

ANGUS LICENSING BOARD – 13 JANUARY 2022
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.

REPORT AUTHOR: David Thomson
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APPENDIX TO REPORT LB 1/22
ANGUS LICENSING BOARD – 13 JANUARY 2022

(a) THE WHISKY STUDIO, 121 HIGH STREET, FORFAR, DD8 2EQ

Name of Applicant – Mrs Caroline and Mr Krenar Hena

Type of Licence – Off Sales

1. Description of Premises

Small convenience store located on East High Street, Forfar selling a range of alcohol along with a range of snacks.

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

Monday to Sunday 10.00 to 22.00

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

3. Activities

- i. Recorded music to be provided within and outwith core hours.
- ii. The premises may offer tastings, samplings, and similar events which will be held within core hours

4. Any Other Activities –

Premises to offer the public an online facility to allow them to purchase goods online. The applicant advises they will comply with all legislative requirements regarding deliveries

5. Capacity – 16m²

Licensing Objective Statement

The Whisky Studio, 121 High Street, Forfar, DD8 2EQ

Preventing Crime & Disorder

A CCTV system is installed and is capable of recording continuously for a period of not less than 31 days. Copies of recordings can be produced for both Police Scotland and the Licensing Standards Officer if required. The premises manager will take all steps to ensure that the premises are run efficiently, and that the CCTV is in good working order.

Staff will be trained to observe customers and ensure there is no service made to persons who are under the influence of alcohol.

Preventing Public Nuisance

Measures will be put in place to ensure there are no noise disturbances when deliveries are received and proper disposal of any waste will be in place.

Securing Public Safety

The premises will have procedures in place to cover:

- Evacuation processes
- Reporting of accidents and or any incidents
- Fire extinguishers are maintained regularly
- CCTV is adequately maintained.

Protecting and Improving Public Health

All staff will be trained to be aware of the effects of alcohol consumption and when to refuse service. A refusal book will be available. Signage will be on site to promote sensible drinking messages

Protecting Children and Young Persons from harm

The premises manager or manager on duty will ensure that Challenge 25 is enforced and that every individual who appears under 25 shall be asked for ID by means of either a valid passport; a photographic driving licence or PASS accredited proof of age card. If the person cannot produce this then no sale or supply of alcohol will take place.

Staff training will take place regularly

Challenge 25 posters shall be displayed in prominent places in the shop.

LICENSING STANDARDS OFFICER REPORT

THE WHISKY STUDIO, 121 HIGH STREET, FORFAR, DD8 2EQ

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

The Whisky Studio, 121 High Street, Forfar, DD8 2EQ – Premises Licence No 442

The premises, as you can see from the plan enclosed, is located mid High Street and is surrounded by both residential and commercial properties. The application is in the name of Caroline and Krenar Hena and has been applied for as a partnership.

Background:

This is a new premises licence application. Caroline Hena contacted me earlier this year for guidance on how to apply for a licence to allow her to set up their new business. I have spoken with both Caroline and Krenar on a few occasions and provided guidance to them regarding this and how to apply for occasional licences. These were to enable them to start trading in time for the Christmas period until their premises licence application was submitted for determining.

Licensing Standards Officer's Report:

The application is for a small convenience shop and is for off sale hours only. They have applied for occasional licences to take effect from 15th November and to date these have been running without any issues.

You will note from the application that they would like to offer the public an online facility to purchase their products. I explained that they would have to comply with legislation regarding this in regard to delivery of these items, challenge 25, labelling on their products and if you are minded to grant then you may wish to have the following conditions attached to the licence:

1. Alcohol sold or dispatched from the premises will be delivered only to residential or business addresses.
2. The Licenceholder shall always check the age of customers or potential customers, be satisfied that they are aged 18 years of over before any sale is completed and otherwise shall comply with the age-related sale provisions in the Licensing (Scotland) Act 2005.
3. Sales of Alcohol may only take place within licensed hours. Any person submitting an order out with the licensed hours is to be advised that the order will be processed after the commencement of the next period of licensed hours.
4. The Licenceholder shall ensure that those persons who deliver the alcohol are aware of the provisions of, and restrictions on, the delivery of alcohol contained in the Licensing (Scotland) Act 2005.
5. A notice shall be affixed to every package containing alcohol dispatched from the premises stating that the package shall contain alcohol and that it is an offence to deliver it to a person under 18 years of age.

