

ANGUS LICENSING BOARD – 25 NOVEMBER 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 six 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 a premises licence 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 six 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) preventing crime and disorder
- (ii) securing public safety
- (iii) preventing public nuisance
- (iv) protecting and improving public health; and
- (v) protecting children and young persons from harm

REPORT AUTHOR: David Thompson, Principal Solicitor

E-MAIL: LAWLicensing@angus.gov.uk

APPENDIX 1 TO REPORT LB48/21
ANGUS LICENSING BOARD – 25 NOVEMBER 2021

(a) LICENCE NO. 109, CALEDONIAN BAR, 26 FERRY STREET, MONTROSE, DD10 8BZ

Name of Applicant – Angela Guthrie

Type of Licence: On and Off Sales

Description of Variation

1. Operating Plan

Amend their operating plan to allow children and young persons on the premises as detailed below: -

- (a) Terms - Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal.
- (b) Ages - 5 – 17 years to be allowed entry to consume a meal.
- (c) Times - Monday to Sunday 12.00 to 21.00.
- (d) Parts - Children and young persons will be allowed entry to the lounge area.

LICENSING STANDARDS OFFICER REPORT

CALEDONIAN BAR, MONTROSE

An application for a major variation of a premises licence was received in respect of:

Caledonian Bar, 26 Ferry Street, Montrose, DD10 8BZ – Premises Licence No 109

The premises, as you can see from the layout plan enclosed, is located on the corner of Ferry Street and is close to Montrose harbour. There are residential properties within this location. The current premises licence holder is Angela Guthrie of 2 Commercial Street, Montrose, DD10 8BN who is also the premises manager, and this has been the position since the Licensing (Scotland) Act 2005 came into force in 2009.

Background:

The application to vary the premises licence was received on 30th August 2021.

Licensing Standards Officer's Report:

I telephoned the Licence holder and premises manager, Angela Guthrie, on Wednesday 22nd September where we spoke through her application as at the time the application was lodged, I was not carrying out visits.

Major Variation

The application is in respect of adding Children and Young Persons access within the operating plan for the purpose of having a meal until 9.00pm daily. I discussed with Angela Guthrie that the operating plan, which accompanied her application, omitted the words "accompanied by an adult" and she agreed for me to amend the operating plan to state this.

I explained that should the Board be minded to grant the application at the Board meeting, there would be conditions attached to the licence and I emailed her a copy of these for her information. She was happy to comply with these.

Statutory Checks

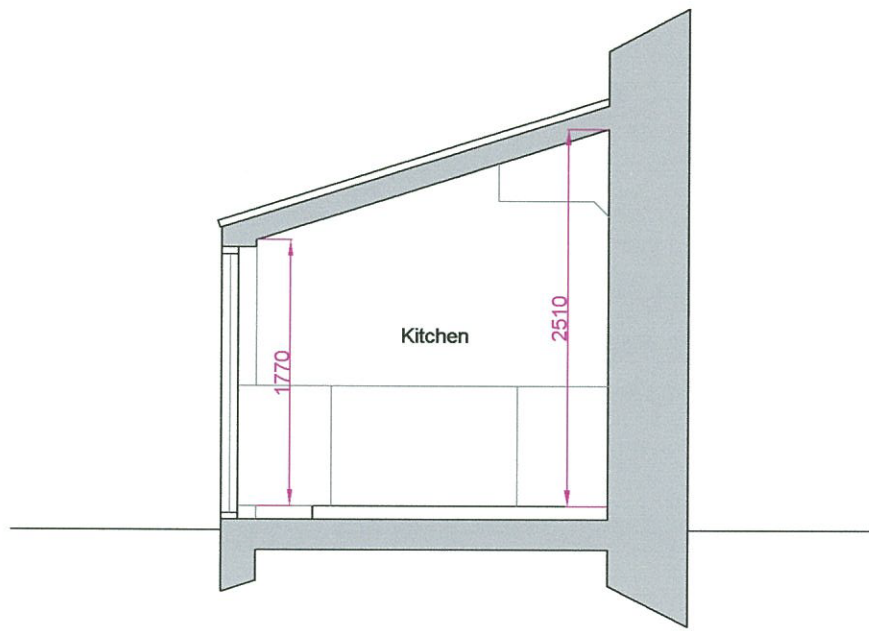
I have been unable to visit the premises so cannot comment on the statutory paperwork and notices.

This notice was to be displayed from 3rd to 24th September and, although I cannot confirm that this was done, the confirmation of site notice was received on 29th September 2021.

The annual fee for the premises has been paid and as far as I am aware on checking the systems there have been no complaints made in respect of these premises.

I duly submit this report for consideration by Members.

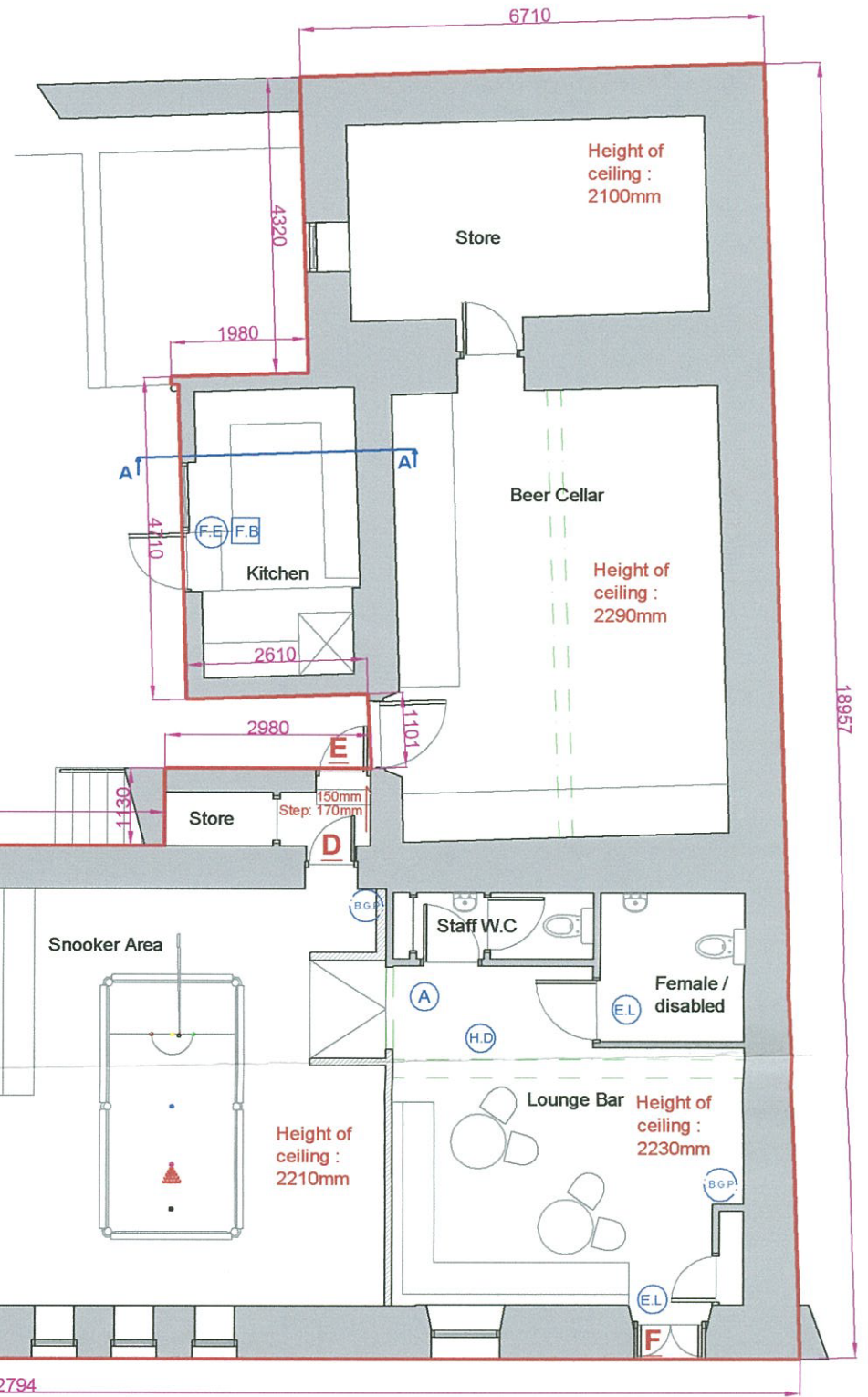
Nicky Corletto
Licensing Standards Officer
Angus Council



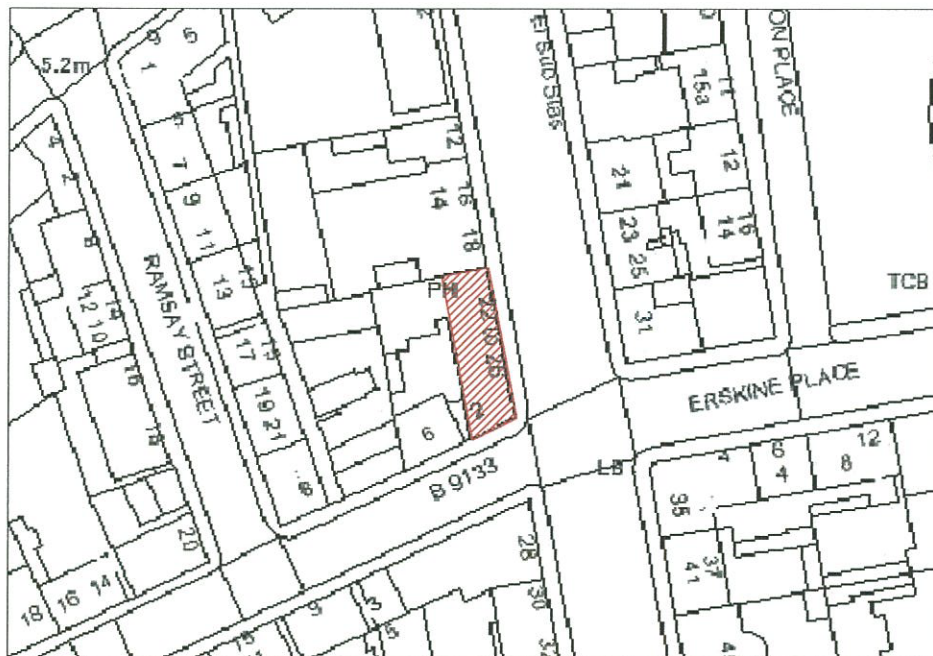
Section A-A (1:50)

Escape Door
Opening Widths &
Heights:

- A. 1050x2030mm
- B. 900x2100mm
- C. 870x1840mm
- D. 760x1970mm
- E. 760x1820mm
- F. 930x2100mm



Ground Floor Plan (1:100)



Location Plan (1:1250)

Legend					
(F.E)	Fire Extinguisher	(H.D)	Heat detector	(A)	Alarm
(F.B)	Fire Blanket	(B.G.P)	Break glass point	(E.L)	Emergency Light

CLIENT:	Caledonian Bar	
JOB TITLE:	Licence Application	
ADDRESS:	Caledonian Bar, 22-26 Ferry Street, Montrose, DD10 8DA	
scale:	1:100, 1:50	drawing no: 1/1
drawing Title:	Licence Application	date: 24 / 09 / 08 drawn by: JL

JOHN D CRAWFORD Ltd
Architectural Services
 72 NEW WYND MONTROSE
 ANGUS
 DD10 8RF
 www.johndcrawford.co.uk
 info@johndcrawford.co.uk
 Tel - 01674 672064 Fax - 01674 672126

This plan was granted on 8 July 2009 by Angus Licensing Board in respect of a premises licence at Caledonian Bar 26 Ferry Street, Montrose.

