

ANGUS LICENSING BOARD – 20 MAY 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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THE WEE BEAR CAFÉ, BRIDGEND OF LINTRATHEN, KIRRIEMUIR, DD8 5JJ

Name of Applicant – Gareth Finn

Type of Licence – On and Off Sales

1. Description of Premises – Premises are a niche café / bar / diner set in heart of rural Angus forming a community hub for the area.

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

On sales Sunday to Thursday 10.00 to 24.00
 Friday and Saturday 10.00 to 01.00

Off Sales Monday to Sunday 10.00 to 22.00

The Board are asked to note the on sales hours requested are outwith Board Policy.

3. Activities

Conference facilities, restaurant facilities, bar meals, receptions including weddings, funerals birthdays, retirements etc, club or other meetings, recorded music, live performances, dance facilities, theatre, films and outdoor drinking facilities to be provided within and outwith core hours. Premises may open from 07.00 and offer all activities above.

On sales will commence at 10.00 to permit champagne or cocktail breakfasts to be served.

4. Any other Activities –

- (a) Premises are principally a cafe offering food, snacks and drinks both alcoholic and non alcoholic and having takeaway facilities.
- (b) The premises may be hired in whole or part for private parties or private dining.
- (c) Conferences will be business meetings, film will be occasional at events or business meetings. Theatre will comprise comedians, magicians, small plays, poetry and literary readings.
- (d) Art and crafts exhibitions will be permitted local musicians and artists will be encouraged. Occasional market for local producers in external area

5. Children and Young Persons -

- (a) Permitted - Children aged 0-13 years must be accompanied by an adult at all times Children aged 14-15 and young persons aged 16-17 may access the premises unaccompanied until 18.00 but must be accompanied thereafter
- (b) Ages – 0-17 years
- (c) Times – All times the premises are open
- (d) Access – All public parts of the premises

6. Capacity –

Wee Bear Café – 40
Dining Café Bar – 73
Internal Total - 113

External patio – 32 – The external area will not affect the overall capacity of the premises as its use is weather dependent.