Statutory Checks

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

HIGHLIGHTED IN RED IS THE ALCOHOL DISPLAY AREA

SCALE 1:50





121 E High St

The Whisky Studio, 121 High Street, Forfar



Map data ©2021 10 m



121 E High St

Building



Directions



Save



Nearby



Send to your phone

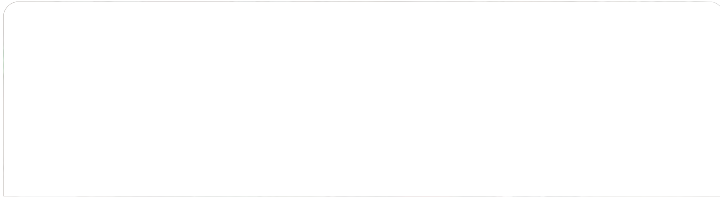


Share



121 E High St, Forfar DD8 2EQ

Photos



APPENDIX TO REPORT LB 1/22
ANGUS LICENSING BOARD – 13 JANUARY 2022

(b) THE CLIFFBURN HOTEL, ARBROATH

Name of Applicant – Clifffburn Hotel, Clifffburn Road, Arbroath, DD11 5BT

Type of Licence – On and Off Sales

1. Description of Premises

Family friendly community focussed hotel situated within Arbroath

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

Off sales

Monday to Sunday	11.00 to 22.00
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The Board are asked to note the hours requested are within Board Policy.

3. Seasonal Variation -

Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day

4. Activities -

Within and outwith core hours – accommodation, conference facilities, restaurant facilities, bar meals, receptions, club or other group meetings, recorded music, films, gaming, indoor/outdoor sports, televised sports and outdoor drinking

Within core hours only – live performances, dance facilities, theatre

5. Activities outwith core hours–

All activities can commence at 07.00

- a) No alcohol to be served except during core hours no service after core hours.
- b) Breakfasts, teas, coffees, snacks and meals can be served from 07.00 inside or outside the premises or for takeaway – business and club meetings can commence last 07.00.
- c) The gaming machine is in situ in the bar and can be used by residents 24/7 or other guests from 07.00.
- d) Receptions – funerals and other family events can commence at 09.00 with set up in advance.
- e) Indoor sports eg yoga, keep fit etc can take place in the function rooms from 07.00.

6. Any other activities

- a) Take away and delivery of food and drink.
- b) Food and drink matching and tastings, food and drink brands and other promotions, food and drink education classes.
- c) Yoga, keep fit etc, magicians, comedians, plays and other arts and art based activities, Christmas fairs, wedding fairs and other fairs / markets. Any other activities commensurate with a family friendly community focused hospitality business.

7. Children and young persons -

- a) Terms – All persons under the age of 18 must be accompanied by an adult
- b) Ages - Birth to 17 years
- c) Times - from 07.00 – 22.00 or end of meal or private function
- d) Parts - All public parts of the premises

8. Capacity on sales total 560 –

lounge bar – 78

Restaurant – 114

Public Bar – 142

Restaurant Bar – 33

Upstairs Function Room – 193

**LICENSING STANDARDS OFFICER REPORT
THE CLIFFBURN HOTEL, CLIFFBURN ROAD, ARBROATH, ANGUS, DD11 5BT**

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

The Cliffburn Hotel, Cliffburn Road, Arbroath, Angus, DD11 5BT – Premises Licence No 443

The premises, as you can see from the plan enclosed, is located on Cliffburn Road off West Seaton Den Gardens and there are residential properties around it. The application is in the name of the company, Cliffburn Hotel, Company Number SC619771, and the only connected person associated with this company is Lynda Thain.

Background:

This is a new premises licence application as the previous premises licence was surrendered on 28 September 2021 by Wendy Logie who was the licence holder at the time.

Licensing Standards Officer's Report:

The application is for a hotel which has eight bedrooms, a restaurant, various bar and lounge bar areas, along with a patio area. The premises have been running on occasional licences since 1st October 2021 under the personal licence of Jacqueline Cargill, and as far as I am aware these have been running without any issues.

