

## AGENDA ITEM NO 7

REPORT NO LB 27/22

### ANGUS LICENSING BOARD – 9 JUNE 2022

#### 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 applications to vary premises licences under section 29 of the Licensing (Scotland) Act 2005 which require to be determined by the Board.

#### 1. RECOMMENDATIONS

It is recommended that the Board considers and determines each application to vary a premises licence as detailed in the **Appendix**, 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.

#### 2. BACKGROUND

The Board has received 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: Tina Magson, Team Leader – Legal Team 1**

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**APPENDIX 1 TO REPORT LB27/22  
ANGUS LICENSING BOARD – 9 JUNE 2022**

**(a) LICENCE NO. 380, NONNO NANDO'S, 1 ARBROATH ROAD, FORFAR, DD8 2HS**

**Name of Applicant** – Lynart Shepherd Ltd., 23 Wyllie Street, Forfar, DD8 3DN

**Type of Licence:** On and Off Sales

**Description of Variation**

**1. Operating Plan**

Add outdoor drinking facilities within and out with core hours

**2. Layout Plan**

Amend layout plan to include outdoor drinking area with tables and chairs for 20 persons, broken down to 5 tables, 4 persons per table as per layout plan submitted.

**Confirmation of Site Notice has been returned to the Board**

**Comments Received**

**Building Standards**

No objections to make provided the siting of the external tables/chairs do not impede any exit route/emergency exit from the premises itself.

**Environmental Health**

This application is for pavement located tables to one side of the premises. Subject to the standard conditions regarding restrictions in terms of hours of use and the playing of amplified music this service would have no objections to this application.

**Licensing Standards Officer**

I have no comment to make in respect of the application except it would be subject to roads approval to allow the tables and chairs on the pavement area and I will be recommending the following outdoor conditions:

- (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 intention of being heard within the external drinking area.

## LICENSING STANDARDS OFFICER REPORT

A major variation application was received on 16 March 2022 in respect of:

**Nonno Nando, 1 Arbroath Road, Forfar, DD8 2HS**

**Premises Licence Number: 380**

**Background: -**

The premises, as you can see from the location plan, are located on the corner of Arbroath Road and Montrose Road, and used to be known as The Volunteer Arms. There are both residential and commercial premises within this location and the premises are currently being operated as a café/restaurant, shop, and community facility.

**Licensing Standards Officer Report:**

The major variation application is to amend the existing layout plan to add an outside seating area on the pavement on Montrose Road which will be used to serve food and drink to their customers. As this is an outdoor area the Board may wish to include the following conditions on the licence:

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

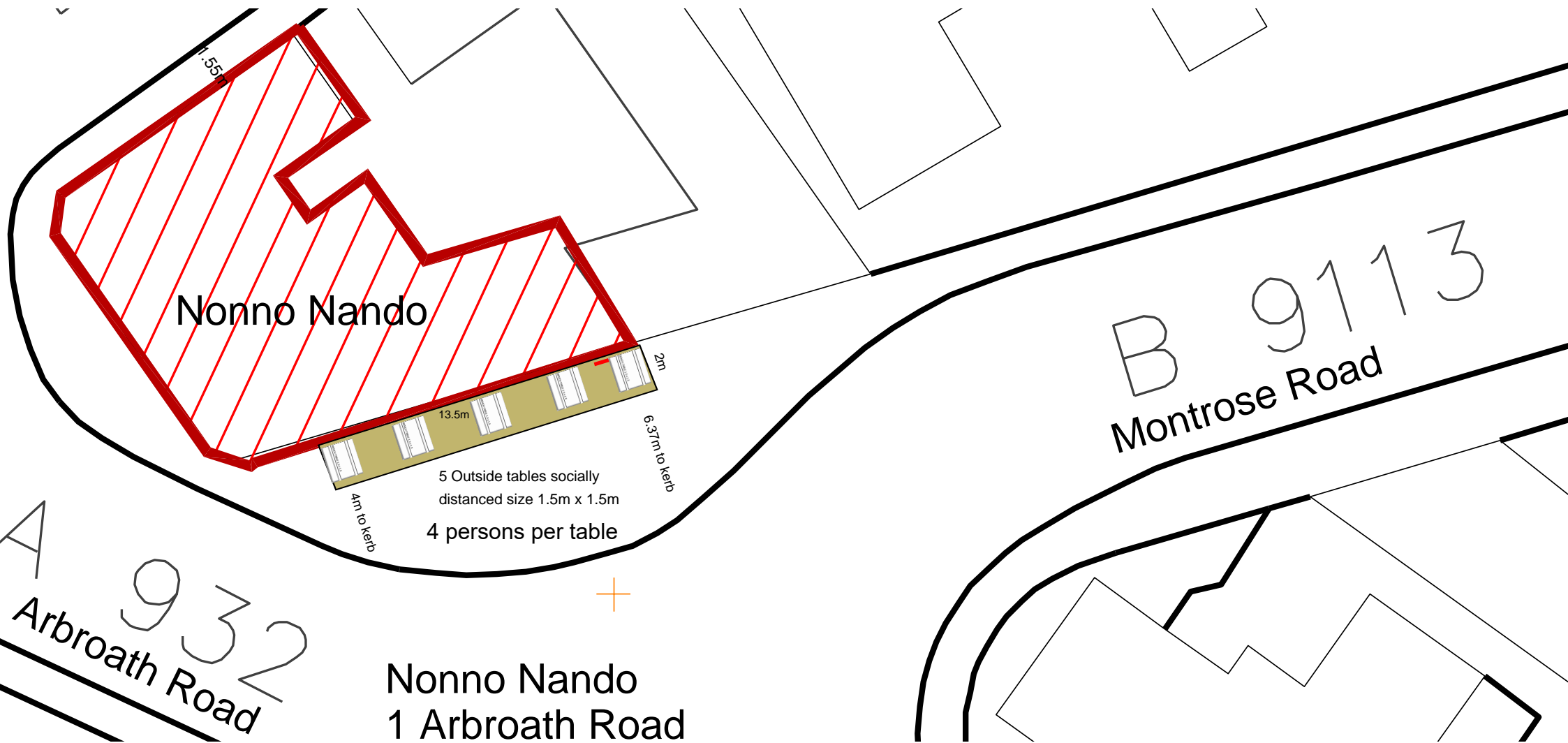
I do not have any issues with the application, but you may wish to ensure the relevant permissions to use this area have been sought from the Roads department within the Council.

I duly submit this report for consideration of Board Members.

Nicky Corletto

Licensing Standards Officer

Angus Council



Nonno Nando

B 9113  
Montrose Road

A 932  
Arbroath Road

5 Outside tables socially  
distanced size 1.5m x 1.5m  
4 persons per table

Nonno Nando  
1 Arbroath Road  
Forfar

Outside Seating Plan



**(b) LICENCE NO. 29, SMITHIES, 16 KEPTIE STREET, ARBROATH, DD11 1RG**

**Name of Applicant** – Patricia Smith

**Type of Licence:** On and Off Sales

**Description of Variation**

**1. Core Times**

Amend off sales hours to - Monday to Sunday 10.00 to 22.00

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

**2. Operating Plan**

- (a) Add music and live performances, within core hours.
- (b) Add outdoor drinking area.

**3. Children and Young Persons**

**Parts**

Add children and young person's access to toilets.

**4. Layout**

Current premises at 16 Keptie Street to become all retail/shop area with a new access doorway to 18 Keptie Street to provide for the moving and extension of the seating/café area for the consumption of alcohol as per plans attached. To include the outdoor seating area at 16 Keptie Street.

**5. Capacity**

- a) Increase in shelved alcohol display areas at 16 Keptie Street and the addition of an alcohol display in the window.
- b) On sales capacity increased to 36, which is to include 4 persons in the outside area. The Board are asked to note this figure has now been agreed with Building Standards and Environmental Health.

