

ANGUS LICENSING BOARD – 9 JUNE 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 applications for new premises licences under the Licensing (Scotland) Act 2005 which require to be determined by the Board.

1. RECOMMENDATIONS

It is recommended that the Board considers and determines the applications for 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 applications for new premises licences under the Licensing (Scotland) Act 2005 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. 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 premises

the 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.
- (g) in considering whether either of the grounds for refusal specified in (c) or (d) applies, the Licensing Board must in particular take into account—
 - (a) any conviction, notice of which is given by the chief constable under subsection 4(b) of section 21 and
 - (b) any report given by the chief constable under section 24A(2).
- (h) Where the Licensing Board considers that—
 - (a) they would refuse the application as made, but
 - (b) if a modification proposed by them were made to the operating plan or layout plan (or both) for the subject premises accompanying the application, they would be able to grant the application,

the Board must, if the applicant accepts the proposed modification, grant the application as modified.

Where the Licensing Board refuses the application –

- (a) the Board must specify the ground for refusal, and
- (b) if the ground of refusal is that specified (c) or (d) above, the Board must specify the licensing objective or objectives in question.

(a) NISA LOCAL, 25 FISHERACRE, ARBROATH, DD11 1LE

Name of Applicant

Arbroath's Family Shopper Ltd, 27-29 Fisheracre, Arbroath, DD11 1LE

Type of Licence: Premises Licence - Off Sales

- 1. Description of Premises** – Off Sales Licence Convenience Store
- 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. Capacity

12.8m²

The Board are asked to note the applicant was requested to forward a copy of the designated premises manager's Personal Licence. To date this has not been received.

LICENSING STANDARDS OFFICER REPORT

An application for a New Premises Licence was received on 21 March 2022 in respect of:

Nisa Local, 25 Fisheracre, Arbroath, DD11 1LE
Premises Licence Number: TBC

Background: -

This is an application for a new premises licence. The premises, as you can see from the location plan, is located along the Main Street, and is surrounded by both residential and commercial properties. The application has been applied for as a company, Family Shopper Limited, where Siam Mohammad is the director.

Siam Mohammad contacted me in March this year regarding an application that he submitted at the end of December 2021 but hadn't heard anything back regarding it. On investigating the systems, the application was not competent as it did not have all the relevant documentation to allow the team to process it.

I advised Siam Mohammad on what to do next and provided guidance to him on how to apply for occasional licences to cover him from April until we could get his new application to a Board meeting in June. The occasional licences were to allow him to start trading until the full premises licence application was determined at the June Board meeting.

Licensing Standards Officer Report:

