AGENDA ITEM 6

REPORT NO LB24/21

ANGUS LICENSING BOARD – 20 MAY 2021

PREMISES LICENCES – REQUEST TO VARY UNDER THE LICENSING (S) ACT 2005

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this Report is to present five applications to vary premises licences under section 29 of 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 to vary premises licences as detailed in **Appendix 1**, in terms of one of the following options: -

- (i) to grant the application, subject to Statutory Conditions and any other variation to the conditions to which the licence is subject that the Board may wish to impose;
- (ii) to defer the application to the next Licensing Board; or
- (iii) to refuse the application on one or more of the grounds referred to in Paragraph 4.4.

2. BACKGROUND

The Board has received five applications to vary premises licences under section 29 of the Licensing (Scotland) Act 2005 ("the Act") 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. LEGAL

- 4.1 The Act provides that a variation, in relation to a Premises Licence, means any variation of: -
 - (a) any of the conditions to which the licence is subject (other than the Statutory Conditions);
 - (b) any of the information contained in the operating plan contained in the licence;
 - (c) the layout plan contained in the licence; or
 - (d) any other information contained or referred to in the licence,

and includes an addition, deletion or other modification

- 4.2. If the variation sought is a minor variation, then the variation must be granted and powers have been delegated to the Clerk to approve these minor variation applications. Minor variations are: -
 - (a) any variation of the layout plan, if the variation does not result in any inconsistency with the operating plan;

- (b) where, under the operating plan contained in the licence, children or young persons are allowed entry to the premises, any variation reflecting any restriction or proposed restriction of the terms on which they are allowed entry to the premises;
- (c) any variation of the information contained in the licence relating to the premises manager (including a variation so as to substitute a new premises manager), and
- (d) any other variation of such description as may be prescribed.
- 4.3. Section 30 of the Act provides that if the variation(s) being sought are not minor, the Board must hold a hearing to determine the application.

The Board must, in considering and determining the application, consider whether any of the grounds for refusal apply and: -

- (a) if none of them apply, the Board must grant the application; or
- (b) if any of them apply, the Board must refuse the application.
- 4.4. The grounds for refusal are: -
 - (a) that the application must be refused under Section 32(2) of the Act (the Board had previously refused an application to vary a premises licence within the preceding one year), Section 64(2) of the Act (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) of the Act (if alcohol is to be sold for off sales purposes before 10am or after 10pm, or both);
 - (b) that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives,
 - (c) that, having regard to:
 - (i) the nature of the activities carried on or 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 premises,

the Board considers that the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation,

- (d) 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 (taking into account of the variation), in the locality.
- 4.5 Where the Licensing Board grants the application, the Board may make a variation of the conditions to which the licence is subject.
- 4.6 Where the Licensing Board refuses the application, the Board must specify the ground for refusal and if the ground relates to a licensing objective, the Board must specify the objective or objectives in question.

- (a) The licensing objectives are: -
 - (i)
 - (ii)
 - (iii)
 - (iv)
 - preventing crime and disorder securing public safety preventing public nuisance protecting and improving public health; and protecting children and young persons from harm (v)

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APPENDIX 1 TO REPORT LB 24/21

ANGUS LICENSING BOARD – 20 MAY 2021

(a) LICENCE NO. 157 10 CAFÉ BAR, 12-14 CASTLE STREET, FORFAR, DD8 3AG

Name and Address of Applicant

Caroline Hampton,

Type of Licence: On and Off Sales

Description of Variation

Core times – amend the terminal hour on Friday and Saturday from 1am to 2am when alcohol will be sold for consumption on the premises.

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

OBJECTION RECEIVED - Police Scotland have submitted a letter of objection dated 16/03/2021 which will be circulated to Board members.

APPENDIX TO REPORT 24 LB

ANGUS LICENSING BOARD - 20 MAY 2021

(b) LICENCE NO. 312, THE CORN EXCHANGE, OLYMPIA BUILDINGS, MARKET PLACE, ARBROATH, DD11 1NA

Name and Address of Applicant

J.D. Wetherspoon (Scotland) Limited, Central Park, Reeds Crescent, Watford, WD24 4QL

Type of Licence: On and Off Sales

Description of Variation

Layout Plan –

- (a) add row of 4 tables and chairs to the existing pavement café area to the front of the premises
- (b) add external customer area to the side of the premises consisting of 8 picnic tables

Operating Plan - increase of occupancy from 662 to 710

REPRESENTATION RECEIVED - Police Scotland have lodged letter of representation dated 24/03/2021 recommending this application be granted with the conditions as below:

- 1. Outdoor Area must close at 2100 hours to ensure compliance with the Licensing Objective of Preventing Public Nuisance
- 2. An accurate and appropriate counting method must be in place to collate attendee numbers within the outside area at any particular time.

