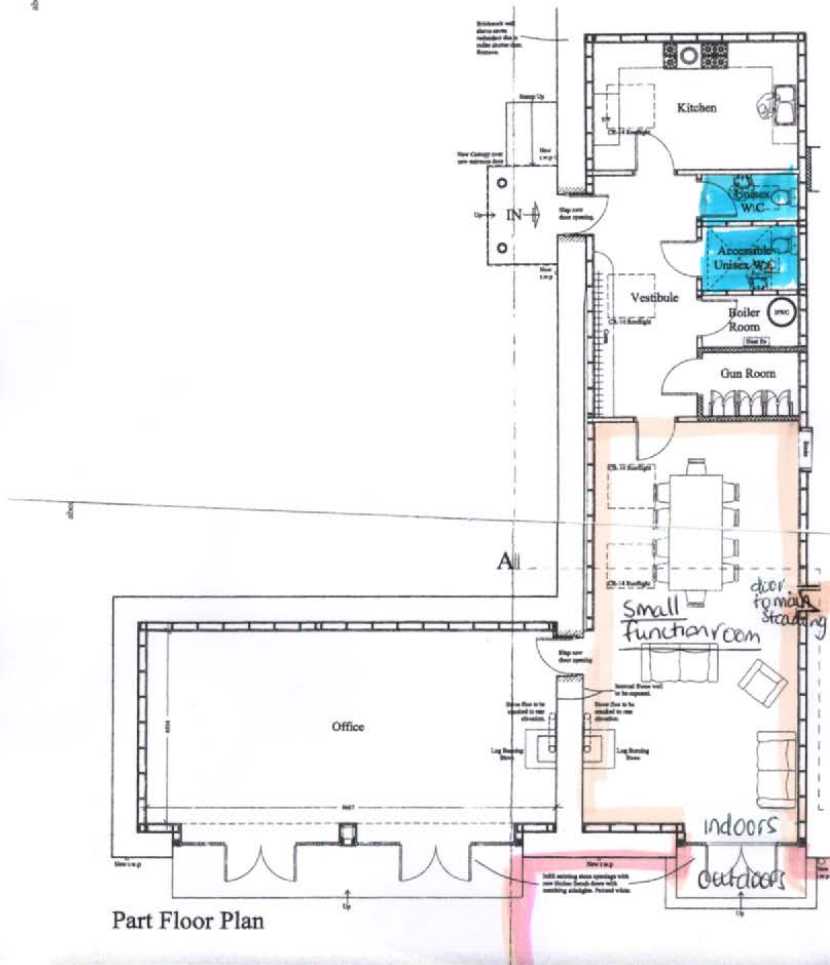
• see doc "Location Plan Outdoor Area"

|              |  |
|--------------|--|
| Bollinger    |  |
| Project Name |  |
| Client       |  |
| Architect    |  |
| Date         |  |
| Scale        |  |
| Sheet No.    |  |
| Total Sheets |  |

# Location Plan

## Small function room.

Robert M. Smith



Part Floor Plan

## LICENSING STANDARDS OFFICER VISIT REPORT

A premises licence application has been received from Dee Eamon Ward in respect of:

### **Rottal Steading, Rottal, Glen Clova, By Kirriemuir, DD8 4QT**

The proposed Premises Licence Holder is Dee Eamon Ward, Rottal Lodge, Rottal, Glen Clova, By Kirriemuir, DD8 4QT

#### **Background:**

A premises licence application from Dee Eamon Ward was received on 27 May 2020. The Licensing Board at their meeting on the 17 September 2020 will consider this application.

#### **Licensing Standards Officer's Report:**

I spoke on the telephone with prospective Licence Holder on 2 September 2020 to address matters in relation to the application.

#### **Children and Young Person Access**

It is proposed that 0-17 year olds be given access to the Licenced Premises. The main purpose of this premises is to be a function venue and will, in the main, only be open when a function has been booked. Appendix 3 (2) (iii) shall apply of the Statement of Licensing Policy:

*Where alcohol is sold ancillary to a function/ entertainment: Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to attend a pre-booked private function or a ticketed function until the termination of the function.*

From time to time, the applicant intends to open as a restaurant through the day, and this will be by booking only. On those occasions, Appendix 3 (2) (ii) shall apply:

*Where alcohol is sold ancillary to food i.e. restaurants: Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will be permitted in the licensed premises until one hour after the cessation of serving food to the individual person or group of persons consuming the meal.*

The applicant has confirmed to me in writing that there are permanent baby changing facilities available.