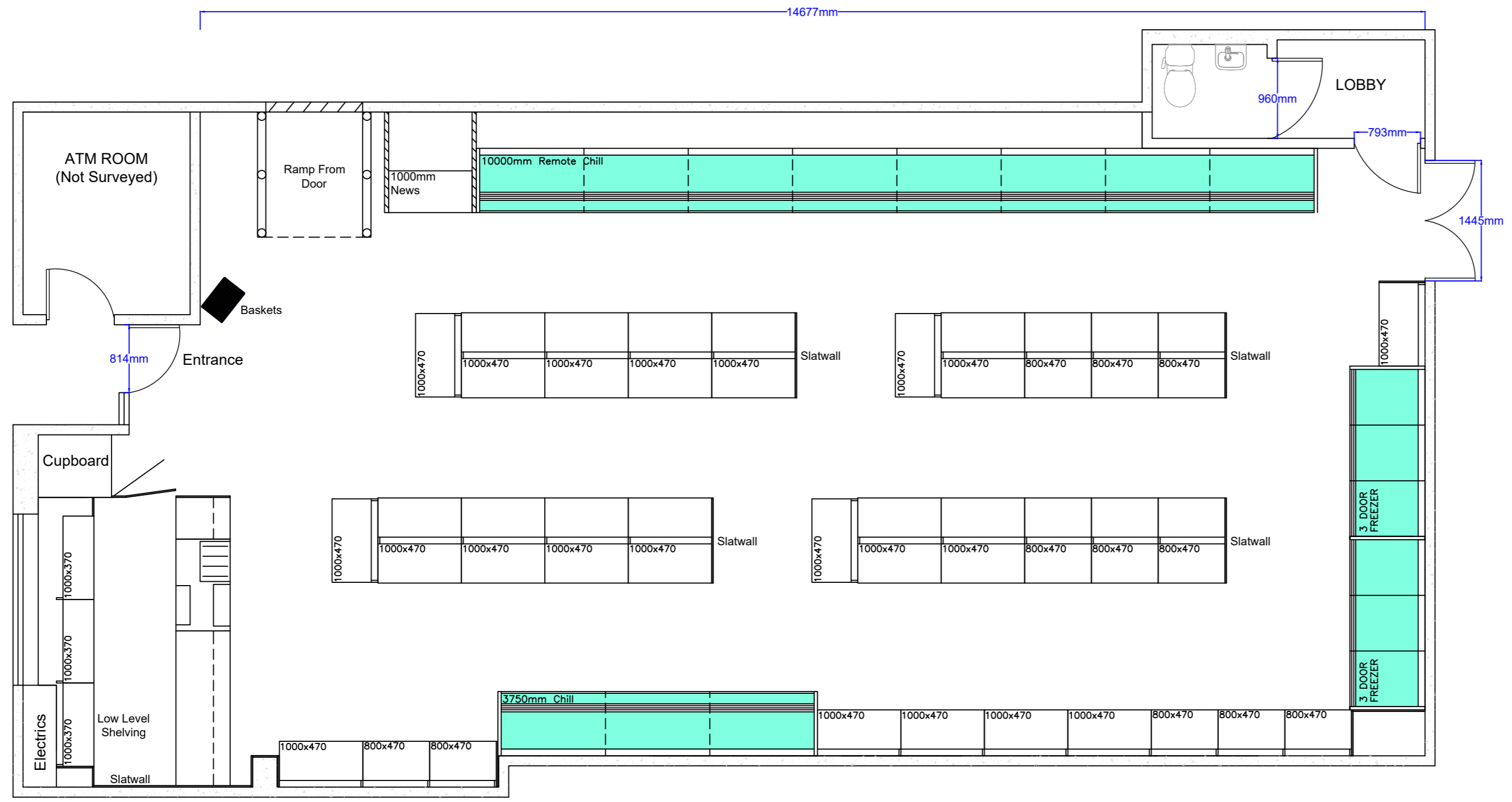
The application is for a small convenience shop and is for off sale hours only. They have had two occasional licence granted which dates are from 11th until 24th April 2022 and 5th May until 18th May 2022 and as far as I am aware there have been no issues. For information despite trying to make contact with Siam Mohammad no further occasional licence application has been received so alcohol sales will have to cease on 18th May 2022.

Statutory Checks

I have been unable to visit the premises but can confirm that no complaints have been received regarding the occasional licence applications which they were using.

I do not have any issues with the application and duly submit this report for consideration of Board Members.

Nicky Corletto
Licensing Standards Officer
Angus Council



Existing Ceiling:	-
Proposed Ceiling:	-
Depth Of Frieze:	-
Wall Column Height:	-
Gondola Column Height:	-
Suspended Ceiling:	-
	-
	-
	-
	-
Floor Specification:	-
	-
	-
	-
	-
	-
Lighting Specification:	-
	-
	-
	-
	-
	-
Woodwork Finish:	-
Shelving Colour:	-
Kickplate Colour:	-
Ticket Rail Colour:	-
Dairy Trim Colour:	-
Slatwall Finish:	-
Frieze Finish:	-



Vertex R.A.S. Ltd
 Sir William Smith Road
 Kirkton Industrial Estate
 Arbroath
 Angus
 DD11 3RD