COMMENTS RECEIVED - Environmental Health would not object to this application subject to standard conditions regarding outside drinking areas being applied to the licence.

SCOTLAND LICENSING

MAGISTRATE NOTES

FIRE ALARM SYSTEM TO CUT OUT MUSIC/SOUND SYSTEM ONCE ACTIVIATED

ALL WALLS AND PARITIONS TO BE MINIMUM HALF HOUR FIRE RESISTANT

EMERGENCY LIGHTING TO COMPLY WITH B5 5266 PART I

FIRE SAFETY RELATED SIGNS AND NOTES TO COMPLY TO BS 5499 FIRE FIGHTING EQUIPMENT TO COMPLY WITH BS 5306

WALL AND CEILING LININGS ARE TO BE CLASS I SURFACE SPREAD OF FLAME (AS DEFINED BY BS 476 CLASS 0) IN ESCAPE ROUTES

UPHOLSTERED SEATING FURNITURE TO SATISFY THE FOLLOWING

- IGNITION SOURCE (CIGARETTE TEST) AS SPECIFIED IN BS 5852 PART I FIRE TEST FOR FURNITURE METHODS OF TEST FOR
- THE IGNITABILITY BY SMOKERS BS 5852 PART 2 FIRE TEST FOR FURNITURE METHODS OF TEST FOR THE IGNITABILITY OF UPHOLSTERED COMPOSITES FOR TESTING BY FLAMING SOURCE, MINIMUM TEST TO BE CRIBIGNITION SOURCE 5 FABRICS THAT HAVE HAD A FLAME RETARDANT TREATMENT TO PASS THE WATER SOAK TEST AS DETAILED BY BS 5651 TEST CERTIFICATE TO BE SUBMITTED TO FIRE AUTHORITY

CURTAINS AND DRAPES TO SATISFY TYPE B, PERFORMANCE REQUIREMENTS TO BS 5867 PART 2

ARTIFICIAL FOLIAGE AND DECORATIVE EFFECTS TO BE FIRE RETARDANT TO THE SATISFACTION OF THE FIRE AUTHORITY

TOILETS

ALL WALLS TILED TO FULL HEIGHT ALL WALLS HELIGIT OF DLE HELIGHT SANITARY FACILITIES HAVE BEEN DESIGNED TO BS 6465 PART I 1994 CODE OF PRACTICE FOR. THE SCALE AND PROVISION, SELECTION AND INSTALLATION OF SANITARY APPLANCES

KITCHEN

ALL WALLS TO BE TILED FULL HEIGHT

ALARM WARNING DEVICE VOICE TYPE IN CUSTOMER AREA) MUSIC SOUND SYSTEM TO BE DE-ACTIVATED

70mm GYPFRAME C STUDS AT 600mm MAX 70mm GYPFRAME C STUDS AT 600mm MAX CENTRES WITH IX 15mm FIRELINE BOARD TO BOTH SIDES. WALL CONSTRUCTION TO GIVE 60MINS FR. NOTE THESE WALLS TO INCORPORATE ADDITIONAL HORIZONTAL AND VERTICAL STUDS AS REQUIRED TO TAKE HEAVY FIXTURES SUCH AS SANITARY FITTINGS. WHERE STUD WALLS ARE TO BE PINISHED WITH WALL TILING, THEY ARE TO INCLUDE TWO HORIZONTAL ROWS OF STUDS FOR ADDITIONAL SUPPORT TO THE BOARDS.

70mm GYPFRAME C STUDS AT GOOmm MAX CENTRES WITH 1x12.5mm WALLBOARD TO BOTH SIDES. WALL CONSTRUCTION TO GIVE 30MINS FR. NOTE, THESE WALLS TO INCORPORATE ADDITIONAL HORIZONTAL AND VERTICAL STUDS AS REQUIRED TO TAKE HEAVY FINTURES SUCH AS SANITARY FITTINGS. WHERE STUD WALLS ARE TO BE FINISHED WITH WALL TILING THEY ARE TO INCLUDE TWO HORIZONTAL ROWS OF STUDS FOR ADDITIONAL SUPPORT TO THE BOARDS

> DEMISE OF PREMISES - AREA FOR REGULATED ENTERTAINMENT/ SALE BY RETAIL OF ALCOHOL/ PROVISION OF LATE NIGHT REFRESHMENT (INCLUDES AREAS TO WHICH CHILDREN AND YOUNG PERSONS WILL HAVE ACCESS)