APPENDIX 1 TO REPORT LB48/21
ANGUS LICENSING BOARD – 25 NOVEMBER 2021

(b) LICENCE NO. 161, LIDL, Brechin Road, Montrose, DD10 9BP

Name of Applicant – Lidl Great Britain Limited, 19 Worple Road, London SW19 4JS

Type of Licence: Off Sales

Description of Variation

1. Layout

Increase in alcohol display capacity

From	Non seasonal	50.04m²
	Seasonal Extra	12.02m ²

To	Non seasonal	63.22m²
	Seasonal Extra	12.02m ²

Total increase in capacity	13.18m ²
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New plans to be effective from 24 February 2022.

LICENSING STANDARDS OFFICER REPORT

LIDL SUPERMARKET, MONTROSE

An application for a major variation of a premises licence was received in respect of:

Lidl Great Britain Limited, Brechin Road, Montrose, DD10 9BP – Premises Licence No 161

The premises, as you can see from the layout plan enclosed, is located on Brechin Road. It is a purpose-built detached building for use as a supermarket. There are residential properties within this location. The current premises licence holder is Lidl Great Britain Limited, 19 Worples Road, Wimbledon, London, SW19 4JS. The premises manager is Alan Morton who took over this role on 20 November 2020.

Background:

The application to vary the premises licence was received on 20th September 2021.

Major Variation

The application is in respect of amending the layout plan and increasing the alcohol display capacity:

- Non seasonal: Length 27.80m Height 1.8m = Total capacity 50.04m²
- Seasonal extra: Length 6.68 x Height 1.8m = capacity 12.02m²
- Max Total 62.06m² to Length 35.12m Height 1.8m = Total capacity 63.22m²
- Seasonal extra: Length 6.68 x Height 1.80 = capacity 12.02m²
- Max Total 75.24m.

Statutory Checks

I have been unable to visit the premises so cannot comment on the statutory paperwork and notices.

This notice was to be displayed from 24th September to 15th October 2021, and although I cannot confirm that this was done, the confirmation of site notice was received on 19th October 2021.

The annual fee for the premises has been paid and as far as I am aware on checking the systems there have been no complaints made in respect of these premises.

I duly submit this report for consideration by Members.

Nicky Corletto
Licensing Standards Officer
Angus Council

FIRE SYMBOLS

Scale 1:100

- Portable Water Extinguisher
- Portable Foam Extinguisher
- Portable CO₂ Extinguisher
- Portable Dry Powder Extinguisher
- Fire Blanket
- Smoke Detector
- Heat Detector
- Warning Device Bell
- Warning Device Sounder
- Emergency Light
- Emergency Exit Illuminated Sign
- Call Point
- Warning Device Visual
- Fire Exit Directional Signage
- Smoke Detector in ceiling void
- Fire Control Panel
- All Fire Exits Have A Push Bar & Signage
- Sprinkler (water)

CHILDREN AND YOUNG PERSONS ARE ENTITLED TO ACCESS ALL PUBLIC AREAS OF THE PREMISES

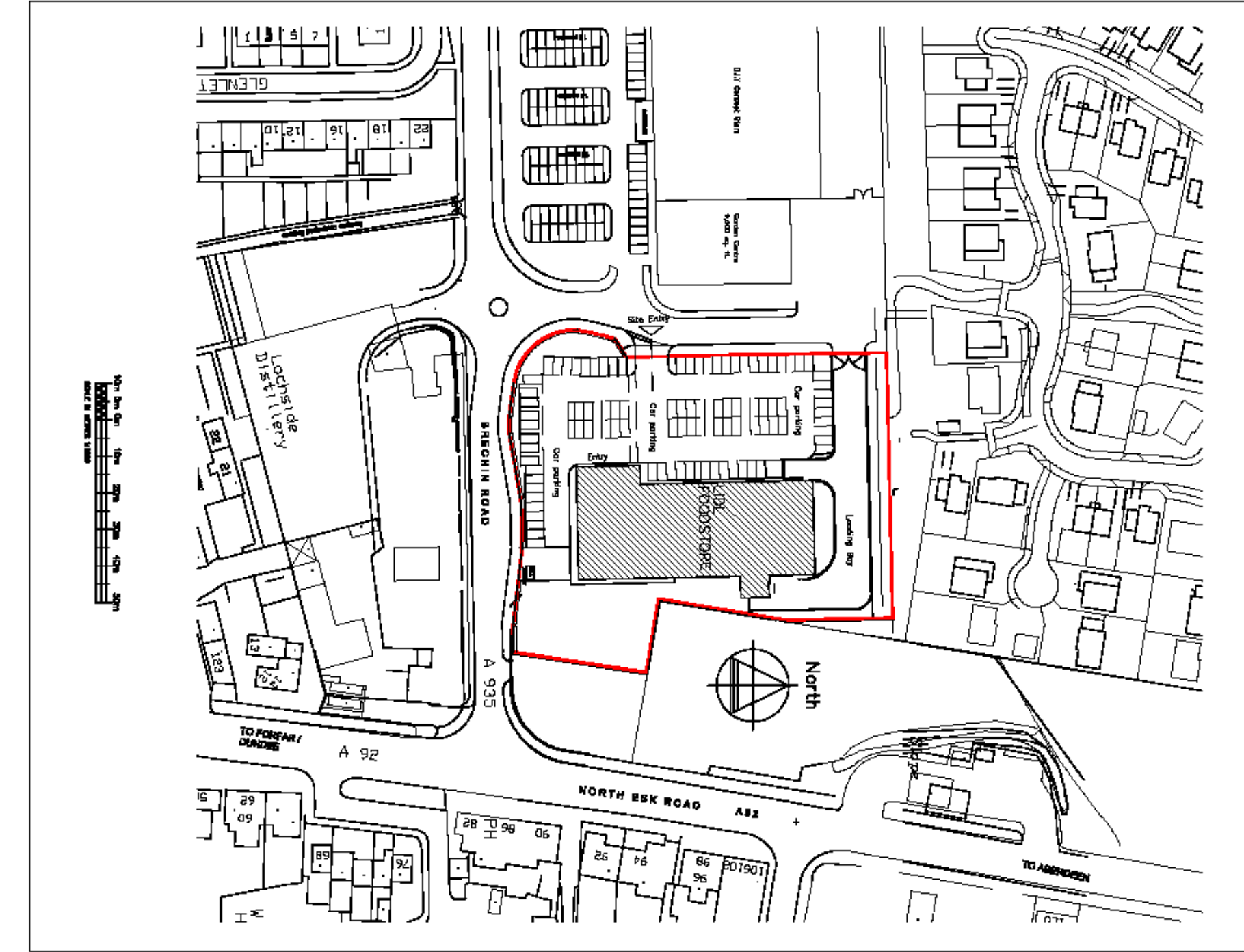
MAJOR VARIATION AUGUST 2021

1st Dec – 2nd Jan ONLY

ALL YEAR ROUND

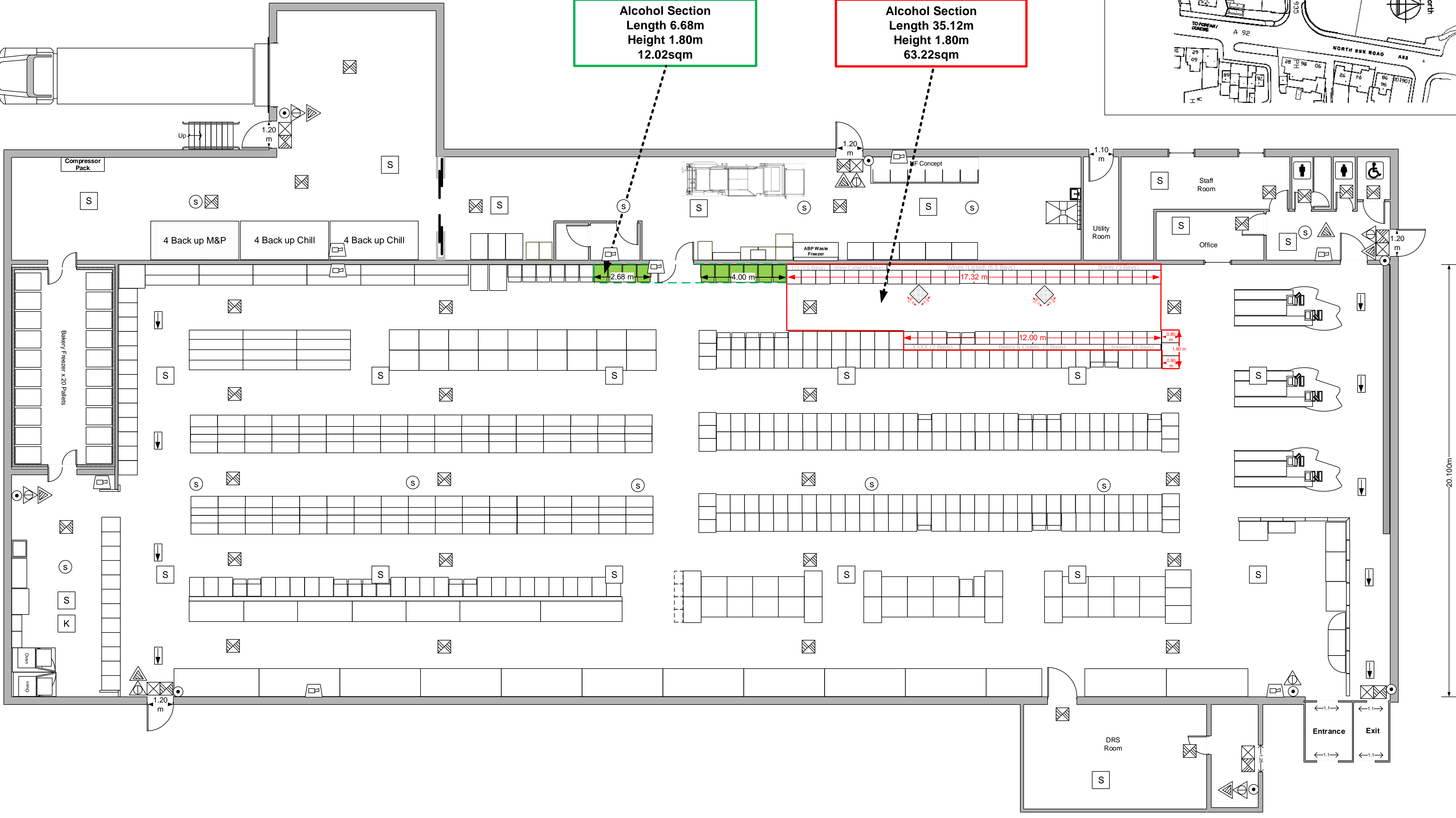
**Alcohol Section
Length 6.68m
Height 1.80m
12.02sqm**