Telephone No:
 FAX No:

www.vertexscotland.com

Project Details:	Nisa
	25 Fisheracre Arbroath
	DD11 1LE

Drawing Title:	Shop Layout Opt 2	
Drawing No:	14-043	
Scale:	1:50@A2	Revision: -
Date:	08-06-21	Project Rep: JM
Drawn By:	AA	Revision By: -

All Plans And Quotations Remain The Property Of The Designer Who Retain The Copyright.
 Drawings Are Based Upon Site Information Supplied By Third Parties And As Such Their Accuracy Cannot Be Guaranteed.
 All Features Are Approximate And Subject To Clarification.
 Therefore No Shop Plan Pr Shelving Elevation May Be Copied Or Used As A Basis For Quotation By Other Persons Or
 Companies Without Written Permission From The Proprietor Of The Company.
DO NOT SCALE



(b) TURADH DISTILLERY, 4 BOGARDO FARM STEADINGS, FINAVON, BY FORFAR, DD8 3PW

Name of Applicant

Anna Marie Robertson

Type of Licence: - Off Sales

1. Description of Premises

Turadh Distillery will have premises at 4 Bogardo Farm Steadings, Finavon, Forfar, DD8 3PW. Utilising the garage only for the premises. The garage premises is ground floor and provides self-contained access, separate to the house. The premises will allow site for distribution of online and wholesale and stock products. This is the gin and liquor sold online and not onsite.

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

Recorded music within core hours

4. Any other Activities

- (a) Craft micro distillery – site to provide distribution through online sale, no courier or local delivery service;
- (b) No onsite alcohol consumption to take place;
- (c) Distribution of sale to wholesale, stockists and online sale consumers; and
- (d) Site for packaging and labelling. We will ensure all packaging will highlight alcohol is enclosed. Delivery record kept and proof of age verification in place

5. Capacity

36m²

Completion of a Confirmation of Site Notice has been requested by email, to date this has not been returned to the Board

Comments Received

Licensing Standards Officer comments

In my capacity as the Licensing Standards Officer, I can confirm that I have no comments to make in respect of the application other than further conditions be applied to the licence should this be granted. Conditions are included in the LSO report for the Board to consider.

LICENSING STANDARDS OFFICER REPORT

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

Turadh Distillery, 4 Bogardo Farm Steading, Finavon, Forfar, DD8 3PW

Premises Licence No 446

These premises are in Finavon and are quite remote, although as you can see from the google location plan enclosed, it has some residential premises beside it. The application is in the name of Anna-Marie Robertson who is the sole owner of the business, and the application has been applied for as an individual.

Background:

This is a new premises licence application. An application for a new premises licence was received by in April but the application hadn't been completed in full so I was asked to contact Anna-Marie Robertson to discuss the application and to find out exactly what her proposals were, so that I could provide her with guidance as to how to complete the application form. After our discussions I emailed Anna-Marie Robertson a link to the Angus Licensing Board Policy and provided her with guidance on her application.

Licensing Standards Officer's Report:

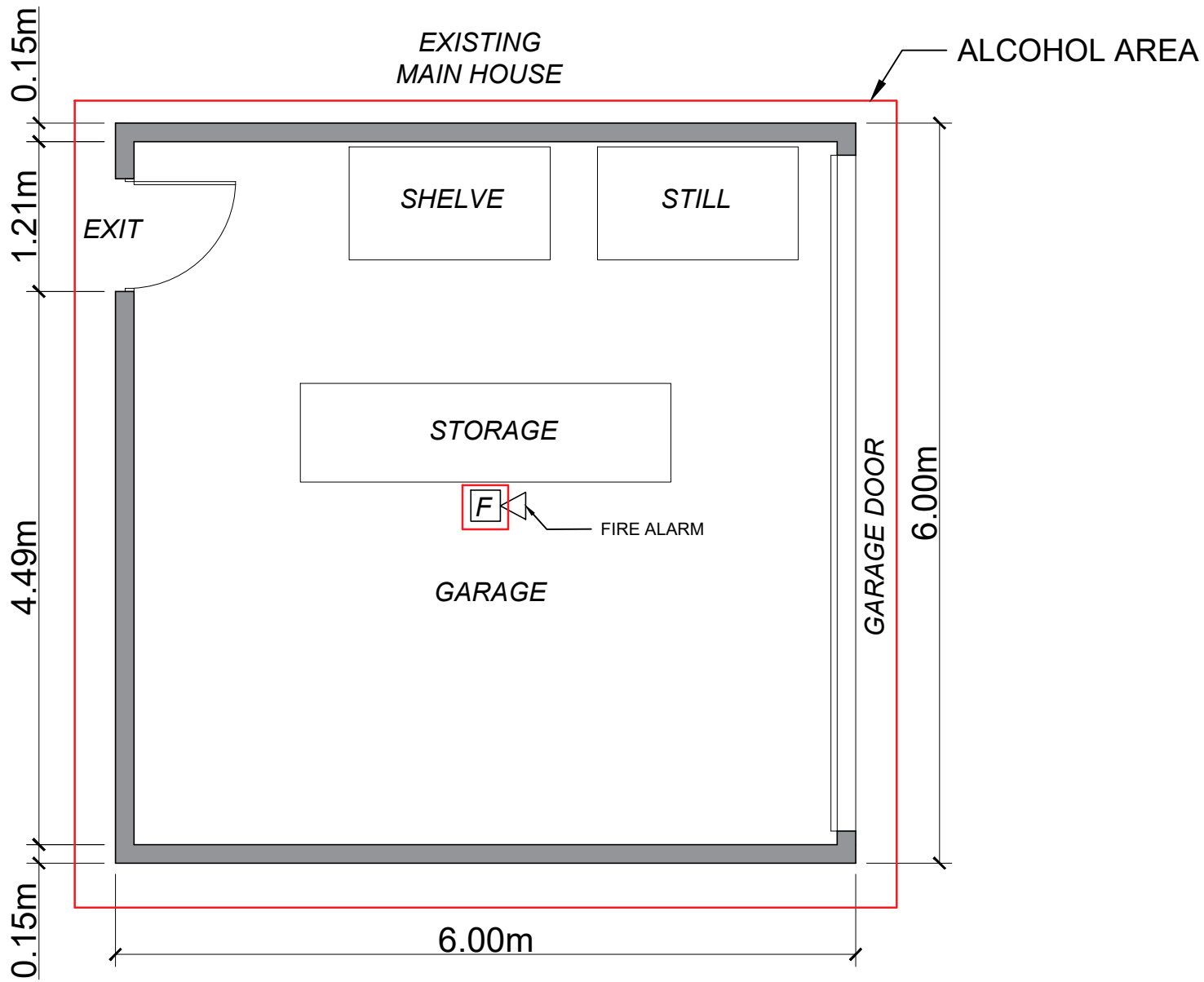
The application is for a craft micro distillery and is for off sale hours only. The craft micro distillery is to be located within the garage area of the premises, which is separate to the house.

The Board will note from the application that the applicant would like to offer distribution through an online facility to purchase their products. There will be no on-site consumption. I explained that they would have to comply with legislation regarding this regarding delivery of these items, challenge 25, labelling on their products, and if the Board are minded to grant, then they 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.

I duly submit this report for consideration by the Board.