ALCOHOL DISPLAY ALCOHOL DISPLAY WIDE 2750mm X LONG 10600mm

KEY

- TWENTY MINS FIRE RESISTANT F20 WITH SMOKE SEALS AND INTUMESCENT STRIP
- HALF HOUR FIRE RESISTANT WITH SMOKE SEALS F30 AND INTUMESCENT STRIP
- ONE HOUR FIRE RESISTANT FGO. WITH SMOKE SEALS AND INTUMESCENT STRIP
- VP VISION PANEL PP
- PANIC PAD PB PANIC BAR
- SC SELF CLOSING
- SCA SELF CLOSING AUTOMATIC RELEASE
- FL FUSIBLE LINK
- DS DOOR SELECTOR

- ILLUMINATED EMERGENCY FITTING WITH RUNNING PERSON SYMBOL+ARROW NON MAINTAINED EMERGENCY FLOODLIGHTING CW BATTERY PACK
 - S13 FIRE DOOR KEEP SHUT Omm LETTERS TO BOTH SIDES OF DOOR LEAF
 - SI4 FIRE DOOR KEEP LOCKED I Omm LETTERS TO BOTH SIDES OF DOOR LEAF
 - FIRE ESCAPE KEEP CLEAR I Omm LETTERS 520 TO BOTH SIDES OF DOOR LEAF
- 522 RUNNING PERSON SYMBOL + ARROW
- S25 PUSH BAR TO OPEN 20mm LETTERS
- 526 DIRECTIONAL ARROW (GREEN)
- FRG FIRE RESISTING GLAZING ELEMENT

- AREA COVERED BY ESCAPE LIGHTING M TO 85.5266, PART SD AREA COVERED BY SMOKE DETECTOR HD AREA COVERED BY HEAT DETECTOR
- Ψ FIRE ALARM CALL POINT
- FAP FIRE ALARM CONTROL PANEL
- FIRE ALARM BELL /SOUNDER
- 1 CARBON DIOXIDE FIRE EXTINGUISHER
- A 9 LITRE WATER FIRE EXTINGUISHER



	NOTE - Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from ligured dimensions only Scale 1100
A	DRY POWDER FIRE EXTINGUISHER

TOAM FIRE EXTINGUISHER

FIRE BLANKET

Shoreham by Sea, West Susse +44 (0)1273 467518 www.l

JD WETHERSPOON PLC PUB NO: 1044 THE CORN EXCHANGE

ARBROATH

PROPOSED LICENSING LAYOUT

5GAV/	(247)	DRAM.
A1/1:100	MAR 2019	MT/RS
PROJECT No	DRAWING NO	REVISION
7590	L-05	

APPENDIX TO REPORT LB24/21

ANGUS LICENSING BOARD – 20 MAY 2021

(c) LICENCE NO. 429, GATHER, 25-27 DUNDEE STREET, CARNOUSTIE, DD7 7PB

Name and Address of Applicant

Bethany Bowles,

Type of Licence: Off Sales

Description of Variation

Operating Plan – add On Sales to current licence with opening times

Tuesday – Sunday 10.00 to 17.00

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

Please note off sales for a Monday was 10.00 to 17.00 but new operating plan details premises closed on Mondays.

Capacity – On sales 44

Activities – add recorded music within core hours

Children and Young Persons -

- Terms All children under 13 to be accompanied by an adult. Children aged 13-15 and young persons aged 16-17 to be permitted access to the restaurant unaccompanied for the purpose of partaking of a meal or snack.
- Ages Birth to 17 years
- Times Tuesday to Sunday 10.00 to 17.00
- Parts All public parts of premises

REPRESENTATION RECEIVED - Police Scotland lodged letter of representation dated 25/03/2021 stating -

"Whilst we have no objection to the granting of these amendments, we are of the opinion that any alcohol sold prior to 1100 hours daily must be accompanied by a substantive meal. This measure is to prevent any potential breach of the licensing objective of Preventing Public Nuisance. We therefore recommend this application be granted with the conditions as below:

1. Alcohol served prior to 1100 hours, must be accompanied by a substantive meal."

APPENDIX 1 TO REPORT LB24/21

ANGUS LICENSING BOARD - 20 MAY 2021

(d) LICENCE NO. 76, GIDDY GOOSE, 69 EAST HIGH STREET, FORFAR, DD8 2EP

Name of Applicant - Susan Williamson,

Type of Licence: On Sales

Description of Variation –

- (a) Add off sales Monday to Sunday 10.00 to 22.00
- (b) Amend Sunday **on sales** opening time from 12.30 to 11.00
- (c) Add Seasonal Variation The premises management will operate all general extensions offered by the Angus Licensing Board including without detriment to the generality the festive extended hours as from time to time apply.
- (d) Add accommodation, conference facilities, live performances, dance facilities, theatre, film, indoor/outdoor sports, televised sport within and outwith core hours.
- (e) Add Gaming within core hours.
- (f) Add bar meals and club meetings outwith core hours.
- (g) Add outdoor drinking facilities outwith core hours.