**Comments Received**

**Licensing Standards Officer** comments – applicant has agreed to total capacity of 35 as per Building regulations.

**The Board should note this figure has now been confirmed and agreed at 36.**

Recommendation made to add outdoor drinking area conditions and the applicant was in agreement with this.



**Building Standard's** - comments as follows:

- a) It would appear the application includes use extension of the premises from 16 to include 18 Keptie Street whereby there is a change of use and opening at ground floor level. This is deemed a conversion and requires a Building Warrant to be applied for and granted prior to any works taking place. Subsequently a Completion Certificate should be submitted and accepted prior to the occupation or use of the converted area. Since initial comments on this application were submitted, I would note an application has been applied for on the 10<sup>th</sup> May 2022, this application is currently awaiting assessment.
- b) The increase in occupant capacity from 7 to 36 persons has an implication on the wc provision from the public. The plans detail 2 wc's for public use (accessible wc is not accessible for the café area and may have implications on any building warrant application). A minimum of 3 wc's, 1 urinal and 2 wash hand basins would be required for 40 persons. I would note that sometimes a lesser provision can be agreed through the process of a Building Warrant application however as this has not been granted I am unable to comment on agreeing any lesser provision in this case.

**Environmental Health** – observations received

Food Team

From the plans submitted there are issues with the staff toilet provision, as there is no Intervening ventilated space leading to the room where food is prepared, this service has discussed this with the business and are awaiting them coming back with amended plans.

**The Board should note amended plans were received by the applicant and these have been forwarded to Environmental Health for further comment.**

Environmental Protection Team

Noise and cooking odours from the proposed development may impact on adjacent residential premises if not adequately controlled and therefore appropriate noise and odour assessments will be required as part of the Planning application determination process. Until such time as Planning is resolved/approved this service would defer any decision on this application.

**The Board should note noise and odour assessments have yet to be submitted.**

## **LICENSING STANDARDS OFFICER REPORT**

A major variation application was received on 7 April 2022 in respect of:

**Smithies, 16 Keptie Street, Arbroath, DD11 1RG**

**Premises Licence Number: 29**

**Background: -**

The premises, as you can see from the location plan, are located on the corner of Keptie Street and Dishlandtown Street. There are both residential and commercial premises within this location and the premises are currently being operated as a deli shop and café.

**Licensing Standards Officer Report:**

The major variation application is to amend the existing layout plan to increase the shop area into the vacant premises next door, 18 Keptie Street, which was a hairdresser, and to add an outside seating area on the pavement of Keptie Street which will be used to serve food and drink to their customers.

As this is an outdoor area the Board may wish to include the following conditions on the licence: -

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

I do not have any issues with the application and can confirm that we have not received any complaints in respect of the premises. I have spoken with Patricia Smith, the licence holder, regarding the application and she is happy with the conditions noted above and has confirmed to me that the total capacity is to be 36 persons, which include 4 persons within the outside area.

I duly submit this report for consideration of Board Members.

Nicky Corletto







Licensing Standards Officer


Angus Council


Proposed Change of use from hairdresser shop  
to Cafe Delicatessen  
**18 Keptie Street**  
Arbroath for  
**Smithies**


Rev B May 2022  
1 Removal of staff toilet  
2 Numbers for licence application now 36

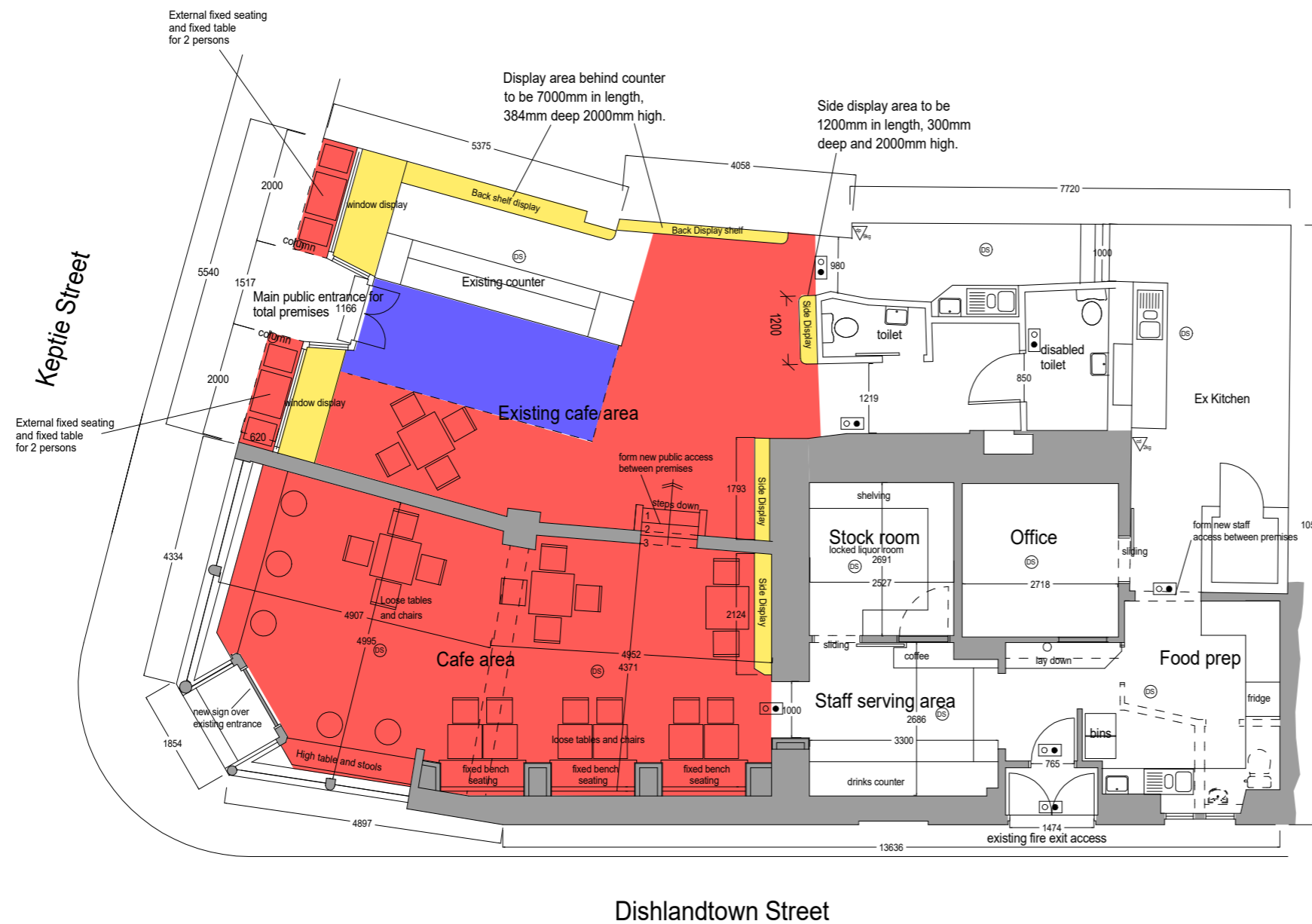
Legend:

-  Emergency Light
-  Fire Extinguisher - Carbon Dioxide
-  Fire Extinguisher - Dry Powder
-  Fire Extinguisher - Water
-  Fire Extinguisher - Foam
-  Smoke Detector

 Area for the sale of alcohol for consumption off the premises only.

 Area for the display of alcohol only.