#### **Hours of Licence**

The applicant originally applied for a 1am termination hour each day of the week, which is outwith Board Policy. After discussion, the applicant agreed to the policy hours of Sunday – Thursday, 12noon – 12 midnight and Friday – Saturday 12 noon – 1am.

#### **Capacity**

Building Standards advised that the building warrant restricted capacity to 100 on the basis there is not enough permanent sanitary facilities available. The application is for 200 and Building Standards have recommended it remain at 100. The applicant and Building Standards discussed this matter and it has been agreed for the application to be for a capacity of 100.

#### **Licensed Area**

The licenced area will be the area marked as event space/private function room.

Outdoor drinking area facilities have been applied for and are marked as the green and yellow areas on the layout plan. These are to be for 100 patrons and Building standards have confirmed this is acceptable. The outdoor 100 forms part of the overall 100, thus the capacity remains at 100 and is not 200.

#### **Occasional Licences**

The premises has had 15 occasional licences in the last five years and each have operated without

issue. They have operated private events as well as pop up events.

### **Enviromental Health**

Enviromental Health confirmed to me on 10 September 2020 that they will not require the standard outdoor drinking area conditions to be applied due to the remote nature of the premsies.

As part of my ongoing support of licenced premises in Angus, I will visit this premises within the first three months of it opening if the licence is granted.

I informed the applicant that the matters we discussed would form part of my report to go before the Board. I duly submit this report for consideration by the Board.

Daniel J. Coleman  
Licensing Standards Officer  
Angus Council

**(b) LOST ORCHARDS, THE OLD STEADING, EAST ADAMSTON FARM,  
MUIRHEAD, DUNDEE, DD2 5QX**

**Name of Applicant** - Andrew Husband

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

**1. Description of Premises** – A distribution point for ciders made on the farm, situated in a steading lying adjacent to the fermenting facility and close to the orchards. The premises will not be a retail unit, all sales will be by internet and telephone sales. Product may be delivered locally by makers or via postal or other delivery service with occasional collection permitted from the site.

**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.

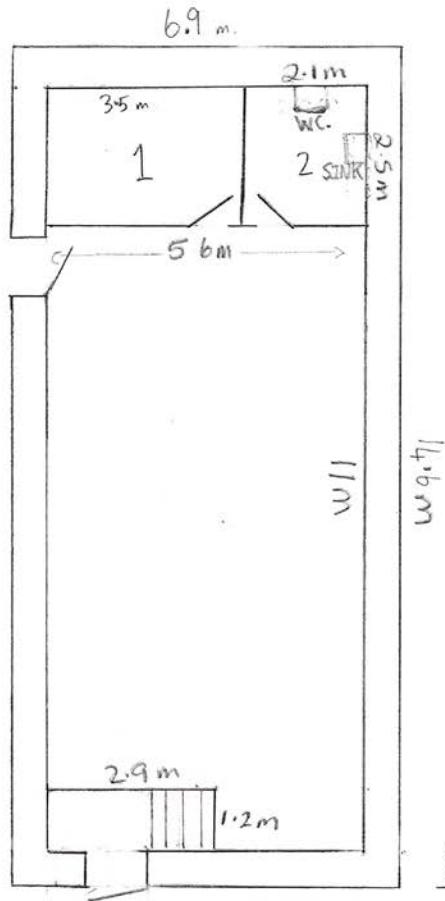
**3. Activities** - The premises will be used as a distribution point for internet and phone off sales of ciders made on the premises and other alcoholic and non alcoholic beverages offered for sale for consumption off the premises. The premises are currently used for storage, distribution and delivery of trade sales. Trade and general public will be able to collect alcoholic beverages from the site as and when convenient and required. Challenge 25 will be in operation at all times.

**4. Capacity** – The premises comprise a storage shed with no access by public and no display area. The number of pallets of alcohol will vary depending on sales and production cycle. Premises are lockfast and covered internally and externally by CCTV and can be easily seen from the farm house.



Scale  
100:1

DISTRIBUTION  
POINT



Specs

doors - 0.85 m x 2.08 m

Stairs = 2.90 m x 1.20 m

Key

- 1 - Lab
- 2 - Staff WC

↙ - door

▤ - Stairs

## LICENSING STANDARDS OFFICER REPORT

A premises licence application has been received from Andrew Husband in respect of:

**Lost Orchards, The Old Steading, East Adamston Farm, Muirhead Dundee, DD2 5QX**

### **Background:**

A premises licence application from Janet Hood on behalf of her client Andrew Husband was received on 8 July 2020. The Licensing Board at their meeting on the 17 September 2020 will consider this application.