**Alcohol Section
Length 35.12m
Height 1.80m
63.22sqm**



**Mackie Ramsay Taylor
Chartered Architects**
47 Victoria Street, Aberdeen, AB10 1QA
Telephone: (01224) 639265 Fax: (01224) 637596
e-mail: mackie@macrae.com

1:1000 @ A3
June 20
J.T.
1658
SITE LOCATION PLAN
EXISTING FOOTSTORE
AND ASSOCIATED CAR PARKING ETC
L1001495



**APPENDIX 1 TO REPORT LB48/21
ANGUS LICENSING BOARD – 25 NOVEMBER 2021**

(c) LICENCE NO. 235, THE EDZELL GOLF CLUB, HIGH STREET, EDZELL, DD9 7TF

Name of Applicant – The Edzell Golf Club, High Street, Edzell, DD9 7TF

Type of Licence: On Sales

Description of Variation

1. Layout

To extend the current outdoor drinking area by 5m x 17.2m to allow outdoor drinking within core hours.

2. Operating Plan

Applicant seeks to make amendments to children's conditions as at:

(a) Terms

Premises licence currently states "accompanied by a responsible adult", new terms to be amended to

- i. No person under 18 years of age will be permitted access to the main bar area during core licensed hours or during hours authorized by an occasional extension.
- ii. Children under 16 and young persons under 18 will be permitted access to the designated seated area when accompanied by a responsible adult and there for the purposes of having a meal or prizegiving.
- iii. Children under 16 and young person under 18 will be served non-alcoholic beverages from the serving hatch in the main hallway. Such beverages will require to be consumed in the Junior Room.
- iv. There are no gaming or cigarette vending machines on the premises.
- v. The main menu including planned meals, snacks etc. is available at all times when children are on the premises.
- vi. Radiators in the hallway and Junior Room will be securely guarded.
- vii. Persons appearing to be under 25 are only permitted to the lounge bar areas on production of an approved I. D. (eg PASS card)
- viii. Staff are trained not to permit the sale of alcohol to children/young persons under the age of 18 and also to closely monitor the amount of drink consumed by any person aged 18-25.
- ix. Staff are trained to take appropriate action if they suspect the 'agent' sales are taking place for the benefit of children/young persons.

(b) Times

Premises licence currently states "Local children's conditions shall apply in accordance with the activity or service provided on the premises", new times to be amended to

- i. Children and young persons will be permitted access to the designated area during the core licensing hours, if there for the purpose of having a meal or attending a function".
- ii. No children or young persons are permitted entry to the bar areas of the Club.

(c) Parts

Premises licence currently states "Main Hallway, Junior Room and Designated Restaurant area", new parts to be amended to: -

Children and all young person are permitted access to the main hallway, Junior Room and designated restaurant area. They are specifically excluded from the bar area to which only persons over the age of 18 are permitted.

LICENSING STANDARDS OFFICER VISIT REPORT

EDZELL GOLF CLUB, HIGH STREET, EDZELL

An application to vary the premises licence has been received in respect of:

THE EDZELL GOLF CLUB, HIGH STREET, EDZELL, BRECHIN, ANGUS, DD9 7TF – Licence Number 235

The premises as you can see from the layout plan enclosed is located off the High Street. There are residential properties within this location. The current premises licence holder is The Edzell Golf Club, High Street, Brechin, Angus, DD9 7TF and because this is a member's club there is no requirement for them to have a premises manager in post.

Background

The application to vary the premises licence was received on 20th September 2021.

Major Variation

The application is in respect of changing the layout plan to extend the outdoor seating area to allow outdoor drinking within core hours. The dimensions of this area will be 5 x 17.2 metres. This is all within the Board Policy and there are already two additional conditions attached to the premises licence. These are:

1. Not permitted to use the external drinking area beyond 2100 hours
2. No music or amplified sound shall be anywhere within the licensed premises with the intention of it being heard within the external drinking area.

I recommend that the following condition also be attached to the licence if the Board are minded to grant the application:

1. No music shall be provided in the external areas.

I have been unable to visit the premises so cannot comment on the statutory paperwork and notices.

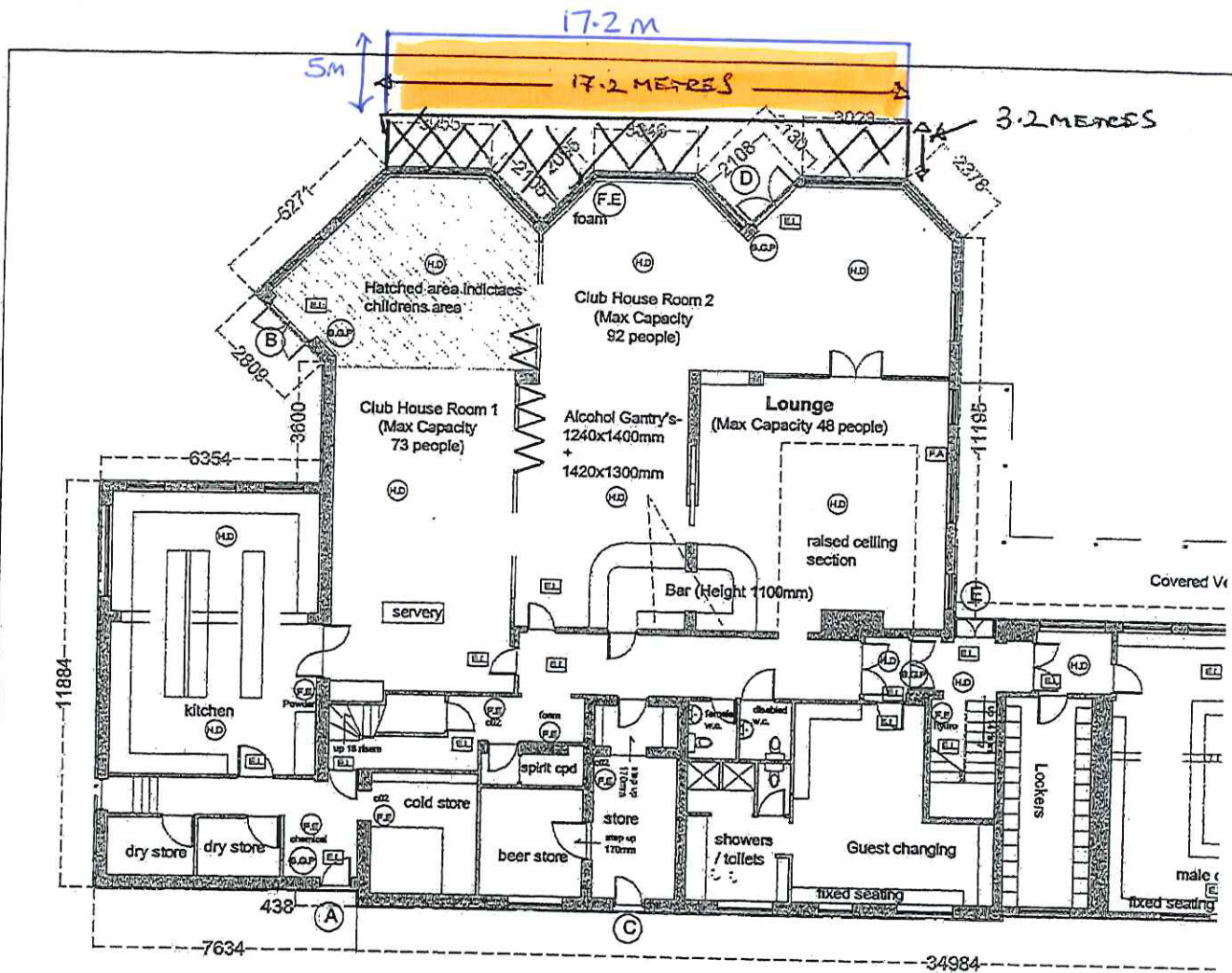
This notice was to be displayed from 24th September to 15th October and although I cannot confirm that this was done, I telephoned the club on 1st October and spoke with Carol who confirmed that the site notice was on display. I discussed with her the conditions that may be attached to the licence and she confirmed that they would be happy to comply with these.

The confirmation of site notice was received on 19th October and confirms that the notice had been displayed for the 21-day period without any issues.

The annual fee for the premises has been paid and on checking the systems there have been no complaints made in respect of these premises. ECP have stated they have no objection to the application providing the three additional conditions noted above are attached to the licence.

I duly submit this report for consideration by Members.

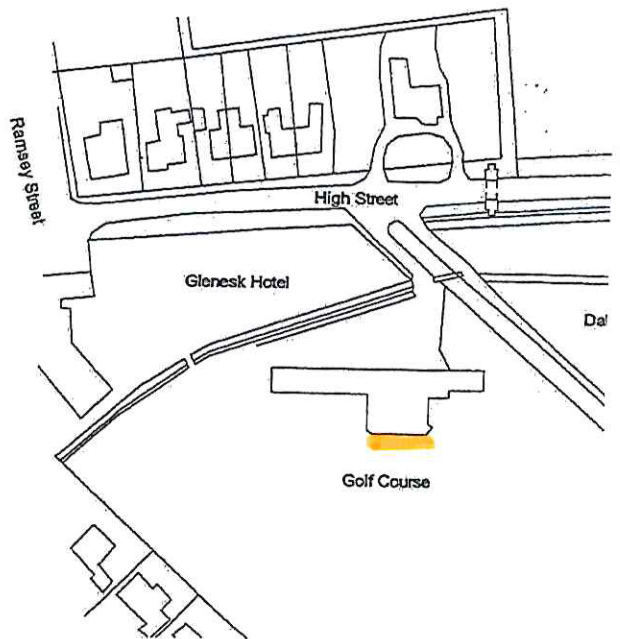
Nicky Corletto
Licensing Standards Officer
Angus Council



Existing Ground Floor Plan 1;200

Escape Doors

- A - 880X2000mm
- B - 1650x2070mm
- C - 915x2190mm
- D - 1763x2070mm
- E - 1200x2240mm
- F - 936x2310mm
- G - 1015x2280mm
- H - 980x2310mm
- I - 980x2310mm



Location Plan 1:2500

This plan was granted on 14 May 2015 by Angus Licensing Board in respect of a non-minor variation of a premises licence at Edzell Golf Club, High Street, Edzell.