Nicky Corletto
Licensing Standards Officer
Angus Council



GARAGE PLAN
SCALE :1:50

Rev.	Date	Submittal
0	###	Draft Set Prepared

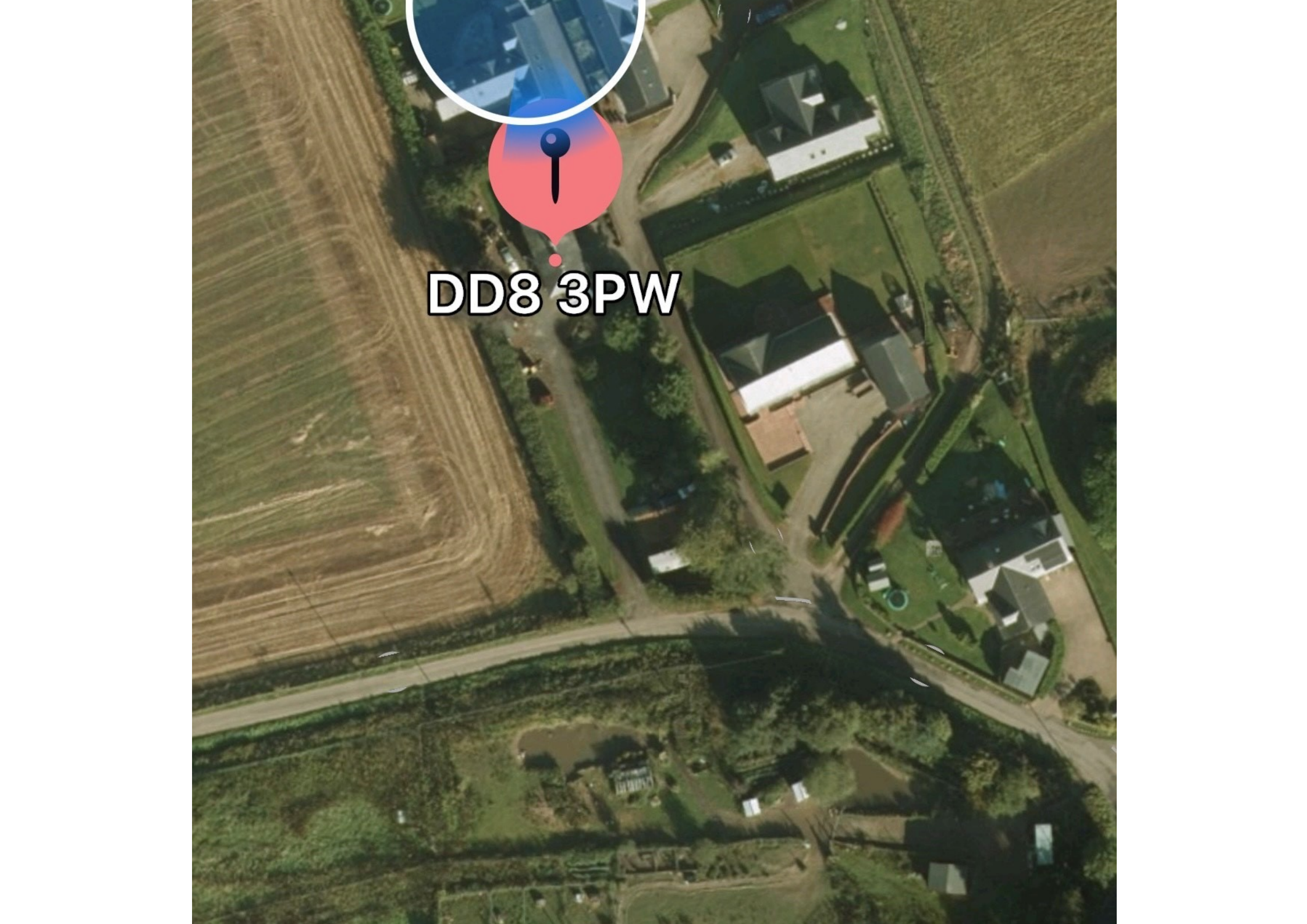
PROJECT NAME

PREPARED BY-

GARAGE PLAN

Date: ###
 Project No:
 Drawn By:
 Checked By:
 Approved By: AI

Scale: AS SHOWN
 Sheet No:
A1



DD8 3PW