 Area for the consumption of alcohol on the premises and area for children access



License for 36 persons over both properties  
this figure includes for external seating (4) at front  
of 16 Keptie Street

**Floor plan**  
scale 1:100



**(c) LICENCE NO. 303, SPAR STORE, 43 BARRY ROAD, CARNOUSTIE, DD7 7QQ**

**Name of Applicant** – CJ Lang & Son Ltd., 78 Longtown Road, Dundee, DD4 8JU

**Type of Licence:** Off Sales

**Description of Variation**

**1. Operating Plan**

Add gaming within and out with core hours to cover the use of the National Lottery outlet.

**2. Activities**

Amend activities out with core hours to:

The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, such as Spar Radio, prior to the commencement of core hours. This is background levels only. National Lottery tickets/cards can be purchased prior to core hours.

Add at any other activities:

The primary activity undertaken in the premises is the general retail sale of the following: groceries, confectionery, bread & cakes, crisps/snacks, non-foods, toiletries, frozen & chilled foods, fruit/vegetables/flowers, news & magazines, toys, tobacco & cigarettes, beer/wines/spirits, other alcoholic products and non-alcoholic drinks. Charity collection point and charitable events take place. Food to go. Click & collect. Home deliveries. Paypoint payment. National Lottery outlet. External automated cash machine. Sampling & promotional activities."

**Comments Received**

**Licensing Standards Officer**

No comment to make in respect of the application except as they are offering a home delivery service, I will be recommending that it is subject to the following conditions:

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 or 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.

## LICENSING STANDARDS OFFICER REPORT

An application for a Major Variation Application was received on 11 April 2022 in respect of:

**Spar Store, 43 Barry Road, Carnoustie, DD7 7QQ**

**Premises Licence Number: 303**

**Background: -**

The premises, as you can see from the location plan, is located along Barry Road and is surrounded by both residential and commercial properties.

**Licensing Standards Officer Report:**

The application is for a convenience store/post office and is to allow recorded music prior to the commencement of core hours, add gaming as an activity to allow National Lottery ticket sales, to allow home deliveries and a general tidy up within question 5 and 5(f).

**As the premises are offering a home delivery service you may wish to apply the following conditions to the licence. This will keep this premises in line with others who are offering this type of service: -**

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**

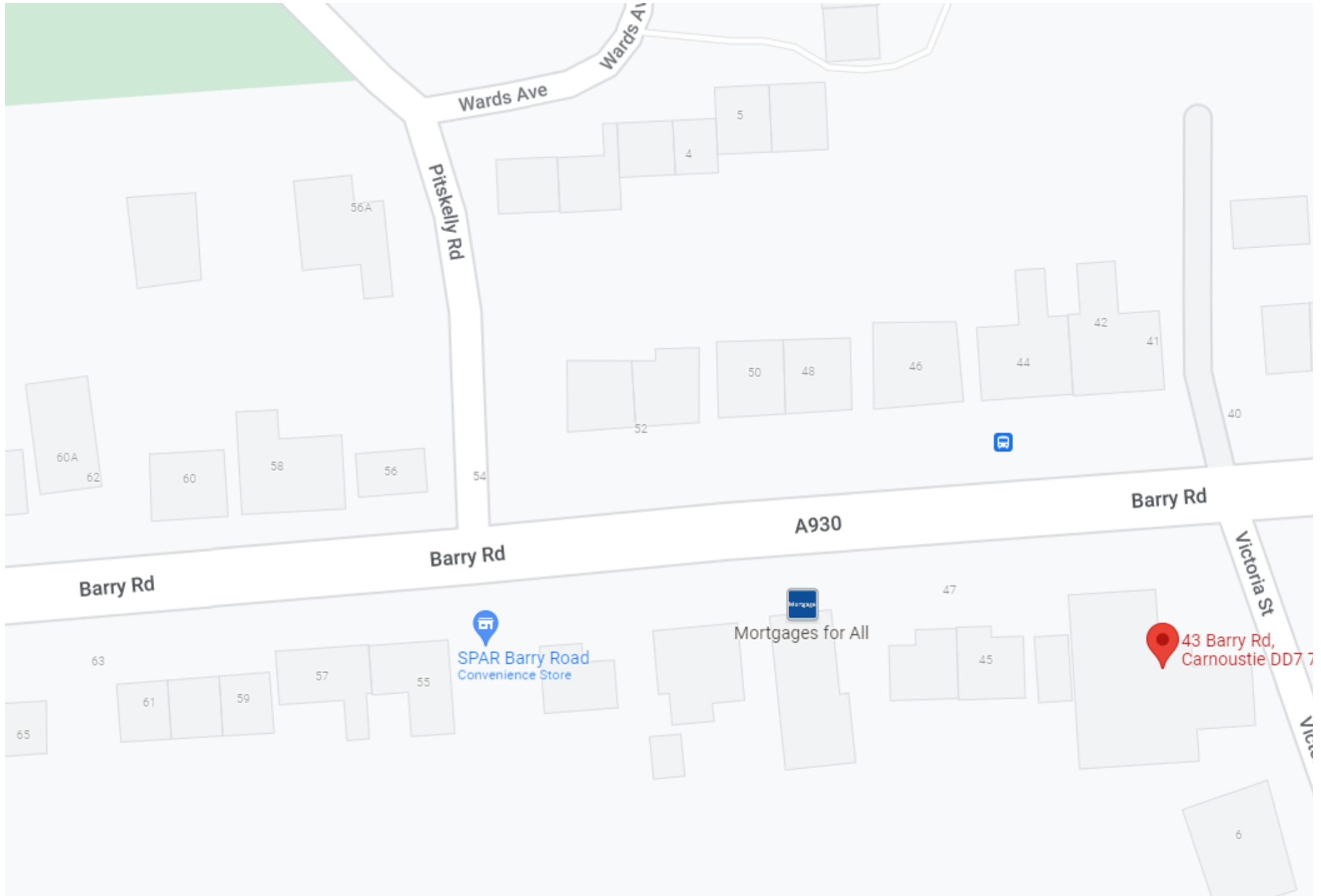
I have been unable to visit the premises but can confirm that no complaints have been received in regard to the premises.

I duly submit this report for consideration of Board Members.

Nicky Corletto

Licensing Standards Officer

Angus Council



**APPENDIX 1 TO REPORT LB27/22  
ANGUS LICENSING BOARD – 9 JUNE 2022**

**(d) LICENCE NO. 174, STAG HOTEL, 140-144 CASTLE STREET, FORFAR, DD8 3HX**

**Name of Applicant** – Graeme Campbell

**Type of Licence:** On and Off Sales

**Description of Variation**

**1. Operating Plan**

Add outdoor drinking facilities within and out with core hours.

Alcohol sales limited from	11.00 to 21.00
Non-alcohol sales from	09.00 to 21.00

**2. Layout Plan**

Add external drinking area to the north of the premises and outlined on the plan attached.

**Comments Received**

**Licensing Standards Officer comments**

No comments other than the Board may wish to add outdoor drinking conditions to the licence.

**Environmental Health comments**

This service would not object to this application subject to standard conditions restricting the use of all external areas used for drinking to before 9pm and prohibiting the playing of music audible within the external drinking area.



## LICENSING STANDARDS OFFICER REPORT

A major variation application was received on 15 April 2022 in respect of:

**Stag Hotel, 140-144 Castle Street, Forfar, DD8 3HX**

**Premises Licence Number: 174**

**Background: -**

The premises, as you can see from the location plan, are located on the corner of Castle Street. There are both residential and commercial premises within this location.

**Licensing Standards Officer Report:**

The major variation application is to amend the existing layout plan to incorporate the addition of a beer garden to the North of the premises and to update their operating plan to allow this change to allow the area to be used outwith core hours, from 9am until 11am only for teas, coffees and food. No alcohol will be provided outwith core hours. During the COVID Pandemic the premises, like many others, utilised the beer garden to allow them to continue trade and this has been successful and without any issue.

