

**ANGUS LICENSING BOARD – 25 MARCH 2021**

**PROVISIONAL PREMISES LICENCE APPLICATIONS**

**UNDER THE LICENSING (S) ACT 2005**

**REPORT BY CLERK TO THE BOARD**

**ABSTRACT**

The purpose of this Report is to present two applications for new provisional 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 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 two applications for new provisional 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 can 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);
- (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 premisesthe Board considers that the premises are unsuitable for use for the sale of alcohol;
- (e) 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.

In considering whether either of the grounds for refusal specified in subsection (5) (ba) and (c) 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 and
- (b) any report given by the Chief Constable under section 24A (2)

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(a) 2<sup>ND</sup> CHANCE INVERKEILOR LIMITED, 16 MAIN ROAD, INVERKEILOR, ARBROATH,

**Names and Address of Applicant**

2nd Chance Inverkeilor Limited, 16 Main Road, Inverkeilor, Arbroath, DD11 5RN

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

**1. Description of Premises** – Tea room, shop and bar. Rural location. Detached property with own parking. Mixed use with off-sales in shop and bar hours will be weekend only.

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

Sunday to Thursday 11:00 to 24.00

Friday and Saturday 11:00 to 01.00

**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 to be provided -**

- (a) Conference, restaurant facilities, receptions including weddings, funerals, birthdays, retirements and Club or other group meetings within and outwith core hours
- (b) Recorded music to be provided within and outwith core hours
- (c) Live performances and dance facilities within core hours
- (d) Outdoor drinking area within and outwith core hours

Outdoor area to be used outwith core hours for breakfasts, teas and coffees only. No alcohol sold or consumed outwith core hours.

The tea room and grocery shop will operate outwith licensing hours and customers will be able to purchase groceries, snacks, coffees etc.

Meetings or funerals may operate outwith licensing hours and would be provided with coffees, teas and soft drinks.

Background music will be played during tea room and shop hours also.

The outdoor facilities will also be open during tea room hours to enable customers to enjoy coffees etc in an outdoor setting.

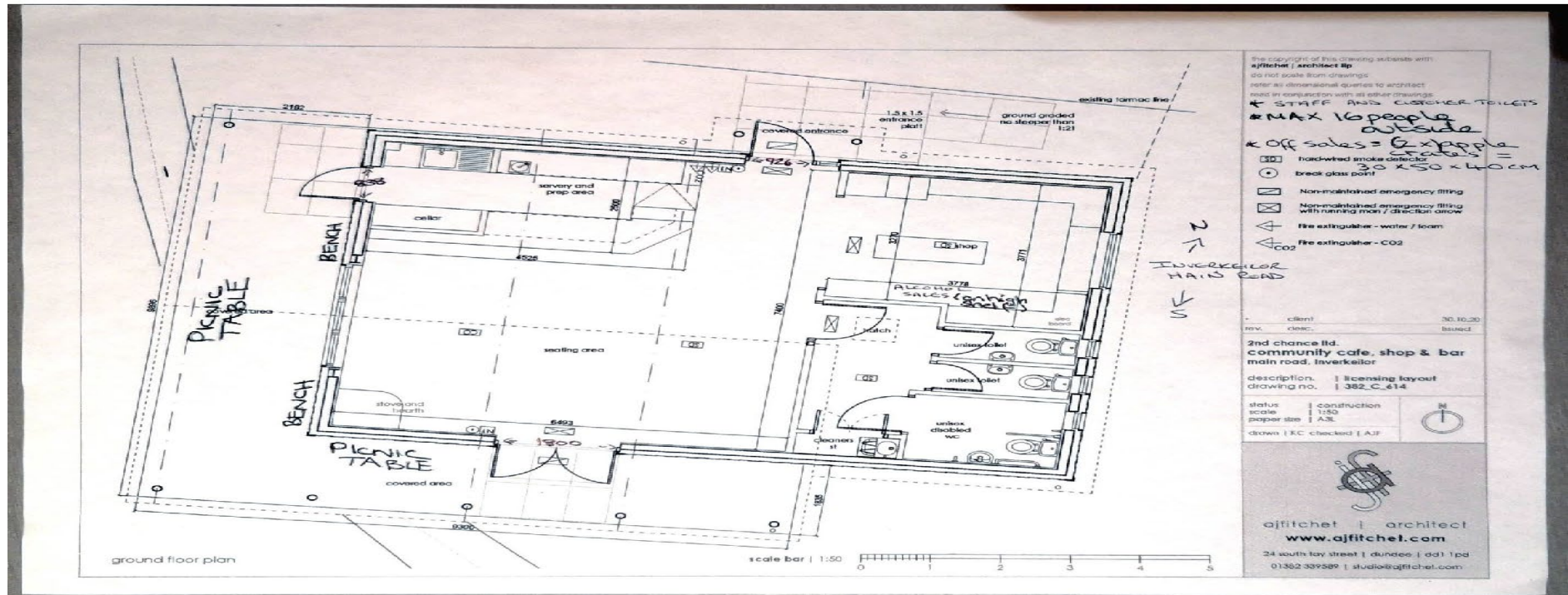
## **5. Children and young persons -**

- (a) To be allowed entry when accompanied by an adult, during tea room hours and when consuming a meal. They will be seated at a table and not at the counter
- (b) Any child under the age of 18 will be allowed entry during tea room hours
- (c) To be permitted entry during tea room hours (until 17.00), whilst under adult supervision.