Statutory Checks

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



6 Hill Place
Arbroath
DD11 1AE

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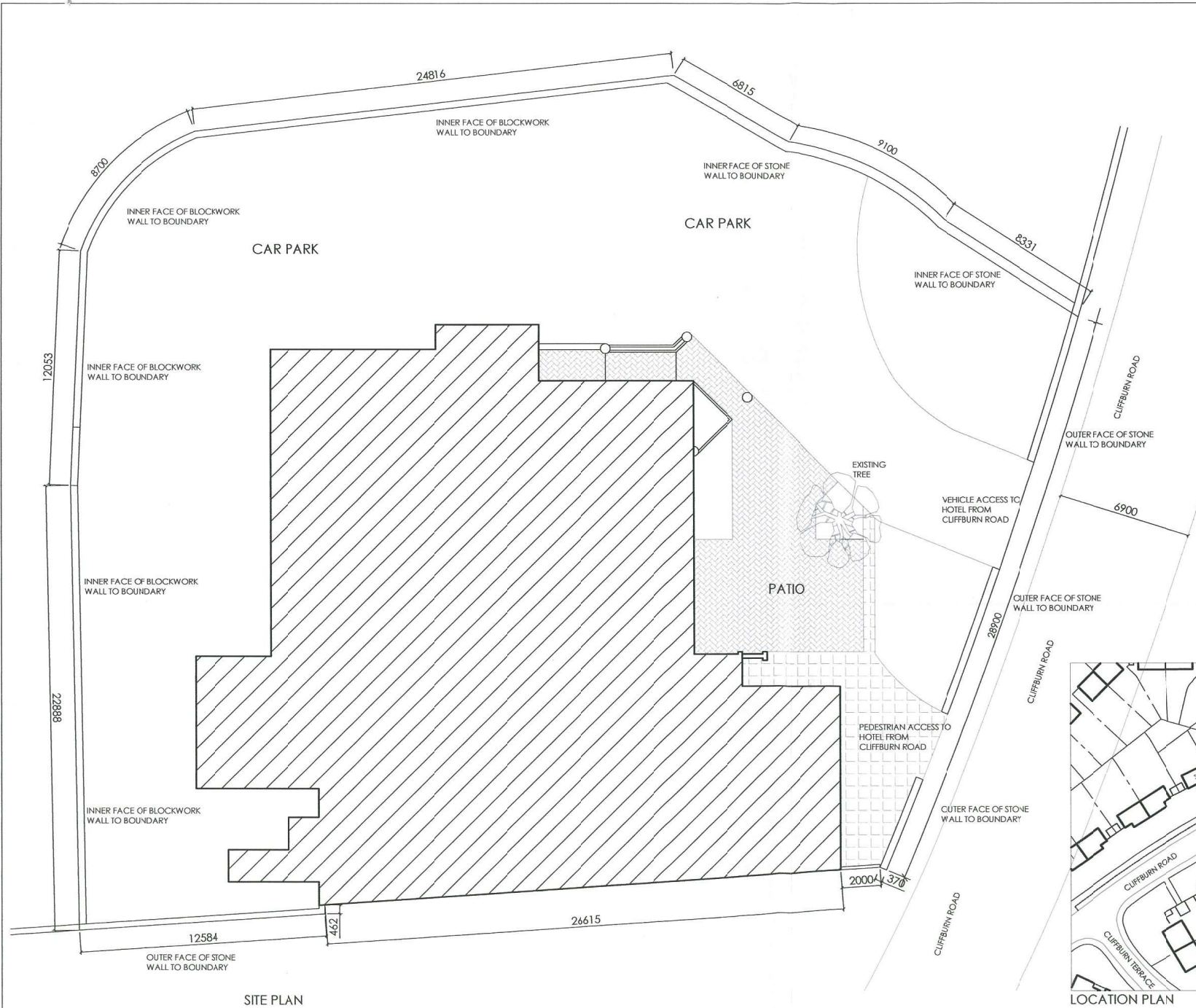
TITLE
LAYOUT AT
THE CLIFFBURN HOTEL
CLIFFBURN ROAD
ARBRAOTH