As this is an outdoor area the Board may wish to include the following conditions on the licence: -

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

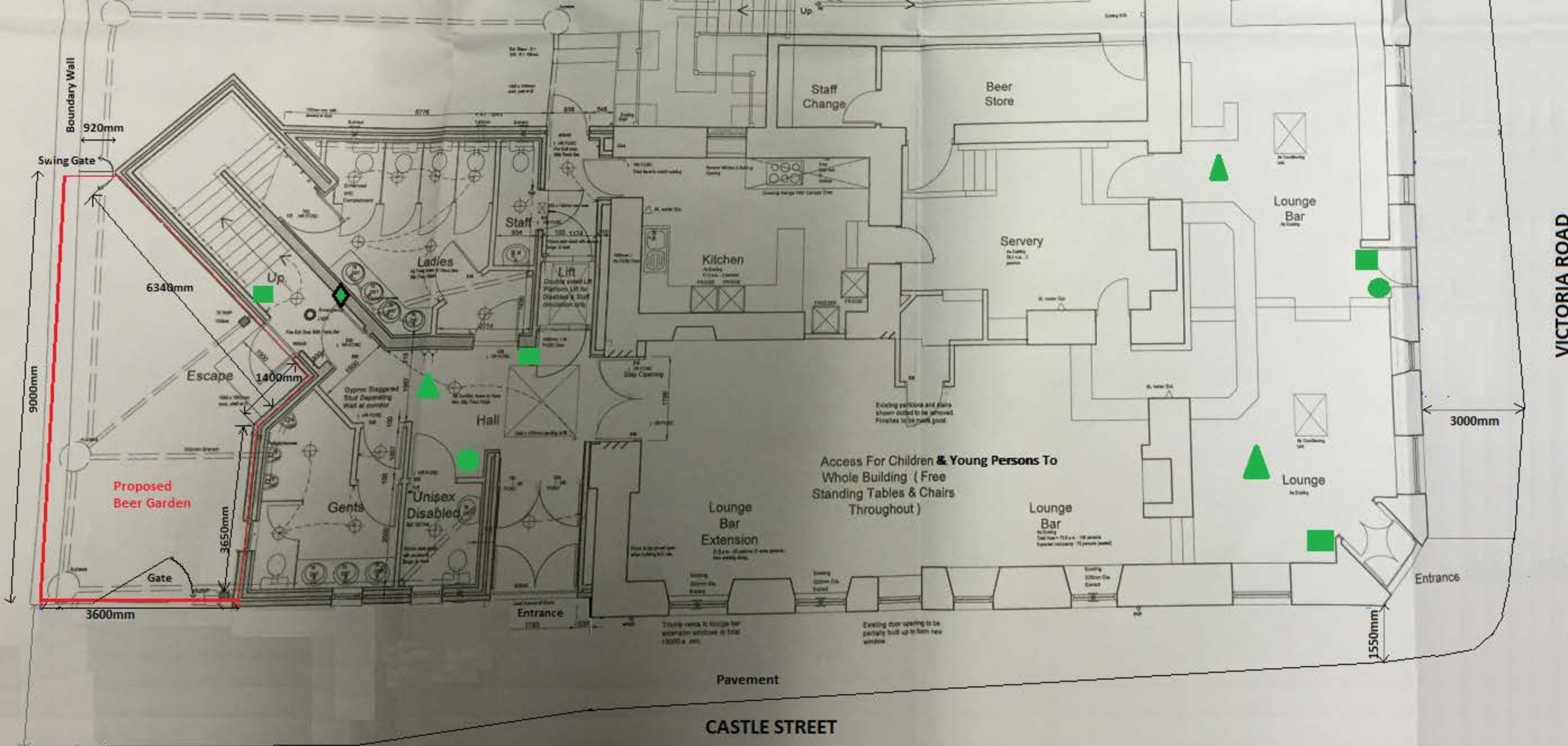
I do not have any issues with the application and can confirm that we have not received any complaints in respect of the premises.

I duly submit this report for consideration of Board Members.

Nicky Corletto

Licensing Standards Officer

Angus Council



■ Proposed Beer Garden accessible from Pub

- Fire Extinguisher
- ◆ DorGard Fire Door Auto closer
- Fire Alarm Point
- ▲ Smoke Detector

**SCALE 1:50**



**(e) LICENCE NO. 434, ARBIKIE DISTILLERY VISITOR CENTRE, DRUMBERTNOT FARM, LUNAN, MONTROSE, DD10 9TR**

**Name of Applicant** – Arbikie Distilling Ltd., Inverkeilor, Arbroath, DD11 4UZ

**Type of Licence:** Provisional Premises Licence On and Off Sales

**Description of Variation**

**1. Operating Plan**

Amend “any other activities” by removing the reference to private tasting rooms and to now read:

Tastings for visitors following tours of the distillery marketed at tourists in particular. Tastings will principally be carried out on the first floor of the premises to which children and young persons will not be permitted access and also in a cordoned off area on the ground floor. The applicant seeks to offer tastings from 09.00 daily for prebooked visitors only.

**2. Layout**

Proposed changes to the layout:

Ground Floor – left hand side alcohol display area space changed from a straight line to a semi-curve and right hand side offices removed and bar area turned into an L shape.

First Floor – bar area top right hand side running left to right turned 90 degrees to be more central to the room.

Private dining areas opened up to be open plan.

**3. Capacity**

Reduce capacity figure from 276 to combined total 228

**Comments Received**

No comments.

## **LICENSING STANDARDS OFFICER REPORT**

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

**Arbikie Distillery Visitor Centre, Drumbertnot Farm, Lunan, Montrose, DD10 9TR**

### **Premises Licence No 434**

These premises are located off the A92 and are quite remote in location as you can see from the google location plan enclosed. The application is being applied for as a company under the name of Arbikie Distilling Limited.

### **Background:**

These premises currently hold a provisional premises licence which was granted by the previous Licensing Board on 26 November 2020. A provisional licence, as you know, does not allow the sale of alcohol, and would require a confirmation application to be completed to allow the premises to do this. A confirmation application is a delegated function and does not require to come back to the Licensing Board. However, in the case of these premises it came to light, when the confirmation application was received last month, that the layout of the distillery had changed somewhat between when the provisional was granted and when the confirmation application was received. It was a result of this that the major variation application was required to ensure that the layout plan was compliant with how the premises looks now. Once this application has been determined only then can the confirmation application be processed.

### **Licensing Standards Officer's Report:**

The application is to amend the current layout plan and to remove any reference to private tasting rooms within the operating plan. The capacity figure is reducing from 276 to 228.

These premises are currently trading on occasional licences, which have been applied for from 6 May until 16 June 2022. These are to cover the period of when the premises were open until the application could be heard at a Licensing Board meeting. There have been no issues that I am aware of since these have been granted.

I do not have any issues with the application and can confirm that we have not received any complaints in respect of the premises.

I duly submit this report for consideration by Members.