### **Licensing Standards Officer's Report:**

I had a telephone call with proposed Licence Holder, Andrew Husband, on 2 September 2020. I have noted that there were no adverse comments received in relation to the application.

During my phone call I discussed the conditions that attach a premises licence with Mr Husband and asked if he had any questions in respect of what is expected of licence holders. He is confident he knows what will be expected of him and is looking forward to commencing business if the licence is granted.

If the licence is granted, I will visit the premises within three months as part of my ongoing support to licenced premises in Angus.

I duly submit this report for consideration by the Board.

Daniel J. Coleman  
Licensing Standards Officer  
Angus Council

(c) **TREASURES TEAROOM AND BOUTIQUE, 9-13 HIGH STREET,  
ARBROATH, DD11 1BE**

**Name of Applicant** - Charlene Whammond and Moira Milton trading as Treasures,  
9 -13 High Street, Arbroath

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

**1. Description of Premises** – Small boutique and tearoom.

**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.

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

Sunday – Thursday, 11am – 12 midnight  
Friday – Saturday, 11am – 1am.

Outdoor drinking area to terminate at 9pm

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

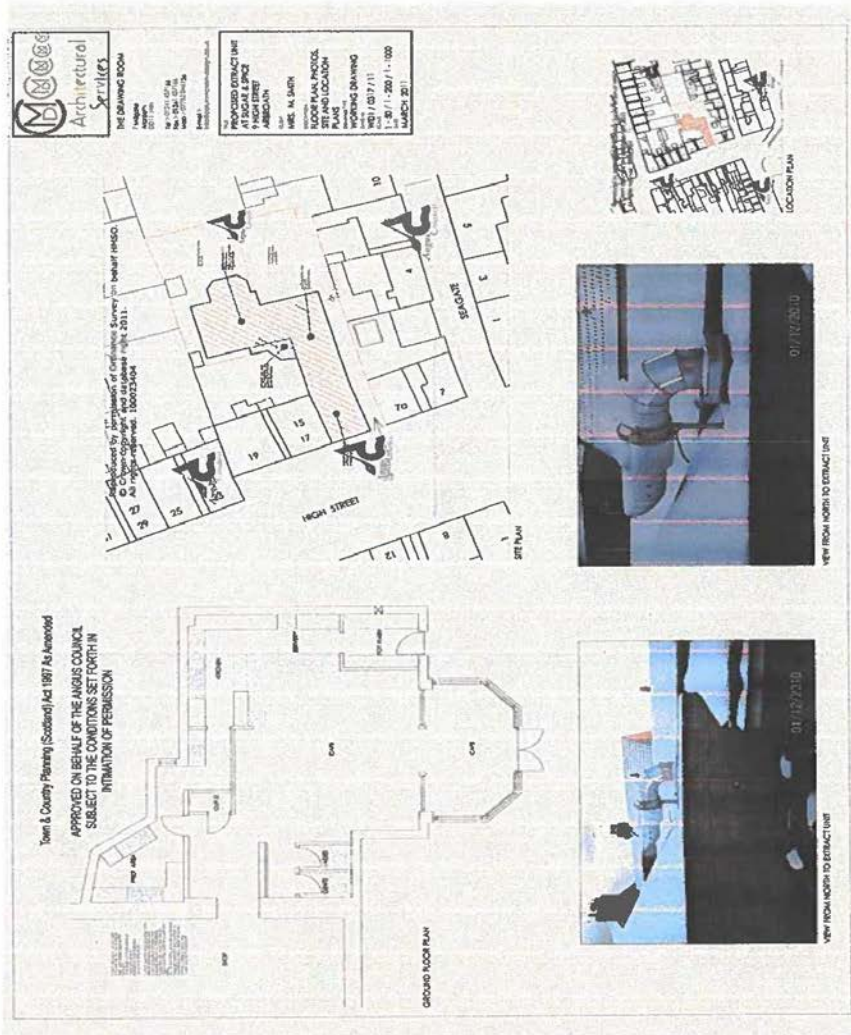
**3. Activities** – Conference facilities, restaurant facilities, bar meals, receptions, club meetings, recorded music, live performances, dance facilities to be provided within core hours.

Outdoor drinking facilities to be provided within core hours with a termination time of 9pm.