CLIENT
MR S. DIN

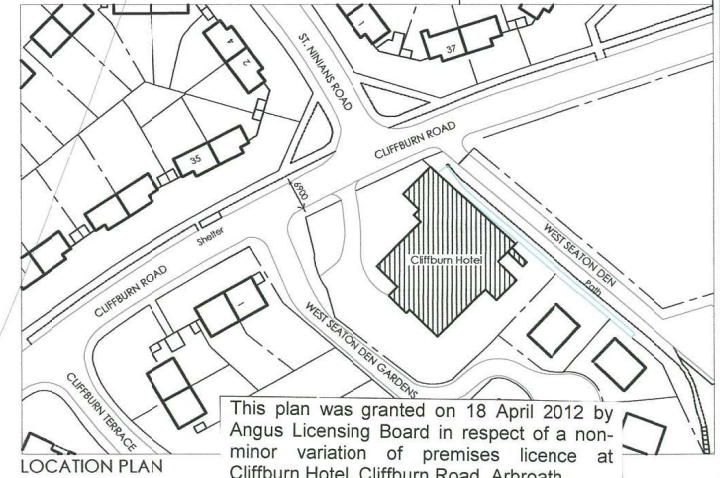
DESCRIPTION
SITE PLAN AND
LOCATION PLAN
DRAWING TYPE
EXISTING LAYOUT

DWG No.
EL4 / 0184 / 08
SCALE
1 - 200 / 1 - 1250
DATE
FEBRUARY 2012

SIGNATURE :- *Callum McLeish*
CALLUM MCLEISH
C.M. DESIGN & BUILD



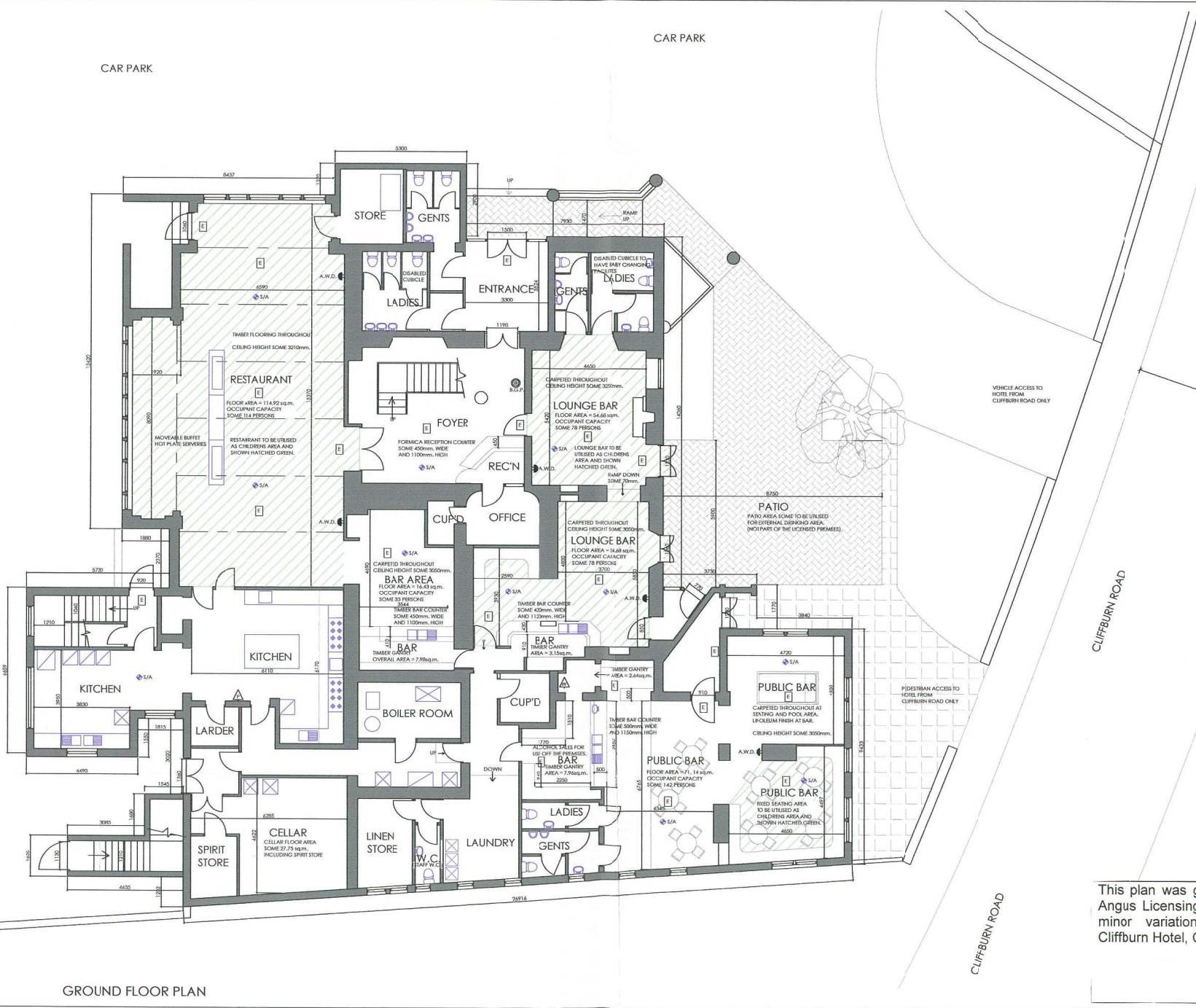
SITE PLAN



LOCATION PLAN

This plan was granted on 18 April 2012 by Angus Licensing Board in respect of a non-minor variation of premises licence at Cliffburn Hotel, Cliffburn Road, Arbroath.