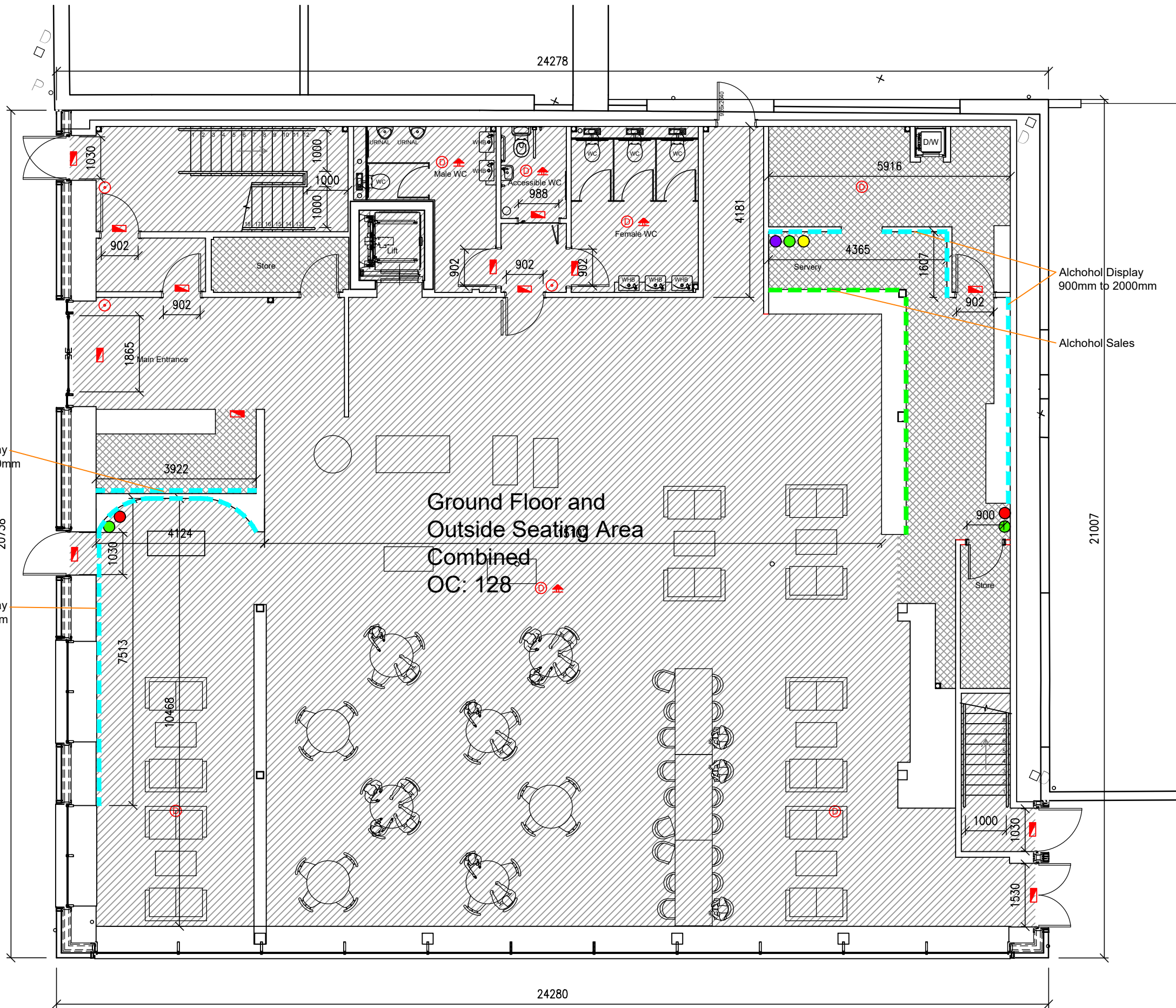
Nicky Corletto

Licensing Standards Officer

Angus Council

AMENDMENTS		
2	Updated to match as built	20/04/22 RB
3	UOC updated	12/05/22 KF

- Emergency Light
- Break Glass
- Sounder
- Heat Detector
- Areas to which children and young persons will have access.
- Areas to be open to Adults Only
- Areas to be open to Staff Only
- 6ltr Foam
- 2kg CO2
- 6kg Dry Powder
- 6ltr Wet Chemical
- 6ltr Water
- Fire Blanket
- Alcohol Display
- Alcohol Sales


















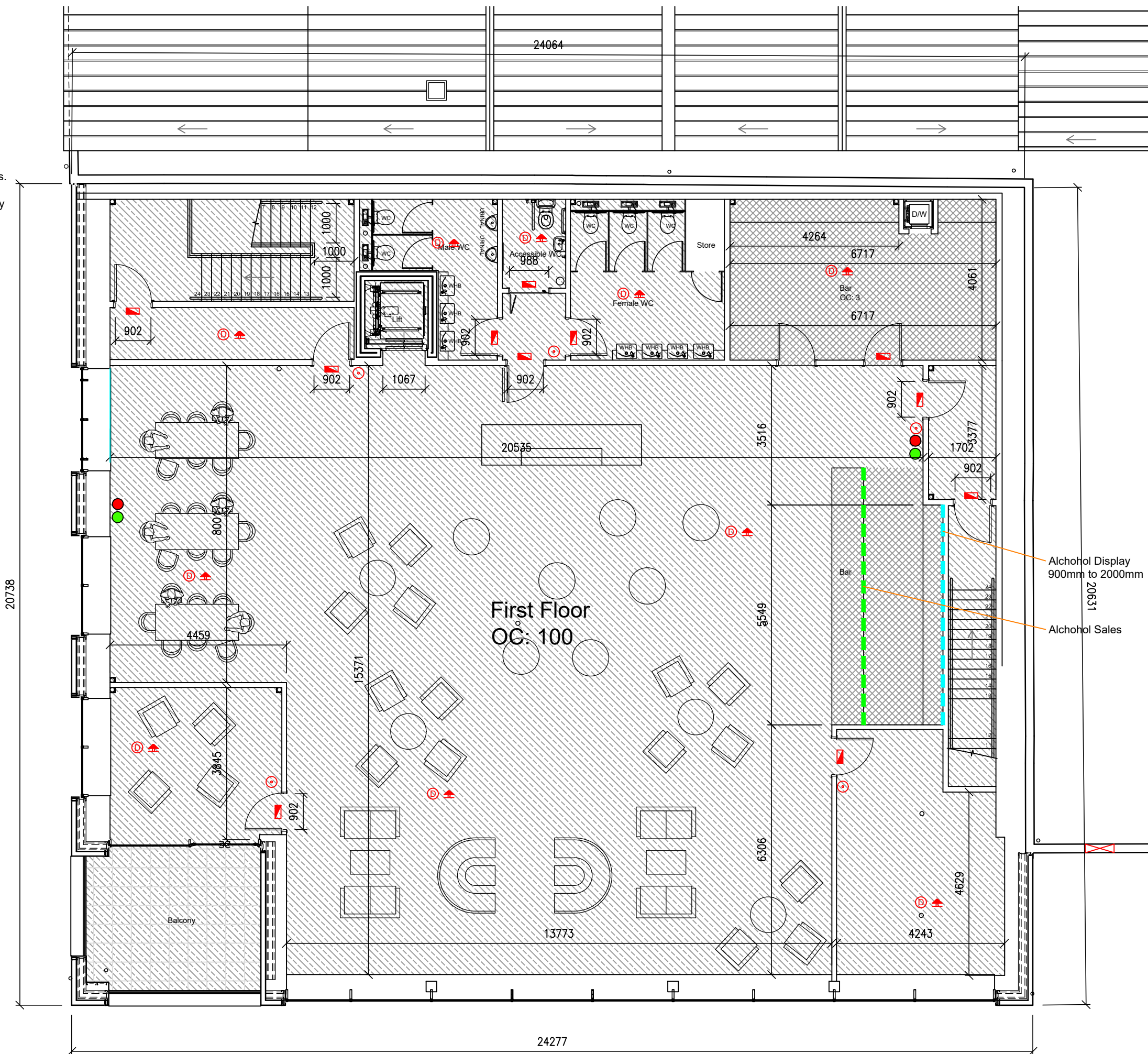
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DRAWING TITLE  
**Licence Drawing  
Ground Floor Plan**

SCALE: 1:100 - A3  
DATE: 11th August 2020  
CAD FILE: 3863/LD/01 Ver 1  
DRAWN BY: RB