**4. Children and Young Persons** to be permitted: -

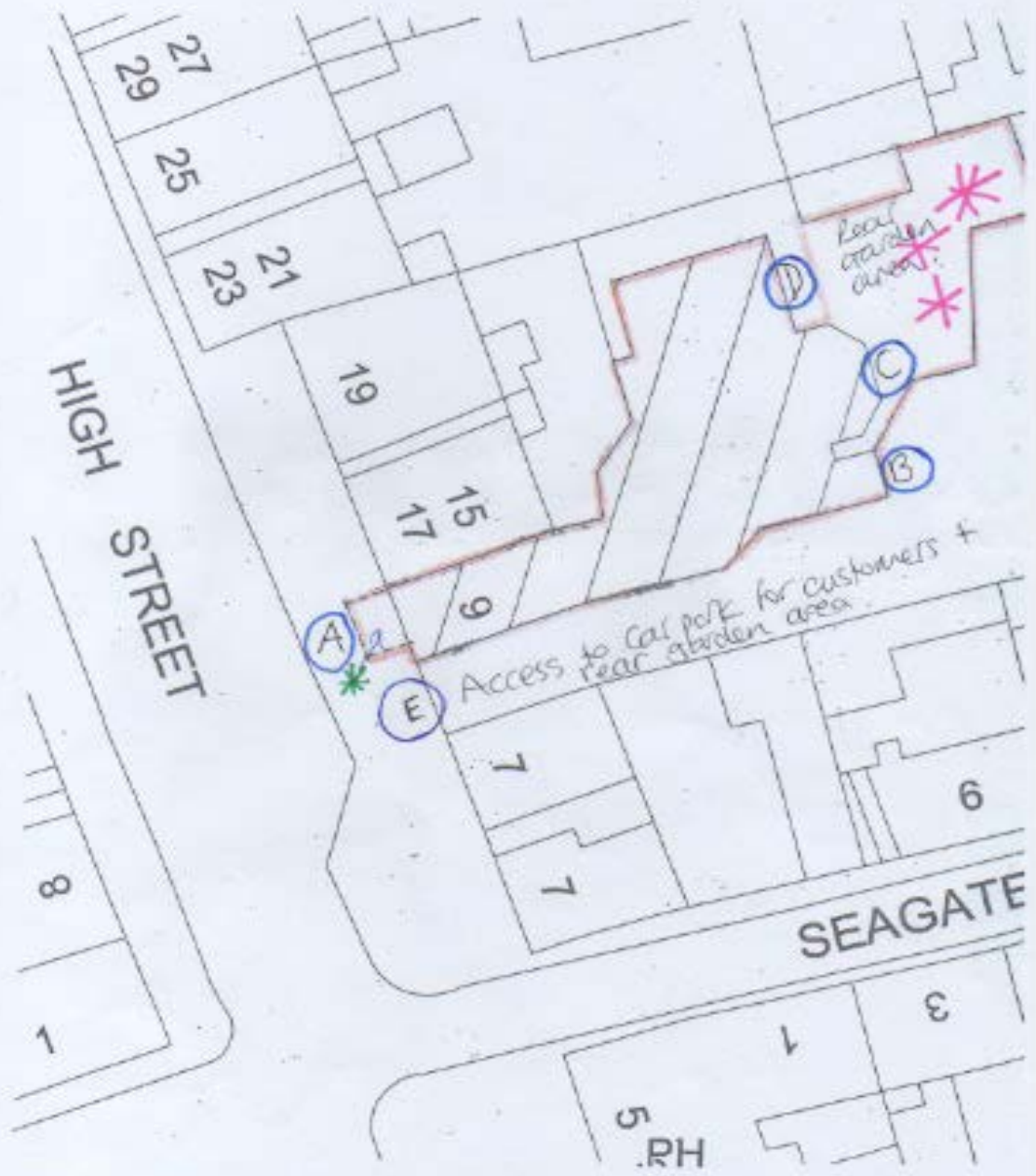
- (a) Accompanied by a responsible adult;
- (b) Ages 0 – 17 years;
- (c) Between the hours of 11.00 and 21.00;
- (d) Access to all public parts of the premises; and
- (e) In accordance with the model local children's conditions.

**5. Capacity** – 110 – 45 indoors, 65 outdoors



Treasures Boutique & Tearoom  
 9-13 High Street, Arbroath, DD11 1BE  
 Notes to accompany Plan  
 A Front Door Access 84cm wide, ground level with ramp  
 B Fire Exit door 87 cm wide leads out to private car park at rear  
 C Conservatory double door 125cm wide  
 D Utility door at rear 93cm wide  
 E Access to car park and rear garden area at rear 3 metres wide  
 Green Asterisk Outdoor seating area at front for 8 persons  
 Pink Asterisk Outdoor seating area at rear for maximum of 57 persons  
 Note – During Covid restrictions, we will be following social distancing guidance at all times