Senac Huie



GROUND FLOOR PLAN



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 DD11 1AE
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 E-mail :-
 calum@calummcleish-design.co.uk

TITLE
**EXISTING LAYOUT AT
 THE CLIFFBURN HOTEL
 CLIFFBURN ROAD
 ARBROATH**

CLIENT
MR S.DIN

DESCRIPTION
GROUND FLOOR PLAN
 DRAWING TYPE
EXISTING LAYOUT
 DWG No.
EL1 / 0184 / 08
 SCALE
1 - 125
 DATE
FEBRUARY 2012

SIGNATURE :- *Calum McLeish*
 CALLUM MCLEISH
 C.M. DESIGN & BUILD

KEY	
	SMOKE ALARM
	EMERGENCY LIGHT
	AUDIBLE WARNING DEVICE
	BREAK GLASS POINT
	FIRE EXTINGUISHER WATER (9 LITRE)
	FIRE EXTINGUISHER POWDER (2 KG)

This plan was granted on 18 April 2012 by Angus Licensing Board in respect of a non-minor variation of premises licence at Cliffburn Hotel, Cliffburn Road, Arbroath.

Genevieve Hunter



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TITLE
LAYOUT AT
THE CLIFFBURN HOTEL
CLIFFBURN ROAD
ARBRAOTH

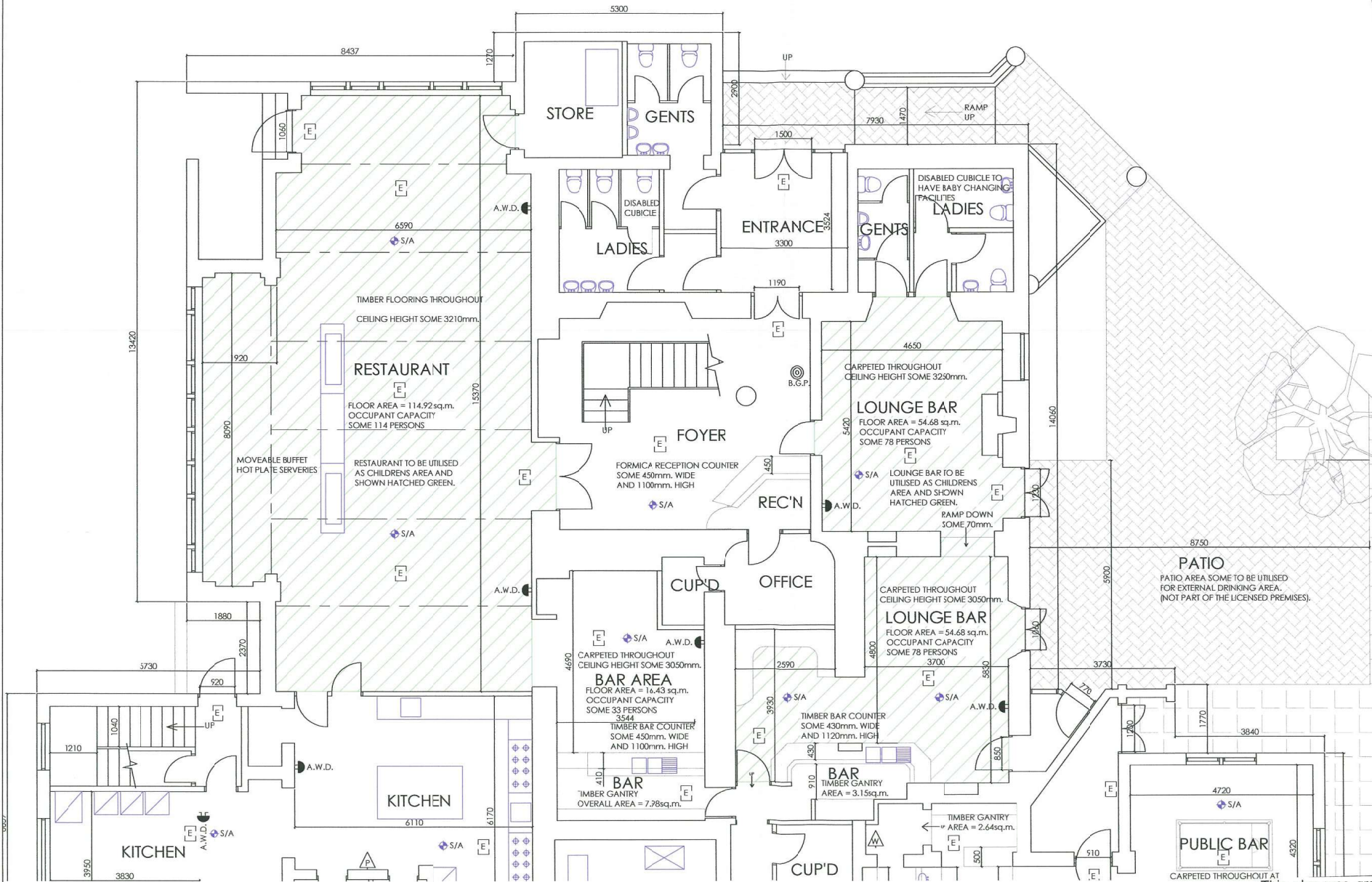
CLIENT
MR S. DIN

DESCRIPTION
GROUND FLOOR PLAN
DRAWING TYPE
EXISTING LAYOUT
DWG No.
EL2 / 0184 / 08
SCALE
1 - 100
DATE
FEBRUARY 2012

SIGNATURE :- *Calum McLeish*
CALUM MCLEISH
C.M. DESIGN & BUILD

KEY

	SMOKE ALARM
	EMERGENCY LIGHT
	AUDIBLE WARNING DEVICE
	BREAK GLASS POINT
	FIRE EXTINGUISHER WATER (9 LITRE)
	FIRE EXTINGUISHER POWDER (2 KG)



PART GROUND FLOOR PLAN

This plan was granted on 18 April 2012 by Angus Licensing Board in respect of a non-minor variation of premises licence at Cliffburn Hotel, Cliffburn Road, Arbroath.

Seana Hume



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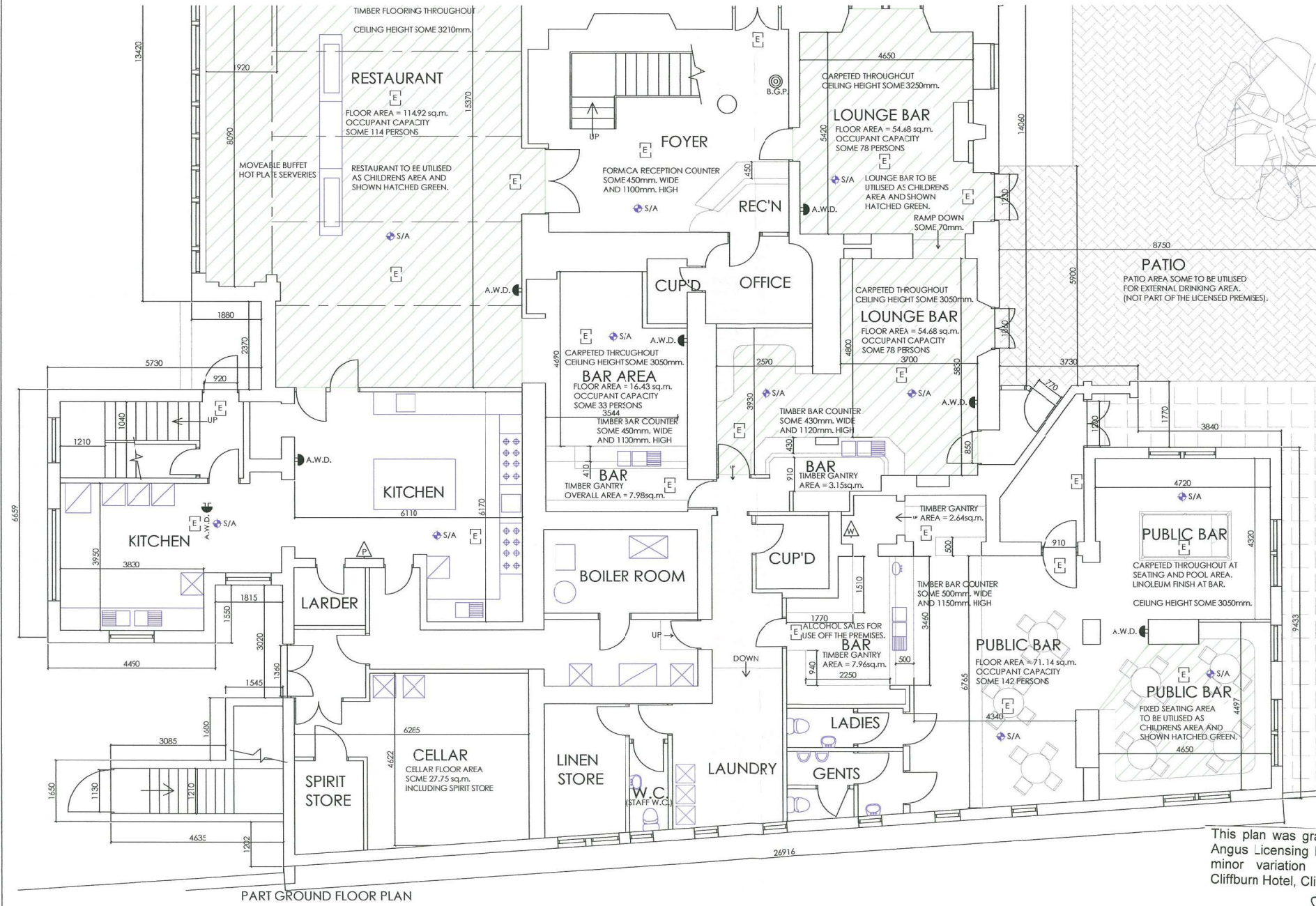
TITLE
**LAYOUT AT
THE CLIFFBURN HOTEL
CLIFFBURN ROAD
ARBRAOTH**