**APPENDIX 1 TO REPORT LB48/21
ANGUS LICENSING BOARD – 25 NOVEMBER 2021**

(d) LICENCE NO. 257, STRATHMORE RUGBY FOOTBALL CLUB, INCHMACOBLE, FORFAR, DD8 1RL

Name of Applicant – Strathmore Rugby Football Club, Inchmacoble, Forfar, DD8 1RL

Type of Licence: On Sales

The Board are asked to note this application for major variation of a premises licence called at the Angus Licensing Board on 16 September 2021. The Board deferred this application to allow the applicant's agent to meet with officials.

Description of Variation

1. Core times

Amend to: - On Sales	Sunday to Thursday	11.00 to 24.00
	Friday and Saturday	11.00 to 01.00
Add: - Off Sales	Monday to Sunday	11.00 to 22.00

2. Activities

Add outwith core hours

- (a) restaurant
- (b) bar meals
- (c) recorded music
- (d) live performances
- (e) dance facilities
- (f) theatre
- (g) films
- (h) gaming
- (i) indoor/outdoor sports
- (j) outdoor drinking

All activities out with core hours can commence from 07.00.

Any outdoor drinking out with core hours would only relate to non-alcoholic drinks.

The applicant has requested "To enable viewing of major Rugby Football events Rugby World Cup and 6 Nations - should games be scheduled in advance of core hours to permit sale of alcohol in conjunction with sale of substantial breakfast offering, access to club to be restricted to club members and their families by ticket booked and paid for in advance."

The Board are asked to consider whether this kind of request should be allowed or whether the applicant should be invited to make Extended Hours applications in respect of such events or occasions.

3. Other Activities

To include

- (a) Yoga, marathon training and other sports and keep fit activities etc;
- (b) Service and consumption of food and drink over whole of licensed area

- (c) Food and drink promotions, matchings and tastings
- (d) Karaoke, band practice
- (e) Permit occasional markets and other activities in club premises including car park area for the purposes of assisting club fundraising. Non-members to be signed in by club members
- (f) Promoting sponsors, supporters and club members, local businesses, local producers and local makers
- (g) charity events to permit community activities commensurate with a family friendly locally based club

4. Children and young Persons

- (a) **Terms** - Always accompanied by an adult who may include coach, trainers or other members the club or visiting teams or other responsible adult.

Permit access to youth and young/child players before and after games, training and practice sessions and team players and opposing team players access to the premises for pre and/or post training or pre and/or post-match snacks and refreshments until 22.00 for 14-17 year olds and until 18.00 for 5-13 year olds. To recognise that under 18s will in all case be under the care and supervision of club members, coaches, trainers and other responsible adults. Permit access to whole premises except the long side of the server bar. Access for purchase or ordering of non-alcoholic drinks, beverages and food to be at dedicated under 18s part of the servery - short end of bar servery marked with an X on layout plan.

- (b) **Times** - 07.00 to 22.00 or end of club functions

- (c) **Parts of Premises** - To permit access to whole premises except the adult side of the server bar, access for purchase or ordering of non-alcoholic drinks, beverages and food to be at dedicated under 18's part of the bar servery marked with an X on layout plan

5. Capacity

Increase capacity from on sales 140 to

Capacity internal 239

Capacity external 530

Note external capacity is usually only reached on major game match days when extra portaloos toilet provision will be made.

Building Standards Commented

It is noted the occupancy applied for is increasing from a total capacity of 140 persons to 239 internally and 530 externally (in addition to the internal capacity). This is a total increase from 140 persons to 769 persons. As this is a permanent variation of the license the internal layout of the premises must provide adequate space to occupy the external numbers (in inclement weather) and provide permanent sanitary provision to suit. Both should be detailed in accordance with the Non-Domestic Technical Handbook.

Building Warrant reference 17/00815/NDOM was granted on the 13th Nov 2017 and subsequently expired on the 13th Nov 2020. We have not received any required formal notification of works starting and none of the required construction stages have been requested for inspection. This building warrant affects the bar and smaller lounge area. In addition to this, I note the licensing plan shows removal of wc's and a change to the layout which is not on the approved Building Warrant and may affect the overall capacity allowable. Our office should be contacted at their earliest convenience to discuss the situation and apply for an amendment to warrant.

As noted above there appears to be the removal of 2 wc's and 2 whb's serving the licensed area which is not approved under the Building Warrant. From the information supplied on the plan it would appear

that the number applied for under this application (internal numbers of 239 persons only) exceeds the sanitary provision available and this should be recalculated and advised.

Please confirm there are no boundary restrictions such as walls/fences/enclosures around the external space applied for. If there are restrictions please detail what they are, where, height and any escape routes, widths, gates, ironmongery accordingly.

Please confirm no structures are intended for the external licensed area.

Please detail the external escape route/emergency lighting provision for the external area if planned for use out with daylight hours.

The above comments were forwarded to the Agent who is acting on behalf of the applicant. To date there is no further update.

LICENSING STANDARDS OFFICER REPORT

An application for Major Variation was received from Strathmore Rugby Football Club on 17 August 2021 in respect of:

Strathmore Rugby Football Club, Inchmacoble, Forfar, DD8 1RL

Background: -

The application is for:

1. **Amendment to vary the conditions** – To change the under 18's access
2. **Amendment to Operating Plan:**
 - (a) Addition of off sales hours 11am to 10pm daily
 - (b) Amend commencement hours for on sales hours to 11am to midnight Sunday to Thursday and 11am to 1am Friday and Saturday.
These proposed hours are within Board Policy.
 - (c) Addition and removal of activities
 - (d) Increase capacity from 140 to 769 persons

3. **Amendment to layout plan to include an outdoor external drinking area**

The Board may wish to add the outdoor area standard conditions noted below.

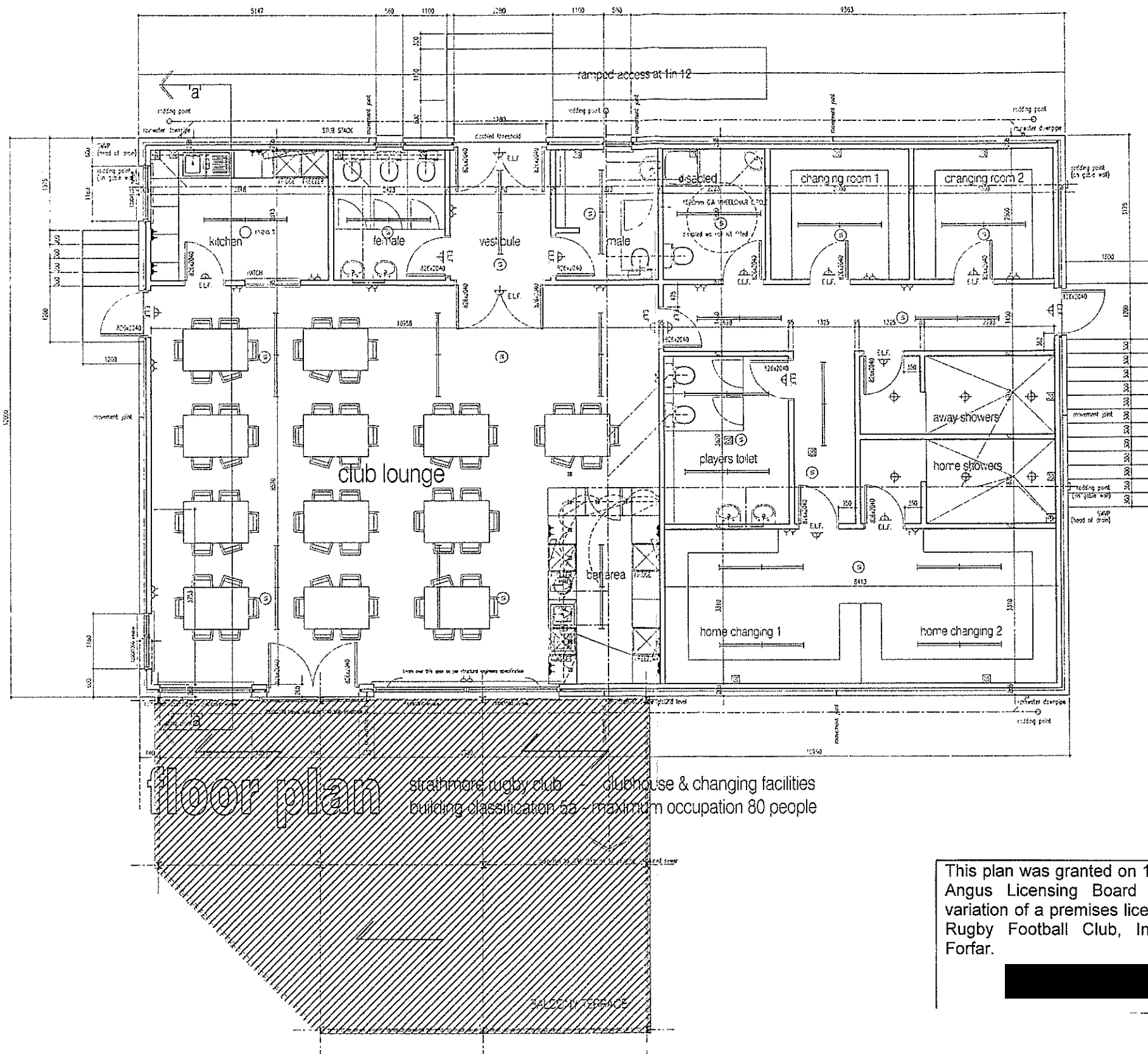
1. Patrons shall not be permitted to use the external drinking area beyond 21:00
2. No music shall be provided in the external drinking area
3. No music of amplified sound should be provided anywhere within the licensed premises with the intension of being heard within the external drinking areas.

Building Standards have submitted comments which you may wish to hear from them regarding these.