The tea room will close at 17.00 on Friday, Saturday and Sunday. The bar will open at 18.00 giving a distinct start and finish time for each. Children will not be permitted on the premises during bar hours

- (d) To be permitted entry if they are to be seated at tables and not at the bar counter

## **6. Capacity - 30 seated**



## LICENSING STANDARDS OFFICER VISIT REPORT

An application for a provisional premises licence has been received from Kathleen Powrie and Lisa Turnbull in respect of:

**2<sup>ND</sup> CHANCE, 16 MAIN ROAD, INVERKELIOR, DD11 5RN**

### **Background:**

The application was received on 11<sup>th</sup> January 2021. The Board will consider the application at its meeting on 25<sup>th</sup> March 2021.

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

Due to COVID-19 restrictions, I was unable to arrange a visit to the premises to meet with the applicants. I spoke to the applicants via Microsoft Teams at 11am on 26<sup>th</sup> February 2021.

The applicants are seeking to open a Tea Room, Bar and Grocery Shop. The sale of alcohol will be to compliment food sold in the Tea Room. I discussed their intention to operate an outdoor drinking area out with core hours and they confirmed to me this was to facilitate outdoor breakfasts, teas and coffees before core hours from 8am. The applicants understood that no alcohol can be sold out with core hours (before 11am).

The Tea Room will close at 5pm and the Bar will open at 6pm. The Bar facility will provide for any functions held on the premises from time to time.

I further discussed children and young person access to the premises. It is proposed that children and young persons aged birth to seventeen will be permitted access when accompanied by an adult and when consuming a meal. Children and young persons will not be permitted access to the premises after 5pm. I asked the applicants if they had baby changing facilities and they advised they would look into this. They subsequently advised me by email on 1<sup>st</sup> March 2021 that they were purchasing a baby changing unit and provided me with a photograph. The unit they proposed to purchase was to my satisfaction.

I discussed with the applicant the requirement for alcohol to be sold with a substantial meal when Angus returns to Level 2 of COVID-19 restrictions, and the applicant was aware of this and what a "substantial meal" constitutes.

I concluded by discussing with the applicant the statutory duties incumbent upon them should their licence be granted. They understood the requirements to display certain notices and to keep training records where appropriate. I suggested to the applicants that they familiarise themselves with the mandatory conditions that attach a Premises Licence and they agreed to do so.

I informed the Licence Holder that what was discussed would form part of a report to be placed before Board Members. I duly submit this report for consideration by Members.

Daniel J. Coleman  
Licensing Standards Officer  
Angus Council

**(b) BOWMANS COFFEE HOUSE, 27A HIGH STREET, MONIFIETH, DD5 4AA**

**Names of Applicant**

Susan Ann Bowman

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

**1. Description of Premises** – Premises are situated in the centre of Monifieth and comprise a small family friendly cafe.

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

Monday to Sunday                      11:00 to 22.00

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

**3. Activities to be provided -**

- (c) Bar meals, restaurant facilities, receptions including weddings, funerals, birthdays, retirements and Club or other group meetings within and outwith core hours
- (d) Recorded music to be provided within and outwith core hours
- (c) Live performances, theatre and gaming within core hours

The premises may open before start of core hours for sale of hot and cold beverages, food and takeaway snacks, small Club meetings and recorded music.

In terms of theatre it may be that a magician, comedian etc could perform on the premises

Gaming will comprise , very occasional charity race or casino nights

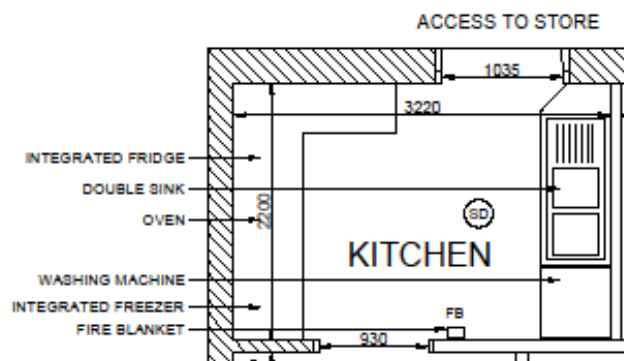
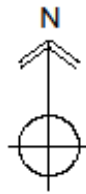
**4. Children and young persons:-**

- (a) i. Children aged 0-12 years must be accompanied by an adult at all times; and  
ii. Children aged 13-17 years may access the premises unaccompanied until 18.00 and thereafter accompanied by an adult if attending a family event.
- (b) Birth to 17 years will be allowed entry to premises.
- (c) Permitted entry at all times premises are open.
- (d) To be permitted entry to all public parts of the premises.