CLIENT
MR S. DIN

DESCRIPTION
GROUND FLOOR PLAN
DRAWING TYPE
EXISTING LAYOUT
DWG No.
EL1 / 0184 / 08
SCALE
1 - 100
DATE
FEBRUARY 2012

SIGNATURE - *Calum McLeish*
CALUM MCLEISH
C.M. DESIGN & BUILD

KEY	
	SMOKE ALARM
	EMERGENCY LIGHT
	AUDIBLE WARNING DEVICE
	BREAK GLASS POINT
	FIRE EXTINGUISHER WATER (9 LITRE)
	FIRE EXTINGUISHER POWDER (2 KG)



PART GROUND FLOOR PLAN

This plan was granted on 18 April 2012 by Angus Licensing Board in respect of a non-minor variation of premises licence at Cliffburn Hotel, Cliffburn Road, Arbroath.

Seamus Hunter

KEY	
⊕ S/A	SMOKE ALARM
E	EMERGENCY LIGHT
A.W.D.	AUDIBLE WARNING DEVICE
⊙ B.G.P.	BREAK GLASS POINT
▲	FIRE EXTINGUISHER WATER (9 LITRE)
▲	FIRE EXTINGUISHER POWDER (2 KG)

TITLE
EXISTING LAYOUT AT
THE CLIFFBURN HOTEL
CLIFFBURN ROAD
ARBRAOTH

CLIENT
MR T. SHORT

DESCRIPTION
FIRST FLOOR PLAN
DRAWING TYPE
EXISTING LAYOUT
DWG No.
EL3 / 0184 / 08
SCALE
1 - 100
DATE
MARCH 2008

SIGNATURE >
CALUM MCLEISH
C.M. DESIGN & BUILD

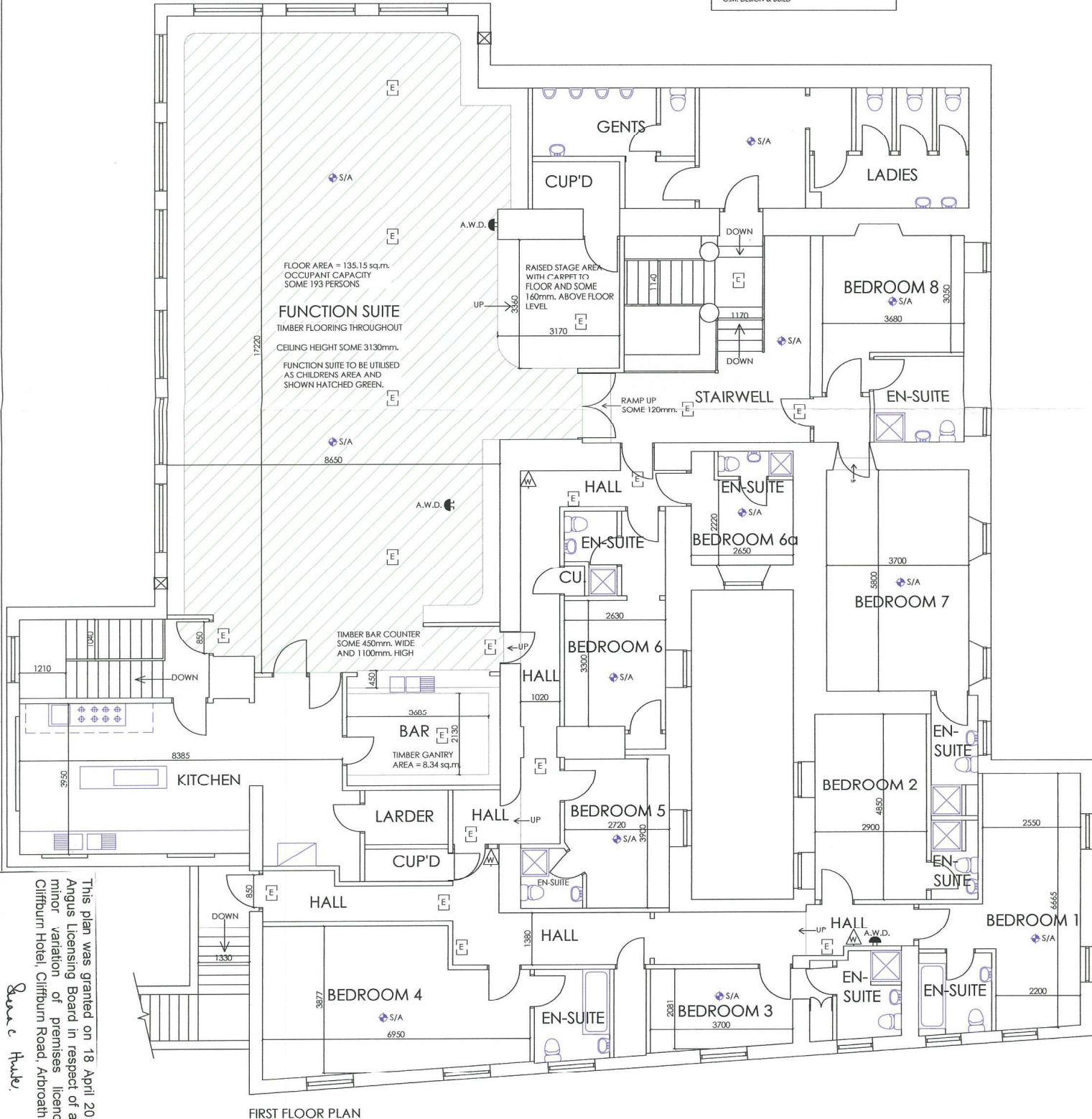
M Design & Build



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This plan was granted on 18 April 2012 by
Angus Licensing Board in respect of a non-
minor variation of premises licence at
Cliffburn Hotel, Cliffburn Road, Arbroath.

Sharon C. Hunter

This is the 5 objective risk assessment for Cliffburn Hotel Arbroath

Preventing Crime and Disorder