Janet Hood has confirmed by email on 10th November that a completion certificate for the premises has been accepted by Andy Reid and the certificate will be forwarded in due course to the applicant by Building Standards.

I duly submit this report for consideration of Board Members.

Nicky Corletto
Licensing Standards Officer
Angus Council



floor plan

strathmore rugby club - clubhouse & changing facilities
 building classification 55 - maximum occupation 80 people

This plan was granted on 17 August 2011 by Angus Licensing Board in respect of a variation of a premises licence at Strathmore Rugby Football Club, Inchmacoble Park, Forfar.



Clerk

Rev.	Date	Description
Do Not Scale Dimensions From Drawings ASK All components site sized prior to manufacture Read in conjunction with full specification and services consultants/electricians drawings/spec		
Project ALTERATIONS AND EXTENSION TO INCHMACOBLE PARK CLUBHOUSE FORFAR for STRATHMORE RFC		
Drawing	EXISTING BUILDING FLOOR PLAN	
Date	Scale	
JUN 2003	1/50@A1	
Job No	Drwg No	Rev
SRFC	002	A
CAD reference STRATHMORE-RFC		

variation 13/5/2011

**APPENDIX 1 TO REPORT LB48/21
ANGUS LICENSING BOARD – 25 NOVEMBER 2021**

(e) LICENCE 318, DEVITOS, 11 MILLGATE, ARBROATH, DD11 1NN

Name of Applicant – KWS Property Ltd, 11 Millgate, Arbroath, DD11 1NN

Type of Licence: On Sales

Description of Variation

1. Core times

Current on sales hours	Monday to Thursday	20.00 or 12 noon to 02.00
	Friday and Saturday	20.00 or 12 noon to 02.30
	Sunday	20.00 or 12 noon to 02.00
Amend on sales hours to	Monday to Thursday	19.00 to 02.00
	Friday and Saturday	19.00 to 03.00
	Sunday	19.00 to 02.00

The Board are asked to note the hours are out with Board Policy

2. Seasonal Variation

Add Boxing Day to existing Christmas Eve, Christmas Day, Hogmanay and New Year's Day

3. Activities

Add theatre within core hours

4. Any other Activities

Theatre will include comedians and other non-musical entertainment as may be from time to time enjoyed at the venue

Comments Received

Police Scotland submitted a letter of objection dated 20/09/2021, a copy of said letter will be submitted to Board members.

Environmental health

Environmental Health note the application is being made for the purpose of varying the existing licence to extend the terminal hour including among other changes until 0300hrs for Friday and Saturday. This service can advise that we have recently received a complaint alleging disturbance from music noise associated with these premises however our investigations to date have been unable to substantiate the complaint at this time. In terms of the extension of the terminal hour until 0300hrs this service would advise that the premises are already required to comply with inaudibility after 11pm and therefore no further restrictions are considered necessary. In light of the above this service would not object to this application.

LICENSING STANDARDS OFFICER REPORT

DEVITOS NIGHTCLUB, ARBROATH

An application for a major variation of a premises licence was received in respect of:

Devitos Nightclub, 11 Millgate, Arbroath, DD11 1NN - Premises Licence No 318

The premises, as you can see from the location plan enclosed, is located on the South side of the Millgate, towards the junction of Burnside Drive. There are both residential and commercial properties within this location. The current premises licence holder is K.W.S Property Ltd, 11 Millgate Road, Arbroath, DD11 1NN. The premises manager is Maureen Milne, and this has been the position since 16 June 2010.

Background:

The application to vary the premises licence was received on 20th September 2021.

Major Variation

The application is in respect of:

1. Changing core hours on a Sunday to Thursday – 12 noon to 0200 hours (an increase of 1 hour) and changing core hours on Friday and Saturday – 12 noon to 0300 hours (an increase of 1 and a half hours each day). The Board are reminded that these changes to the hours are outwith the Board Policy.

DAY	EXISTING HOURS	PROPOSED HOURS	DIFFERENCE
Sunday	8pm or 12 noon – 2am	7pm – 2am	Plus 1 hour
Monday	8pm or 12 noon – 2am	7pm – 2am	Plus 1 hour
Tuesday	8pm or 12 noon – 2am	7pm – 2am	Plus 1 hour
Wednesday	8pm or 12 noon – 2am	7pm – 2am	Plus 1 hour
Thursday	8pm or 12 noon – 2am	7pm – 2am	Plus 1 hour
Friday	8pm or 12 noon – 2.30am	7pm – 3am	Plus 1.5 hours
Saturday	8pm or 12 noon – 2.30am	7pm – 3am	Plus 1.5 hours

2. Amendment to seasonal variations to include Boxing Day
3. Addition of Theatre as an activity within core hours

Statutory Checks

I have been unable to visit the premises so cannot comment on the statutory paperwork and notices although the previous LSO, Daniel Coleman, visited the premises earlier this year and confirmed that all paperwork was in order and that the venue had extensive policies in relation to vulnerable people, dispersal and first aid which are in addition to the statutory requirements. The method of recording refusals of sale is to a particularly high standard as it is kept in good detail.

The personal licence of Maureen Milne, the premises manager, is currently valid and she is due to undergo her refresher training no later than September 2024.

This notice was to be displayed from 24th September until 15th October 2021. To date we haven't received the confirmation of site notice.

The annual fee for the premises has not been paid.

On checking the systems there has been a recent noise complaint made to Environmental Health. The complaint was from a neighbour who alleged to be able to hear loud music in their home from Thursday to Sunday. Scott Gillespie and Martin Petrie visited the premises on 2nd September. They were given a

tour by Kevin Sivewright, a connected person of the licence, who explained how the premises were operated. He explained that the nightclub has an existing ventilation system to allow ventilation for COVID purposes and this stops the doormen having to leave the doors open. He explained that the building is spread over two levels, a ground level bar/nightclub which is open Thursday to Sunday and a first level floor disco which is only open on a Saturday and it is likely that the noise problem is coming from inadequate noise insulation on the ground floor.

The main entrance to the ground floor disco has a 3-door system. A large outer door, a set of double swing doors and then a single door. On inspection they found some issues with the middle set of swing doors in that they didn't meet neatly in the middle and there were gaps underneath which may account for noise escape. It was agreed that this would be investigated, and door staff would be advised to keep the outer doors closed between patrons entering and leaving the premises. Hopefully these measures have helped mitigate the noise issues.

A further complaint was received on 9th September regarding noise, anti-social and unreasonable behaviour which included fighting, swearing, and urinating in the street. The complainer is disabled and lives in a ground floor flat and states she is too afraid to go out of her property on Friday and Saturday evenings.

Yvonne Mas and Darren Smith from Police Scotland visited the premises on 1st October. In attendance at the meeting was Kevin Sivewright, a connected person of the licence, Andy Hardie Head Door Steward and Janet Hood, Agent for the premises licence holder. At this meeting they were advised that on busy nights, Fridays & Saturdays, there are 7 door stewards on duty. They endeavour to get patrons into the premises as quickly as possible to alleviate any noise issues. The club has a refusals book and staff are briefed on persons who are not allowed access. They have a clicker system in place, and they limit the entry capacity to 400 persons.

The problem the Club has is that people congregate and sit on a wall opposite the club and the door stewards are only insured to disperse patrons who are in the curtilage of the licence premises. The premises have signage reminding patrons that they are in a residential area and to be good neighbours. The DJ reminds patrons not to linger at the end of the night.

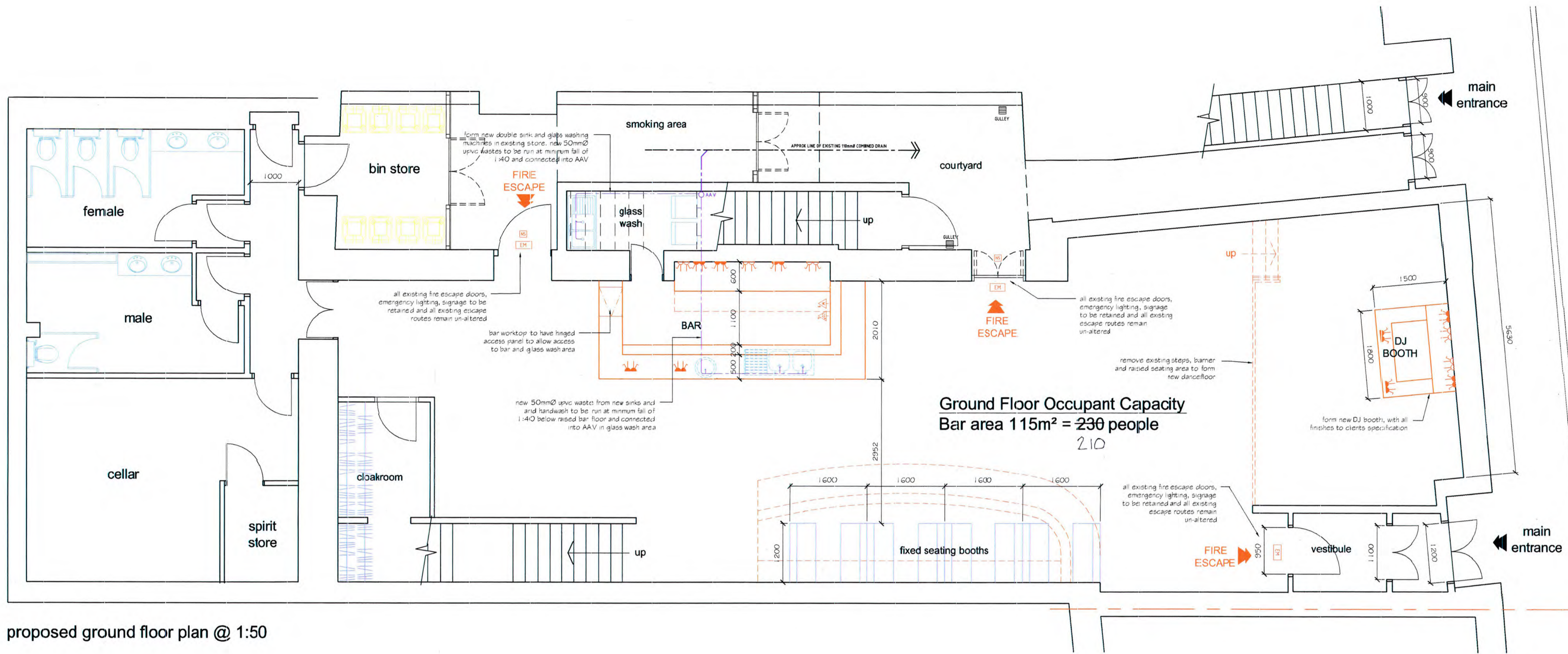
I feel that the premises are doing everything they can to reduce anti-social behaviour and noise issues for residents. You are never going to be able to stop the noise of a high volume of people, under the influence of alcohol, exiting the premises at the end of the evening and they have procedures in place to try to alleviate this.