STATUS: DWG NO  
3863/LD/01 Ver 3

-  Emergency Light
-  Break Glass
-  Sounder
-  Heat Detector
-  Areas to which children and young persons will have access.
-  Areas to be open to Adults Only
-  Areas to be open to Staff Only
-  6ltr Foam
-  2kg CO2
-  6kg Dry Powder
-  6ltr Wet Chemical
-  6ltr Water
-  Fire Blanket
-  Alcohol Display
-  Alcohol Sales



AMENDMENTS	
2	Updated to match as built
3	OC Updated
20/04/22	RB
12/05/22	KF

Alcohol Display  
900mm to 2000mm

Alcohol Sales

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DRAWING TITLE  
Licence Drawing  
First Floor Plan

SCALE 1:100 - A3 DATE 11th August 2020  
CAD FILE 3863/LD/01 Ver 1 DRAWN BY RB

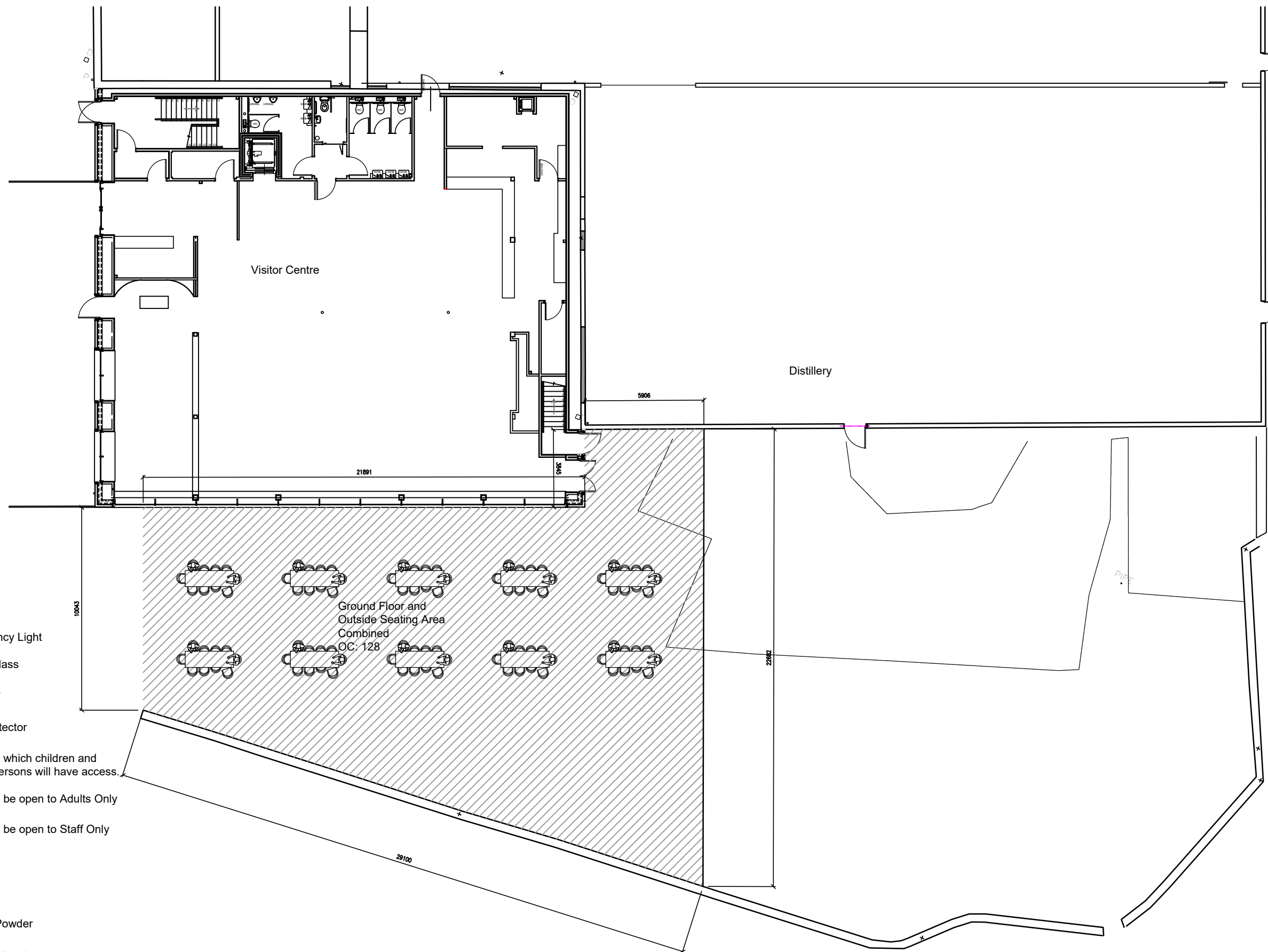
STATUS  
3863/LD/02 Ver 3 DWG NO

Proposed New Distillery  
Visitor Centre  
Arbikie Farm  
Inverkeilor

Arbikie Distilling Limited

AMENDMENTS

2	External seating area redrawn to match boundary as noted in planning approval.	17-09-20	RB
3	Updated to match as built	20/04/22	RB
4	OC Updated	12/05/22	KF



- Emergency Light
- Break Glass
- ▲ Sounder
- ⊙ Heat Detector
- Areas to which children and young persons will have access.
- Areas to be open to Adults Only
- Areas to be open to Staff Only
- 6ltr Foam
- 2kg CO2
- 6kg Dry Powder
- 6ltr Wet Chemical
- 6ltr Water
- Fire Blanket
- Alcohol Display
- Alcohol Sales

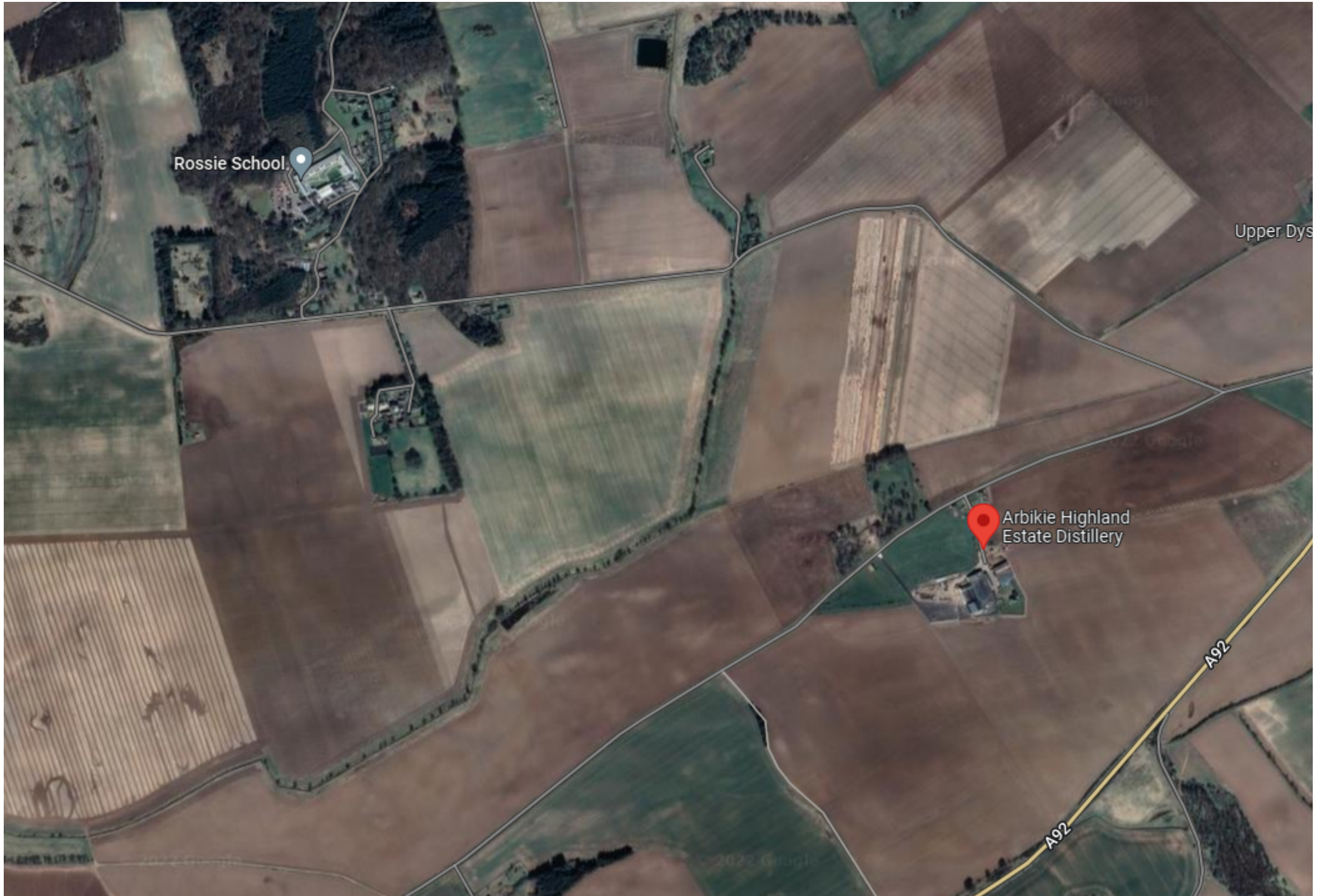
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DRAWING TITLE

