

ANGUS LICENSING BOARD – 25 MARCH 2021

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 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 premises 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) DISTILLUTIONS LIMITED, UNIT 22 MATTHEW KERR PLACE, ARBROATH,
DD10 8SW

Name and Address of Applicant

Distillutions Limited, 12 Traill Drive, Montrose, DD10 8SW

Type of Licence - Off Sales

- 1. Description of Premises** – The premises currently sell alcohol spirits from their unit under the Alcohol Wholesale Registration Scheme where it sells alcohol to trade only.

These premises currently bottle alcohol on behalf of producers at the distillery and palletise it and then the producer will come and collect and take it away. However, the premises are seeking to offer alcohol for sale online for consumption off the premises and fulfil online orders locally. This new activity will require a Premises Licence. Orders will mostly be delivered by courier. On rare occasions customers will collect from the premises after purchasing online, but no sales will take place at the premises.

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

Monday to Sunday

10.00 to 21.00

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

SIMPLIFIED BUILDING DRAWING TO INDICATE PUBLIC ACCESS AND LICENCED AREAS. FOR FULL BUILDING DETAILS REFER TO PAGE 2

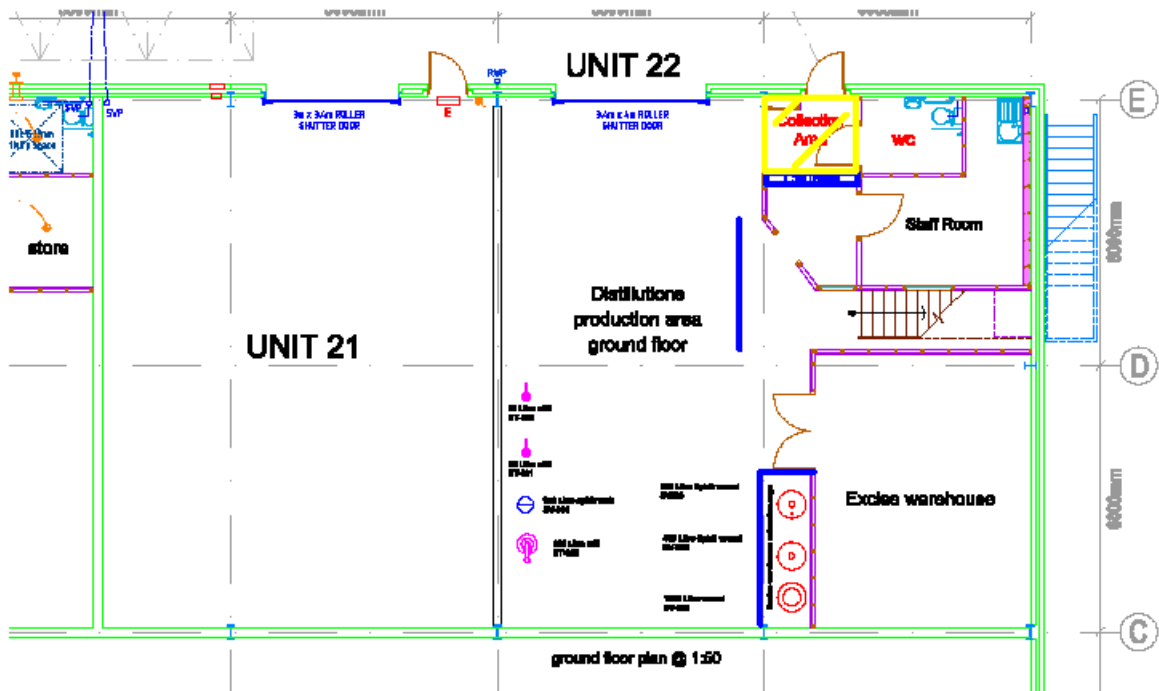
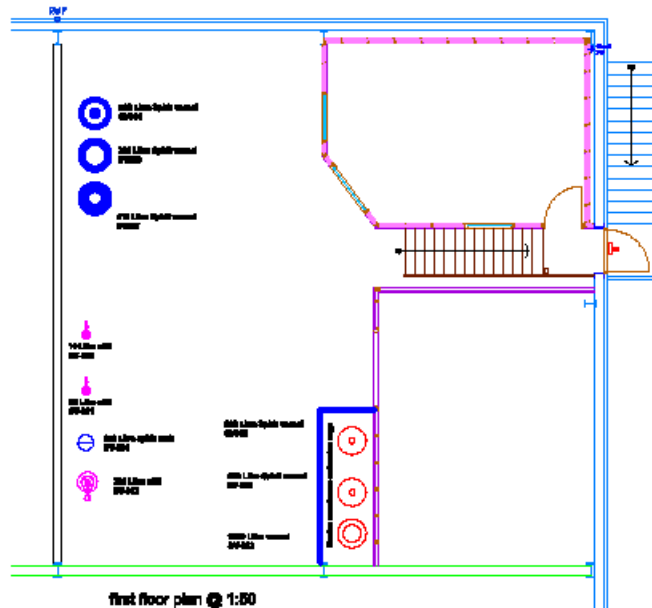
NOTE 1.



YELLOW HATCHING DONATES LICENCED AREAS FOR COLLECTION OF ONLINE ORDERS

NOTE 2.

Ample private parking is available in front of unit.



PROJECT INFORMATION		CLIENT INFORMATION	
PROJECT NAME	PROJECT NO.	CLIENT NAME	CLIENT ADDRESS
PROJECT LOCATION	PROJECT DATE	CLIENT CONTACT	CLIENT PHONE
PROJECT STATUS	PROJECT VALUE	CLIENT EMAIL	CLIENT WEBSITE

LICENSING STANDARDS OFFICER VISIT REPORT

An application for a premises licence has been received from Paul and Lewis Scothern in respect of:

DISTILLUTIONS LIMITED, UNIT 22, MATTHEW KERR PLACE, ARBROATH, DD11 3AX

Background:

The application was received on 13th January 2021. The Board will consider the application at its meeting on 25th 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 2pm on 1st March 2021.

The premises currently operate under the Alcohol Wholesaler Registration Scheme where it sells alcohol to trade only. There is an exemption from requiring a Premises Licence for premises such as these at *Section 1(2)(b) of the Licensing (Scotland) Act 2005*.

These premises currently bottle alcohol on behalf of producers at the distillery and palletise it and then the producer will come and collect and take it away. However, the premises are now seeking to offer alcohol for sale online for consumption off the premises and fulfil online orders locally on behalf of their customers. This new activity will require a Premises Licence.

I discussed 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