The Boards policy has been put in place to promote the licensing objectives to prevention of crime and disorder, prevention of public nuisance and protecting and improving public health and I would remind Board members that each application is to be determined on its own merits.

The premises licence already has the additional conditions regarding children and late-night premises.

I duly submit this report for consideration by Members.

Nicky Corletto
Licensing Standards Officer
Angus Council



proposed ground floor plan @ 1:50

- EMERGENCY LEGEND**
- [EM] Flush mounted maintained emergency Light
 - [EM] Flush mounted non-maintained emergency Light
 - [EM] Surface mounted maintained emergency Light
 - [EM] Surface mounted non-maintained emergency Light
 - [EM] Directional non-maintained emergency Light
 - [EM] Surface mounted non-maintained emergency Light
 - [GN] General Fire Notice
 - [GN] Staff fire Notice
 - [GN] Fire Exit Keep Clear Notice
 - [GN] Fire Exit Signs
 - [GN] Fire Exit Directional
 - [HD] Heat Detector
 - [SD] Smoke Detector
 - [BA] Break Glass Alarm Point
 - [EX] 4 KG Wall Mounted Carbon Dioxide Extinguisher
 - [EX] 9 Litre Wall Mounted Water Extinguisher
 - [EX] Dry Powder Extinguisher
 - [EX] Foam Extinguisher
 - [EX] Vaporising Liquid Extinguisher
 - [EA] Emergency - Audible Alarm
- ELECTRICAL LEGEND**
- [HL] High Level 13 amp 1-wire socket outlet
 - [HL] High Level 13 amp socket outlet
 - [HL] High Level 13 amp fused spur
 - [LL] Low Level 13 amp fused spur
 - [LL] Low Level 13 amp 1-wire socket outlet
 - [LL] Low level 13amp socket
 - [H2] 2.4 Kw Vent axial Hand Dryer Ultradyr SX ref 201 01 8055X
 - [E1] Elec. Consumer unit - To be upgraded to 3 phase
 - [EM] Electric meter
 - [IM] Incoming Main - To be upgraded to 3 phase

Building Warrant Notes

General Notes:

All work to be in accordance with The Building (Scotland) Regulations 2012. All works to comply with the relevant codes of practice and British standards and shall be carried out to the highest standard of craftsmanship by skilled and qualified persons. Method statement to be provided by contractor for all dewaterings. All constructional elements to comply with Architects drawings and specification and Engineers drawings and specification. Any discrepancies to be noted to the Architect immediately.

Section 3: Environment

3.7.1 - All waste water pipework to be installed in accordance with BS EN 12056-2. WC = 100mmØ pvc waste pipes. Wash, sinks, showers & baths = 40mmØ pvc waste pipes. Provide 40mmØ pvc standing waste pipe to washing machine and dish washer spaces. 100mmØ pvc soil vent pipes/air admittance valves with hand access. Pvc deep seal traps to all waste appliances. All waste pipework at min. gradient of 1:40.

3.7.8 - All wastewater drainage systems to be ventilated and installed in accordance with the guidance in Sections 4, 5, 6 and National Annex ND of BS EN 12056-2: 2000. Air admittance valves to be installed in accordance with BS EN 12380 2002.

3.7.10 - All wastewater drainage systems to be tested to the satisfaction of the Local Authority Drainage Inspector. Testing to be carried out in accordance with a) National Annex NG of BS EN 12056-2: 2000, for sanitary pipework; b) BS EN 1610: 1996, for a drainage system under and around a building.

3.8.1 - All new wastewater drainage systems to be connected to existing drainage system discharging into existing sewer.

3.14.5 - Existing mechanical ventilation/air conditioning system shall be retained and any alterations to existing system shall be installed by specialist M & E consultant. Mechanical ventilation should be provided in compliance with guidance in BS 5720: 1979; or in compliance with the guidance in CIBSE Guide B: 2001. Installation and equipment data, section B2. Ventilation and air-conditioning (requirements).

Section 2: Fire

2.0.4 - All Signage and Fire Notices to comply fully with BS5499: Part 1: 2002 and sited to comply with Health and Safety Regulations 1996. Fire Notices to be provided next to all exit routes. Fire Extinguishers and Blankets to EN3 and sited within the premises to BS5306: Part 6: 2003. All Fire Doors to be clearly marked 'Fire Door Keep Clear'.

2.5.1 - Internal Linings - All new walls to have a Class 1 fire rating. All new ceiling linings to have a Class 1 fire rating or C-s3, d2 or better when tested in accordance with BS EN: 13823 and BS EN ISO: 11925-2. Any new wall or ceiling finishes within the escape routes to have a Class 1 fire rating or E-s3, d2 or better when tested in accordance with BS EN: 13823 and BS EN ISO: 11925-2.

All new soft furnishing/upholstery to be fire retardant to comply with BS 5852 Part 1 & 2 and BS 6250 Part 1.

2.9.9 - All Fire Escape Doors to be retained and provide a minimum clear opening width of 850mm and shall provide a fire resistance of 60 mins.

2.9.15 - All existing escape ironmongery to be retained and to comply with Building Hardware Industry Federation, Code of Practice, 'Hardware for Timber Fire and Escape Doors' Issue 1, November 2000.

2.10.3 - Emergency Lighting to be retained any alterations to existing system to be carried out by specialist sub-contractor in accordance with BS 5266: Part 1: 1999 as read in association with BS 5266: Part 7: 1999 (BS EN 1838: 1999). The emergency lighting system operates independently of the main electrical supply in event of an emergency.

Section 4: Safety

4.3.1 & 4.3.2 - Existing raised seating area to be removed and entire ground floor area shall be level with no steps or ramps.

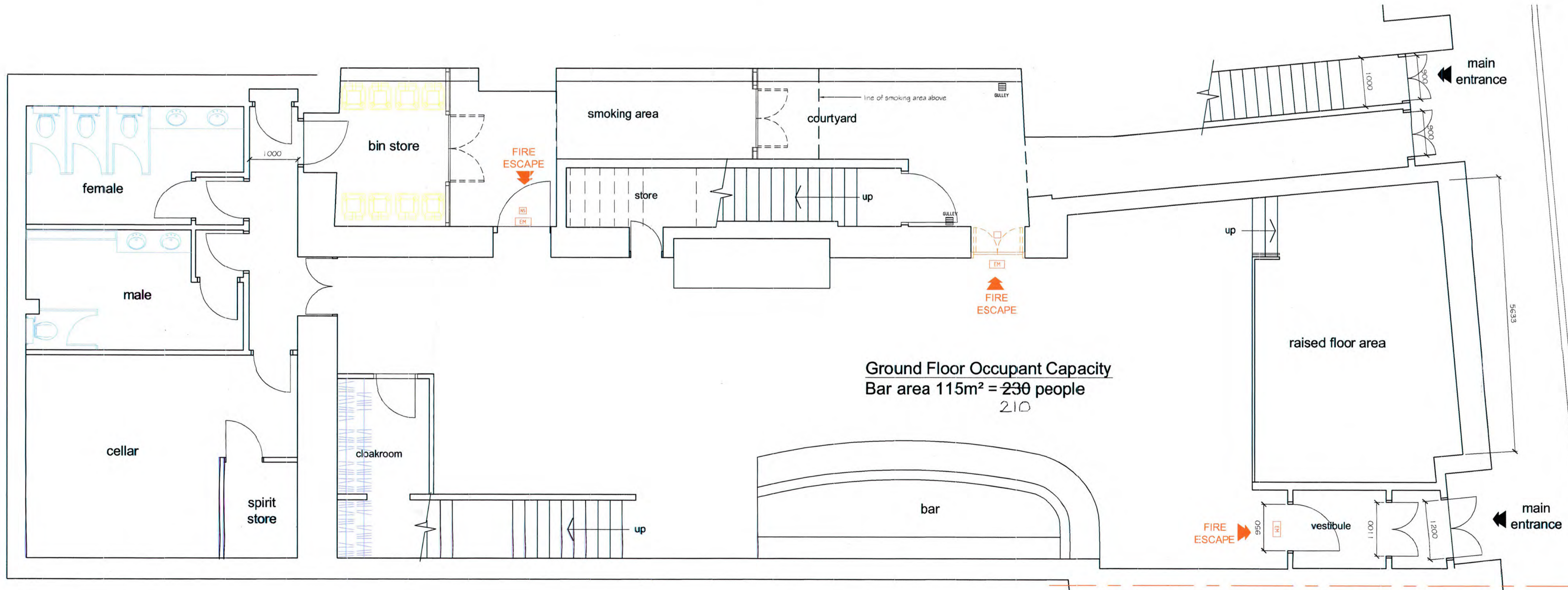
4.5.0 - Electrical Installations - All electrical work shall be carried out in accordance with the current IEE 16th edition, regulations for electrical installation. The electrical installation must be installed by a certified electrician who is a member of a scheme approved by SBSA or appropriate certificates to meet the recommendation of BS7671:2001 will be issued with the completion certificate.

4.8.2 - All new low level glazing to be designed to resist human impact as set out in BS 6262 Part 4: 1994.

Section 6: Energy

Any alterations to heating system to be installed in accordance with specialist M & E Designers specification.

6.2.5 - Limiting Air Infiltration - Seal all dry lining junctions between walls, ceilings and floors and at window, door openings. Seal all service penetrations of the fabric or around boxing for services. All designed and built to 'Accredited Construction Details (Scotland)'.
6.4.1 - All new pipes and ducts used for space heating to be insulated to BS 5422: 2001



existing ground floor plan @ 1:50

This plan was granted on 15 March 2013 by Angus Licensing Board in respect of a variation of a premises licence at Devito's, 11 Millgate, Arbroath.