Risk High/Medium/Low	Action	Inform/Remind/Update	Date
Low	Premises Staff trained to monitor and observe customers and ensure no service to persons who are drunk; challenge 25 will obtain		
	challenge 25 will obtain to prevent underaged sales		
	Closer scrutiny will take place for adults accompanying persons underaged		

Preventing Public Nuisance

Risk High/Medium/Low	Action	Inform/Remind/Update	Date
Low	Premises are family friendly hotel		
	Good management practices prevent noise or other disturbance issues		
	Staff will ask patrons to leave quietly should this prove to be necessary		

Securing Public Safety

Risk High/Medium/Low	Action	Inform/Remind/Update	Date
Low	Premises Staff trained to monitor and observe customers and ensure no service to persons who are drunk; challenge 25 will obtain		
	Staff trained to call taxis if required to ensure patrons get home safely		

Protecting Children and Young Persons from Harm

Risk High/Medium/Low	Action	Inform/Remind/Update	Date
Low	Challenge 25 and staff training and reminders part time staff reminded of duty		
	Soft drinks and non alcoholic beverages, food on offer at all times		
	Free water available at all times		

Protecting and Improving Public Health

Risk High/Medium/Low	Action	Inform/Remind/Update	Date
Low	Food served from noon - 2000		
	Free water available at all times		