1. Activities outwith core hours -

Premises will open for all activities from 07.00, activities will continue through core hours but not after core hours under exception that they will be permitted to continue into any period of extended core hours granted by general extension or granted extended hours applications.

2. Any other Activities

- (a) The premises may be used by residents and guests for yoga, meditation and similar activities
- (b) Theatre will be on small intimate scale including comedians and magicians to entertain guests
- (c) Films and televised sports can be watched by residents in their rooms and it is anticipated that some guests may from time to time want to watch rugby or tennis etc. The premises are not a sports bar
- (d) Gaming will be ancillary and only carried out occasionally and will be in the form of race nights, hosted casino nights or even low stake poker events for resident and guests. There will be no gaming machines on the premises.
- (e) Outdoor sports: croquet, quoites petanque etc might be undertaken from time to time.
- (f) Live performances and dance will be ancillary to weddings and other permitted events on the premises.
- (g) The premises are situated in their own grounds and it is likely that residents and guests will resort to the garden for the purpose of partaking of food and drink as from time to time weather permits.

- (h) Off sales will be ancillary to the main residential use on the premises, this will only be of specialist wines, whiskies, gins and other spirits offered for sale on the premises and will only be able to be sold to residents and guests. There is no intention to open a retail unit on the premises and the general public will not be able to avail themselves of this activity.
- (i) Cookery events, food and drink tastings and matching events will from time to time take place for the entertainment of residents and guests, BBQ's will take place for residents and other guests from time to time.

3. Children and Young Persons

Children and young persons now to be permitted in all public areas



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This plan was granted on 4 February 2009 by Angus Licensing Board in respect of a premises licence at Chapelbank, 69 East High Street, Forfar.



Clark

LOCATION PLAN 1:1250



		6 & 7 ALBY ABERDEEN, Tel No. (0122 Fax No. (0122	AB10 6SZ 4) 588216	
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Project CHAPELBANK HOUSE HOTEL

: 69 East High Street, Forfar



Jel 09

This plan was granted on 4 February 2009 by Angus Licensing Board in respect of a premises licence at Chapelbank, 69 East High Street, Forfar. Clerk P. CTURA KANS 2Nº 245 . 40 WITH 12 nm M.S. PLATE ENCASED IN 2 LAY RAS 9.5 PLASTERSO FIN NEET OS BRICKWORK 150 List ... JOIST & STREEL PLATH SIZES AS TABLE 16 mm BOLTS AT 600 STAGGERED CAS MIN BO FLOM JOIST ENDS This plan was granted under delegated powers of the Board on 28 July 2009 and 60 MIN noted at the Angus Licensing Board meeting on 12 August 2009 in connection with ar application by Susan Jane Williamson fo Consent to Alter (various alterations) ir respect of premises at Chapelbank House Hotel, 69 East High Street, Arbroath. Sear thute. Clerk

APPENDIX TO REPORT LB24/21

ANGUS LICENSING BOARD – 20 MAY 2021

(e) LICENCE NO. 208, STRATHMORE CRICKET CLUB, LOCHSIDE PARK, GRAHAM CRESCENT, FORFAR, DD8 1DU

Name of Applicant Strathmore Cricket Club

Type of Licence: On Sales

Description of Variation

Operating Plan -

To alter the core times when alcohol can be sold for consumption on the premises on Sunday from 12.30 to 11.00 to tie into the opening time on other days.

To add gaming e.g. pool, darts, dominoes and bingo within core hours.

To add outdoor drinking within core hours.

Any Other Activities -

While Strathmore Cricket Club does not serve bar meals or have restaurant facilities in a conventional sense, the club does cater for players through the provision of "cricket teas" during games. As part of its match day hospitality offer, the club wish to provide hot and cold food to a limited number of guests on match days (food to be provided by external caterers and prepared off site).

The Club wish to offer use of the tearoom to the "Community Café" on Friday mornings which involves the preparation of a limited range of sandwiches/paninis, soup, warm beverages and cakes. This is not commercial but is a community organisation.

Children and Young Persons -

Terms – To alter operating plan to allow children and young person's entry to the premises solely for the purposes of their participation in a sporting event (but not after 21.00) in accordance with Board Policy

Layout Plan -

The layout has been altered to include an outdoor drinking area which is on the decking area and grassed areas adjacent to the clubhouse and tearoom. There is no change to the indoor areas and no change proposed to the overall capacity of the premises.

COMMENTS RECEIVED - Environmental Health would not object to this application subject to standard conditions regarding the outside drinking areas being applied to the licence.











4m x 4m area per table (table for 4) 4m x 2m area (table for 2)

2m pathway between each seating area



Indicative table plan for outdoor seating area during COVID restrictions



Above – area used for outdoor drinking during COVID (permitted under occasional licence) Right – close up of area proposed