Clerk

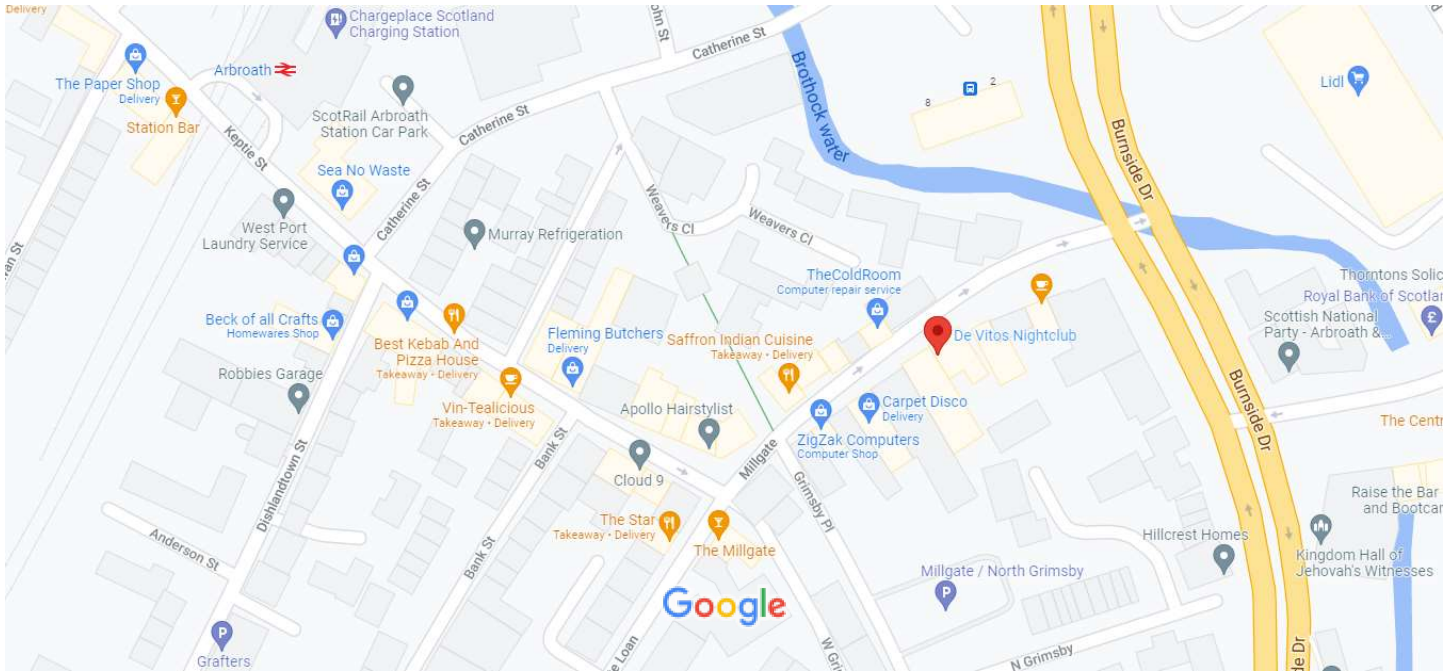
building design services

Project: Alterations to Ground Floor Bar at Devito's Nightclub 9 Millgate Arbroath, DD11 1NN	Client: Mr Marc Stewright	Drawing: Proposed Floor Plans
Scale: 1:100	Date:	Fig No: BW-01



De Vitos Nightclub

Location Plan Arbroath



Map data ©2021 20 m



De Vitos Nightclub

3.6 ★★★★★ 11 reviews

Nightclub



Directions



Save



Nearby



Send to your phone



Share



11 Millgate, Arbroath DD11 1NN



Closed today



01241 437171



HC57+9G Arbroath

**APPENDIX 1 TO REPORT LB48/21
ANGUS LICENSING BOARD – 25 NOVEMBER 2021**

(f) LICENCE NO. 305, DEVITOS NIGHTCLUB MONTROSE, 30-36 GEORGE STREET, MONTROSE, DD10 8EW

Name of Applicant – K.W.S. Property Limited, 11 Millgate Road, Arbroath, DD11 1NN

Type of Licence: On Sales

Description of Variation

1. Core Hours

Current on sales hours are	Monday	12.00 to 01.00
	Tuesday	12.00 to 24.00
	Wednesday	12.00 to 01.00
	Thursday to Sunday	12.00 to 02.00

Amend on sales hours to	Monday to Thursday	12.00 to 02.00
	Friday and Saturday	12.00 to 03.00
	Sunday	12.00 to 02.00

The Board are asked to note the hours requested are out with Board Policy.

2. Seasonal Variation

Add Boxing Day to existing Christmas Eve, Christmas Day, Hogmanay and New Year's Day

3. Activities

Add theatre within core hours

Add televised sport out with core hours

Remove conferences and adult entertainment

4. Amend activities out with core hours

From

- (a) Sale of food for conferences and functions from 9am
- (b) Sale of food during and at end of night club service to patrons only on Friday and Saturday nights until 3am.
- (c) Quiet background music not exceed 850D between the hours of 2am and 3am.
- (d) No alcohol to be sold out with core hours.

To

- (a) Receptions, club meetings and televised sport can all be enjoyed before core hours.
- (b) Televised sport may be shown to capture special events e.g. British Lions Rugby, EUFA or World Cup Football and other world class events before core hours when these events take place in other time zones and are of interest to the clientele of the premises.
- (c) No alcohol to be sold out with core hours.

Comments Received

Police Scotland submitted a letter of objection dated 20/09/2021, copy of said letter will be circulated to Board members.

LICENSING STANDARDS OFFICER REPORT

DEVITOS NIGHTCLUB, MONTROSE

An application for a major variation of a premises licence was received in respect of:

Devitos Nightclub, 30-36 George Street, Montrose, DD10 8EW– Premises Licence No 305

The premises, as you can see from the location plan enclosed, is located on George Street. There are both residential and commercial properties within this location. The current premises licence holder is K.W.S Property Ltd, 11 Millgate Road, Arbroath, DD11 1NN. The premises manager is Kevin W Sivewright, and this has been the position since 11th March 2020.

Background:

The application to vary the premises licence was received on 31 August 2021.

Major Variation

The application is in respect of:

4. Changing core hours on a Sunday to Thursday – 12 noon to 0200 hours (an increase of 1 hour on a Monday, increase of 2 hours on a Tuesday and increase of 1 hour on a Wednesday) and changing core hours on Friday and Saturday – 12 noon to 0300 hours (an increase of 1 hour each day). The Board are reminded that these changes to the hours are outwith the Board Policy.

DAY	EXISTING HOURS	PROPOSED HOURS	DIFFERENCE
Sunday	12 noon – 2am	12 noon – 2am	No change
Monday	12 noon – 1am	12 noon – 2am	Plus 1 hour
Tuesday	12 noon – midnight	12 noon – 2am	Plus 2 hours
Wednesday	12 noon – 1am	12 noon – 2am	Plus 1 hour
Thursday	12 noon – 2am	12 noon to 2am	No change
Friday	12 noon – 2am	12 noon – 3am	Plus 1 hour
Saturday	12 noon – 2am	12 noon – 3am	Plus 1 hour

5. Amendment to seasonal variations to include Boxing Day
6. Remove conference facilities as an activity
7. Addition of Theatre as an activity within core hours
8. Amendment to televised sport activity to permit showing of events out with core hours
9. Remove adult entertainment as an activity
10. General tidy up of wording within Q5 – Remove the words “Sale of food for conferences and functions from 9am.

Statutory Checks

I have been unable to visit the premises so cannot comment on the statutory paperwork and notices.

This notice was to be displayed from 3rd to 24th September 2021, and although I cannot confirm that this was done, the confirmation of site notice was received on 29th September 2021. The confirmation notice advises that there was an error made regarding the display dates. The notice was displayed for the 21-day period but display dates were 7th to 29th September 2021 and not 3rd to 24th September 2021 as advised.

The annual fee for the premises has not been paid and on checking the systems there have been no complaints made in respect of these premises.

The premises licence already has the additional conditions regarding children and late-night premises.

I duly submit this report for consideration by Members.

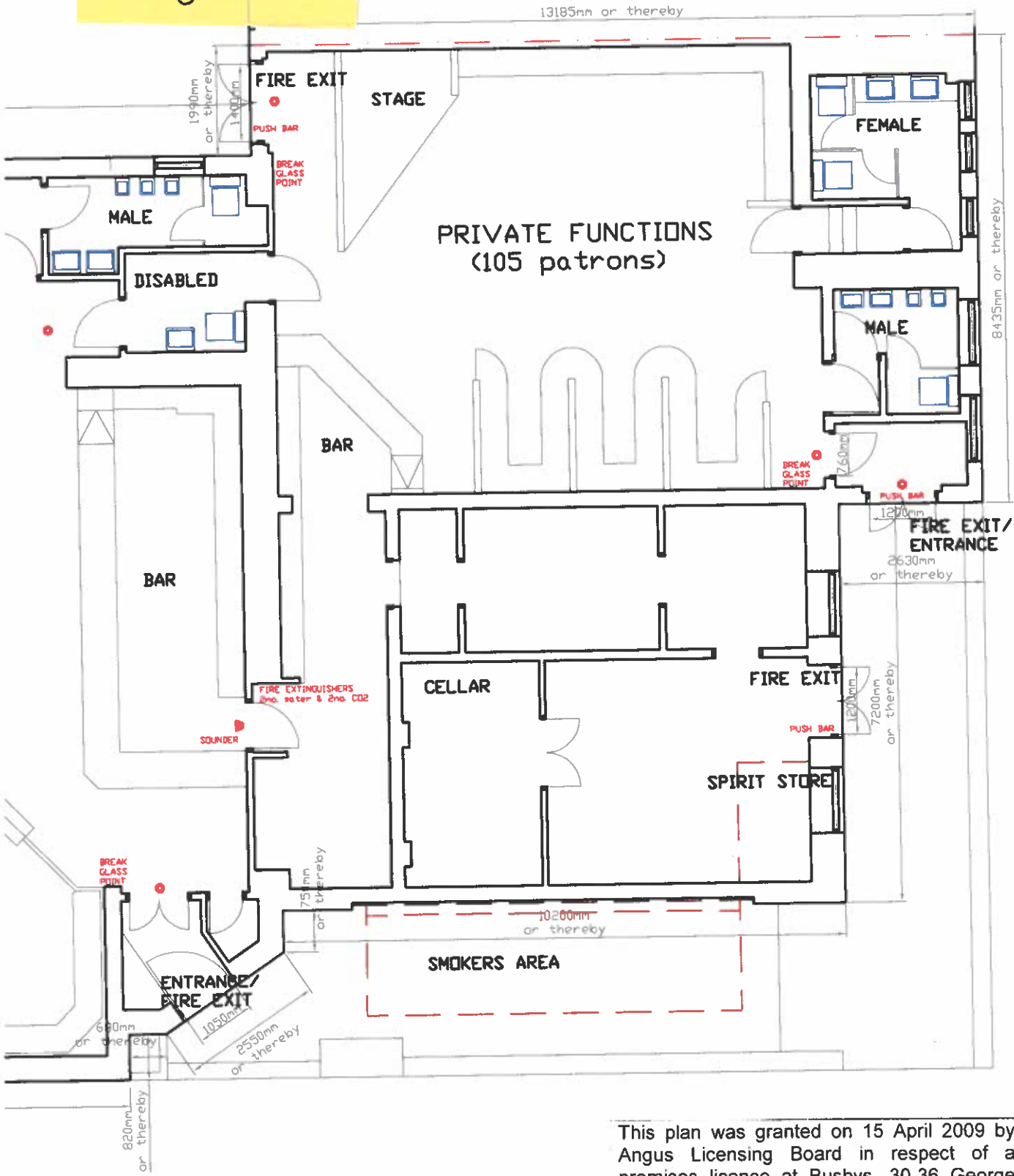
Nicky Corletto, Licensing Standards Officer, Angus Council

Conversion 305
 15/4/09
 'Layout Plan'



ARCHITECTURAL
 DESIGN
 CONSULTANTS

Burnbank Cottage
 Mayfield Road
 St. Cyrus
 By Montrose
 DD10 0BT
 tel. 01674 850385
 e-mail: bob@rgsdesign.co.uk



This plan was granted on 15 April 2009 by
 Angus Licensing Board in respect of a
 premises licence at Busbys, 30-36 George
 Street, Montrose.