Treasures boutique & Tearoom,  
9-13 High Street, Ansonia - D011 1BE



Block Plan - Scale 1:250

### **Noise Management Plan for Treasures Tearoom and Boutique**

- We have a good relationship with our neighbours and local residents and wish to ensure this is maintained as it is vital for the running of our business.
- Low background music is played indoors through small wall mounted speakers that are controlled by management.
- No music will be played outdoors. This area is enclosed by fencing.
- Live music, band and singers will occasionally entertain at special events/functions such as birthday parties and weddings. After 11pm the volume of music/amplified sound will be kept at a level which is inaudible to neighbouring residential properties and the music will cease at midnight or such other time as agreed with Angus Council. However, if sound was to be heard by residential neighbours, we would consider installing a noise-limiter.
- The windows in the conservatory area will be kept closed and members of the public will not be allowed to operate them. Staff and management will police this to ensure no one else controls this. The windows are only in the conservatory area and are high up so this is out of a standard reach.
- We will ensure doors are not opened unnecessarily. Doors are all quiet closing and do not cause noise when in operation.
- Noise level and controls will continuously be monitored by management. When customers are leaving the premises they will be reminded to keep noise to a minimum. Signs will be displayed on the exit doors to remind customers to please respect others and leave quietly. Staff will police the doors and remind customers prior to leaving to keep noise to a minimum. Taxi numbers will be provided/called for those wishing to get a taxi which will keep the area quieter on leaving. Taxis will be reminded not to use their horns on arrival.
- Sweets are given out to customers when they leave with their receipt which will discourage conversation. Lollipops may be a longer alternative to this also.
- If customers are not following the guide for noise management rules then we would consider putting a noise-limiter in place to control.
- Neighbours will be informed about an event booked with live music and any concerns they may have will be listened to sympathetically.
- Signs will be displayed to remind customers to keep noise levels to a minimum whilst smoking and when leaving the premises.
- Any complaints received or problems that arose will be recorded, dealt with as soon as possible and remedial action taken.
- CCTV cameras are in operation both inside and outside the premises.

A premises licence application has been received from Charlene Whammond in respect of:

**Treasures Tea Room and Boutique, 9-13 High Street, Arbroath,**

**Background:**

A premises licence application from Charlene Whammond was received on 30 June 2020. The Licensing Board at their meeting on the 17 September 2020 will consider this application.

**Licensing Standards Officer's Report:**

I spoke on the telephone with prospective Licence Holder on 2 September 2020 to address matters in relation to the application.

**Children and Young Person Access**

It is proposed that 0-17 year olds be given access to the Licenced Premises. The main purpose of this premises is to be a café where the main attraction is food. Appendix 3 (2) (ii) from our Statement of Licensing Policy shall apply:

*Where alcohol is sold ancillary to food i.e. restaurants: Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will be permitted in the licensed premises until one hour after the cessation of serving food to the individual person or group of persons consuming the meal.*

The applicant has confirmed to me in writing that there are permanent baby changing facilities available.

**Capacity**

I have discussed at length with the applicant that normally any outdoor capacity must be included in the overall capacity. The applicant wishes to apply however, to have the outdoor area **in addition** to the indoor area, split in the following manner:

Indoor: 45, Front drinking area: 8, rear drinking area: 57 (110).

I would ask Board Members to consider if they deem this appropriate. Building Standards have confirmed that the proposed capacities for each area are acceptable.

**Environmental Health – Objection**

The application originally included an outdoor drinking area until 1am. I spoke with the applicant and advised a standard condition for this would be a 9pm termination. The applicant understood and agreed to this. She also advised she would submit a Noise Management Plan for the approval of ECP.

ECP removed their objection on 10 September and advised:

*Having read the amended noise management plan for the premises in relation to licence application I can now confirm that I am satisfied that noise should be adequately controlled if fully implemented by the licensee. That being the case I hereby withdraw any objection to the premises licence application.*

**Building Standards Issues**

Building Standards advised on 9<sup>th</sup> September the following:

*The previous Building Standards Manager wrote a letter on the 15th July 2009 querying where the capacity came from. I see no response to this but the towns occupancy capacity log has it recorded as 110.*

*The Occupancy capacity of 110 persons is based on a standing occupancy and as this has been accepted previously I would have no issue. I presume the sanitary provision is a long standing situation also and therefore it would be unreasonable to expect them to reduce the numbers on the basis of this being agreed previously.*

As part of my ongoing support of licenced premises in Angus, I will visit this premises within the first three months of it opening if the licence is granted.

I informed the applicant that the matters we discussed would form part of my report to go before the Board. I duly submit this report for consideration by the Board.

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Licensing Standards Officer  
Angus Council