**6. Capacity - 40**

**Environmental Health**

Noise Management Plan received and Environmental Health have no objections



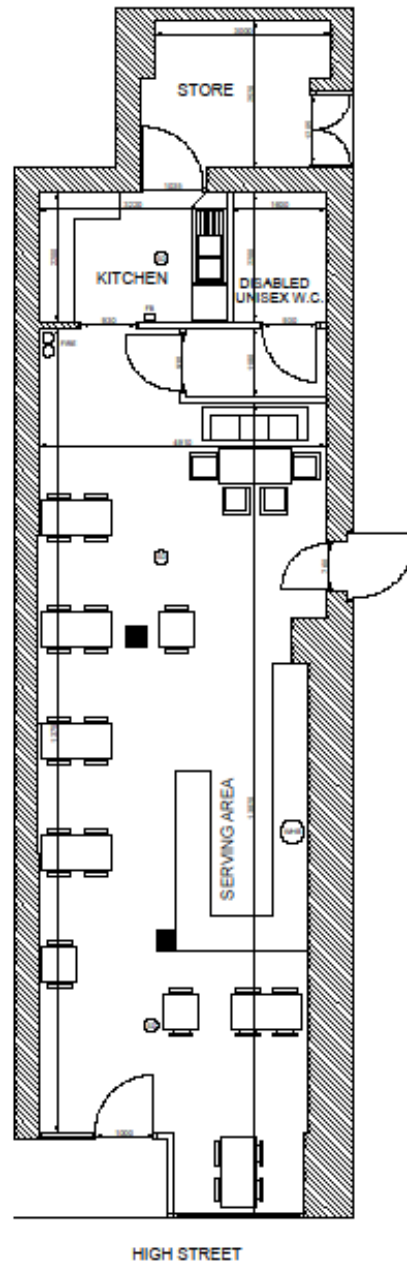
KITCHEN LAYOUT  
SCALE 1:50

NOTES:

CAPACITY OF PREMISES 40.

CHILDREN AND YOUNG PERSONS  
HAVE ACCESS TO ALL AREAS

BOWMANS COFFEE HOUSE  
27A HIGH STREET  
MONIFIETH  
DD5 4PG  
SCALE 1:100





## LICENSING STANDARDS OFFICER VISIT REPORT

An application for a provisional premises licence has been received from Janet Hood, Solicitor, on behalf of Susan Bowman in respect of:

### **BOWMAN'S COFFEE HOUSE, 27 A HIGH STREET, MONIFIETH, DD4 4AA**

#### **Background:**

The application was received on 4<sup>th</sup> February 2021. The Board will consider the application at its meeting on 25<sup>th</sup> March 2021.

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

Due to COVID-19 restrictions, I was unable to arrange a visit to the premises to meet with the applicant. I spoke to the applicant via Microsoft Teams at 3pm on 1<sup>st</sup> March 2021.

The applicants are seeking to licence their café which currently operates as an unlicensed café. They are seeking to offer alcohol as a way of enhancing customer experience at their premises.

I discussed children and young person access to the premises. It is proposed that children and young persons aged birth to seventeen will be permitted access. I confirmed with the applicants baby changing facilities are in place. The applicants have also proposed that ages 0-12 are accompanied by a responsible adult at all times, but that ages 13 and up are permitted access without being accompanied by a responsible adult until 6pm. I advised the applicant that this is contrary to Board Policy. They advised the idea behind the proposal was to permit teenagers access to consume a milkshake and panini (or similar), particularly during school holidays where teenagers may be seeking such a service. The Board Policy states:

*Children and young persons must be accompanied by and kept under the direct supervision of a responsible adult (not less than the age of 18) who must keep proper control of the children and young persons at all times*

I would remind Board Members that the Statement of Policy has been created to promote the licensing objectives, namely, in this case, protecting children and young persons from harm. I would ask Board Members to consider if departing from policy in this manner is in keeping with that licensing objective. However, I would also remind Board Members that it is not restricted in what it can grant and must determine each application on its own merits.

I concluded by discussing with the applicant the statutory duties incumbent upon them should their licence be granted. They understood the requirements to display certain notices and to keep training records where appropriate. I suggested to the applicants that they familiarise themselves with the mandatory conditions that attach a Premises Licence and they agreed to do so.

I informed the Licence Holder that what was discussed would form part of a report to be placed before Board Members. I duly submit this report for consideration by Members.

Daniel J. Coleman  
Licensing Standards Officer  
Angus Council