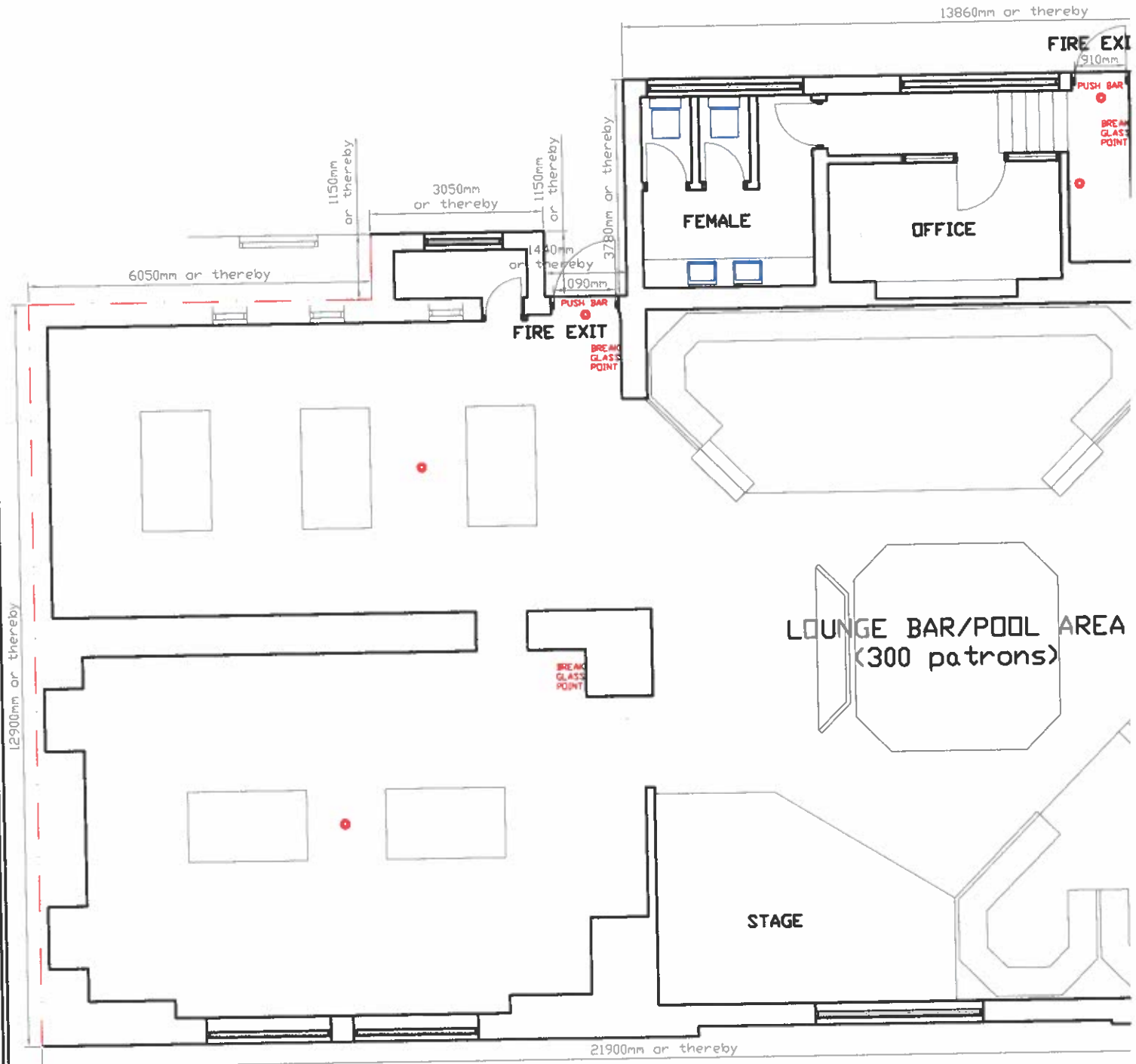
NET



Clerk

FLOOR PLAN LAYOUT OF PREMISES AT 'BUSBY'S', 30-36 GEORGE STREET, MONTROSE

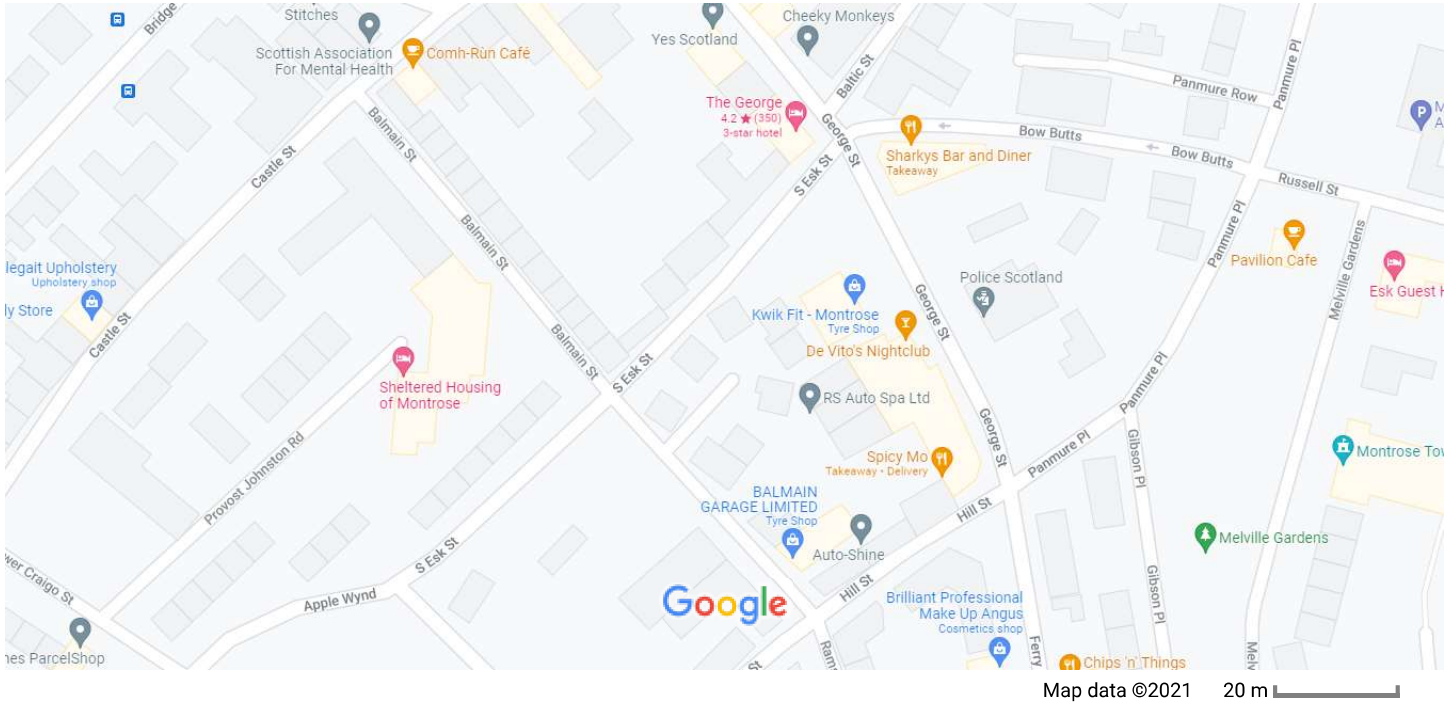
GROUND FLOOR PLAN scale 1:100



GEORGE STR



Devitos Nightclub, Montrose - Location Plan



**APPENDIX 1 TO REPORT LB48/21
ANGUS LICENSING BOARD – 25 NOVEMBER 2021**

(g) LICENCE NO. 37, OLD MASONS ARMS, 135-139 EAST HIGH STREET, FORFAR, DD8 2EQ

Name of Applicant – Maria Stewart

Type of Licence: On and Off Sales

The Board are asked to note this application for major variation of a premises licence called at the Angus Licensing Board on 16 September 2021. The Board deferred this application to allow the applicant to attend.

Description of Variation

1. Core times –

Amend terminal hour on Friday and Saturday from 01.00 to 02.00

The Board are asked to note the hours requested are out with Board Policy.

2. Other Activities

To add: -

- (a) Karaoke
- (b) Pub Quiz
- (c) Psychic Nights
- (d) Poker Nights

Objection Received

A letter of objection received from Police Scotland dated 13 July 2021 will be submitted to members.

Seven late objections have been received. The Board will be required to determine, having heard from the objectors and the applicant, whether there are good reasons to permit the objections to be considered.

Environmental Health Comments

With reference to the above application, Environmental Health note that the application extends operating hours to 2am and adds Karaoke to the list of activities. The existing licence already includes live and recorded music which the licensee is already expected to control to acceptable levels. That being the case this service would not object to this variation.

LICENSING STANDARDS OFFICER REPORT

An application for Major Variation was received from Maria Stewart on 13 July 2021 in respect of:

Old Mason's Arms, 135-139 East High Street, Forfar, DD8 2EQ

Background: -

The application is for:

1. Amendment to operating plan:

- (a) Amend terminal hour from 1am to 2am Friday and Saturdays; and
- (b) and addition of Karaoke, pub quiz, psychic nights and poker nights as an activity

The Board are asked to note the hours requested are out with Board Policy.

Police Scotland have submitted an objection to the application based on the Licensing Objective Preventing Public Nuisance.

A noise nuisance complaint was recently received and there are now several late objections to this application.

I duly submit this report for consideration of Board Members.






Nicky Corletto
Licensing Standards Officer
Angus Council

Google Maps 135 E High St



135 E High St

Forfar

- 
Directions
- 
Save
- 
Nearby
- 
Send to your phone
- 
Share



Confirm or fix this location
The location shown is not precise

Photos