Licence Drawing  
Site Layout Plan

SCALE	DATE
1:200 - A3	20th August 2020
CAD FILE	DRAWN BY
3863/LD/01 Ver 1	RB





**(f) LICENCE NO. 345, BRECHIN CITY FOOTBALL CLUB, GLEBE PARK, TRINITY ROAD, BRECHIN, DD9 6BJ**

**Name of Applicant** – Brechin City Football Club

**Type of Licence:** On Sales

**Description of Variation**

**1. Operating Plan**

- a. Add off sales: Saturday - 13.00 to 20.00
- b. Activities: add conference facilities, receptions including (weddings, funerals, birthdays, retirements etc) and outdoor drinking facilities out with core hours
- c. Children and young persons

Parts of premises: to include hospitality lounge as well as members club and boardroom.

**2. Layout Plan**

To incorporate 2 new portacabins which will be positioned within the ground. Both consist of a lounge and kitchen area which would be utilised for providing a community facility. Community use will be based on demand but likely to be between 09.00 and 16.00 Monday – Friday but they will only be open if booked with no alcohol consumption. May have the occasional community group usage in the evening but this will only be for meetings and unlikely to go beyond 20.00. The cabins will form part of the hospitality on a matchday and will open at 13.00 but be closed by 19.00 at the latest. There may be the odd occasion when there is a midweek game that they will be in use based on demand and will not go beyond the current full time arrangements in relation to any football activity.

**Layout plan showing siting of both portacabins to follow.**

**3. Capacity**

Increased to 168

**Comments Received**

**Licensing Standards Officer comments**

We will require an amended layout plan which shows where both portacabins are to be placed within the licensed footprint. I have spoken with Clerk Renlison and Kevin Mackie in regards to this who advise this will be provided early June, once the cabins have arrived and are in position.

I understand that the Football Club are trying to utilise the premises and make it more of a community hub. I feel that this is beneficial to both the Club and the community and would welcome this change. I will however be recommending to the Board that the hours of use for the portacabins be stipulated on the licence, so as to avoid any confusion, so that it is clear when the portacabins can be used.

The Club are going to be providing a decked area. The licence holder will have to ensure that the area is not accessible by members of the general public who haven't purchased hospitality tickets.

I am recommending that the following conditions be attached to the licence in regard to the outdoor area:

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

Regarding outdoor drinking, the operating plan states this is only to happen outwith core hours. Perhaps an explanation from the Club would be beneficial to the Board as to why they have only applied to have this activity outwith core hours.

The premises have applied for off sales but have stated only on Saturdays from 1pm until 8pm. I feel that an explanation would be beneficial as my understanding is that during match play days the premises cannot offer off sales, that no alcohol is allowed outwith the designated hospitality areas and that alcohol consumption is only allowed during specific times, i.e., prior to the match kick off, during the 15-minute interval and after the game has finished.

### **Comments Received**

#### **Building Standards** comments

To utilise Portacabins (and decking) for such a use, a Building Warrant and Completion Certificate are required for these buildings (or temporary buildings?). The proposed buildings will be subject to meeting the Building Regulations at the time of the application and they should not be used or occupied until a Completion Certificate is accepted. No Building Warrant application has been submitted at this present time. From the information supplied on the application form, it should be a 'Late Building Warrant Application' applied for. No further comments can be made until an application is received and assessed.

The layout plan appears to show one portacabin, application states there are 2 intended. Provide full details of both portacabins, access, escape widths etc. Please refer to the licensing guidance for assistance.

Off sales is noted on the application as having an occupancy capacity of 20, what does the '20' relate to and where is the off-sales located? Please refer to the licensing guidance for assistance.

#### **Environmental Health** observations

This service notes from the layout plan that it is not clear what part of the ground is licensed and only one portacabin is shown on the plan. In addition, this service notes that the operating hours specified by the licence extend out with the periods referred to by the applicant in the previously agreed noise management plan. If there are now to be two portacabins this service would suggest the hours of use should be specified in the licence, requiring an application to vary the licence. In light of the above this service would request that the layout plan delineates all areas to which the licence applies including the second portacabin and the applicant makes an application to change the hours of use to reflect the use of each separate area. In addition, the noise management plan requires to be amended to include both portacabins and if the building is to open for the occasional midweek game it should be clear if the sale of alcohol will take place and if so what the hours of operation will be during the week.

#### **Further information provided by LSO**

The Board are asked to note that licensing received an email from the Licensing Standards Officer dated 12 May 2022 advising the club doesn't know where they will be finally placing the 2<sup>nd</sup> portacabin (due to arrive 1 June 2022) but that the applicant confirmed a final layout plan detailing the positioning of both portacabins will follow once they are in place.

Regarding the hours Clark Renilson has confirmed the following:

“Community use will be based on demand but likely to be between 0900hrs and 1600hrs Mon – Friday but they will only be open if we have a booking with no alcohol consumption.

We may have the occasional community group usage in the evening but this will only be for meetings and unlikely to go beyond 20.00hrs.

The cabins will form part of our hospitality on a matchday and will open at 1pm but be closed by 7pm at the latest. There may be the odd occasion when there is a midweek game that they will be in use based on demand but will not go beyond the current full time arrangements in relation to any football activity”.

#### **Further information provided by Applicant**

“I apologise if I am confusing matters but this is the first time I have submitted an application. As you are aware I submitted an initial application for the one portacabin which is already in position within the stadium. As we had ordered another portacabin which is still being manufactured I was informed to resubmit another application with the initial one being deleted to cover both portacabins with reference to the second one still pending as directed so I hope this clears up the portacabin questions.

The off sales element may have been referred to wrongly. I included the off sales to cover the decking area outside the portacabin which is on site. The only people using it would be those that are within the portacabin. The numbers of 24 and 4 staff are correct and the usage would only be for these individuals and staff if and when needed. The decking area would be an extension to the hospitality cabin and would be utilised when hospitality is ongoing.

The second portacabin which as stated is not as yet on site will have no external consumption areas.

I hope this information is sufficient for the building standards. I have a meeting this afternoon with an architect who will be reviewing the plans and submitting an application as previously detailed on behalf of the club.”

## LICENSING STANDARDS OFFICER REPORT

An application for a Major Variation Application was received from Brechin Football Club on 23 March 2022 in respect of:

**Brechin Football Club, Glebe Park, Trinity Road, Brechin, Angus, DD9 6BJ**

**Premises Licence Number: 345**

**Background: -**

This is an application for a major variation to the premises licence to: -

1. Amendment to layout plan to show the two new portacabins which will allow additional hospitality lounge areas and to allow children and young person's access to these areas.
2. Addition of an outdoor drinking decked area.
3. Addition of off sale hours.
4. Increase capacity from 90 to 100 persons.
5. Addition of conference and celebration facilities outwith core hours.

### **Licensing Standards Officer Report:**

The major variation application was originally received on 23 March. I have had communication with both Clerk Renlison and Kevin Mackie at the Football Club since the application was lodged. On speaking with Kevin Mackie it became aware that there were to be two portacabins and not one as the original application stated. It was agreed that the application be amended so incorporate this change, as we still had time to do this with there not being a Board meeting until after the elections, and so that the football club did not have to come back with a further major variation application.

As one of the cabins is not due to arrive until the beginning of June the layout plan is not correct. Neither Clerk Renlison or Kevin Mackie knew the exact positioning of the cabin and as such it was agreed that an up-to-date copy of the layout plan is to be provided early June. This will show the exact positioning of both cabins.

As these cabins are to be used outwith match days as well as hospitality on match days, it may be that the hours of use should be specified on the licence along with a total capacity to ensure everyone is aware and this would avoid any confusion.

The football club are looking to utilise their current licence and make it more of a community hub where members of the public can book for events for various celebrations, such as birthday parties, engagement parties and the like. I feel that this would be of added value to the community and do not have any issues with this request.

I note that there is to be a decked area which is to be used on match days. The licence holder must ensure that this area is not accessible by members of the public on these days and that it is supervised whilst in use ensuring it is only hospitality guests who use it. The Board may wish to add the following outdoor conditions to the licence: -

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

Regarding outdoor drinking, the operating plan states this is only to happen outwith core hours. I am not sure the reasoning behind this and perhaps an explanation would be beneficial to the Board.

The premises have applied for off sales but have stated only on Saturdays from 1pm until 8pm. Again, I feel that an explanation would be beneficial as during match play the premises cannot offer off sales as no alcohol is allowed other than in hospitality.

**Statutory Checks**

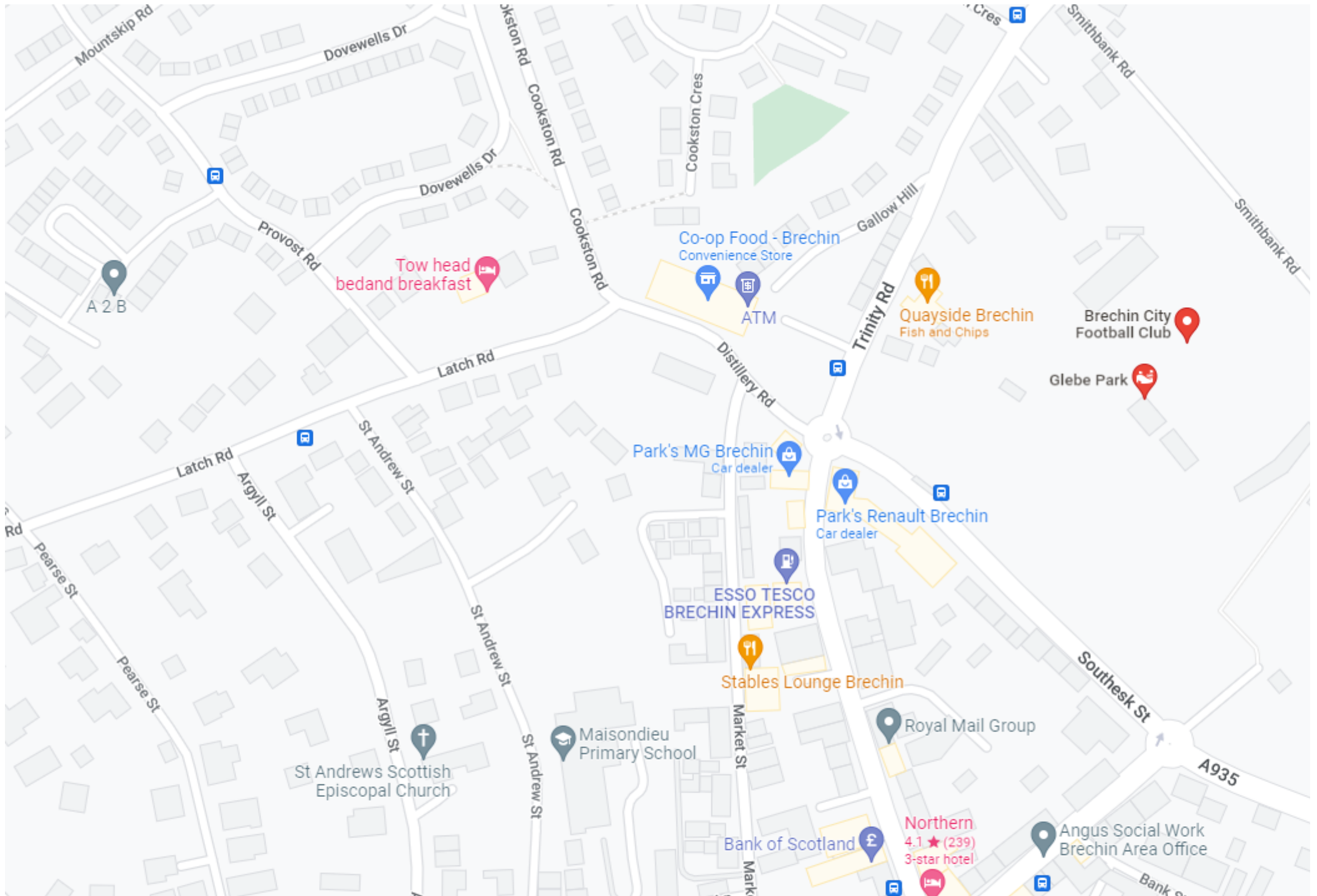
I have been unable to visit the premises but can confirm that to date no complaints have been received.

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

Nicky Corletto

Licensing Standards Officer

Angus Council



**(g) LICENCE NO 318, DEVITOS, 11 MILLGATE, ARBROATH, DD11 1NN**

**Name of Applicant** – KWS Property Limited, Devitos, 11 Millgate, Arbroath, DD11 1NN

**Type of Licence:** On Sales

**Description of Variation**

**1. Core Hours**

Amend hours to	Friday	19.00 to 03.30
	Saturday	13.30 to 03.30
	Sunday	12.00 to 02.00

**The Board are advised that the hours requested are out with Board Policy**

**2. Activities**

Add club meetings within core hours

**3. Other Activities**

Add – To include opening for the “Arbroath Blues” event

**4. Children and Young Persons**

Amend Times to read – From start of core hours – must vacate the premises by 22.30

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

**Objection Received**

Police Scotland submitted a letter of objection dated 20 May 2022, a copy of which is attached.

In addition, the Board have also received 4 notices of objections, all within the relevant consultation period and copies of each objection are also attached.

**Comments Received**

**Environmental Health comments**

The reason for the variation is the extension of the operating hours to include opening until 0330hrs on Saturday and Sunday mornings. In this regard entertainment noise is a potential concern however this service can confirm that we have not received any justifiable complaints related to entertainment noise from these premises. That being the case this service would not object to this application and have no other comments to make.