

ANGUS LICENSING BOARD – 18 AUGUST 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 licences 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 licence 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.

**APPENDIX TO REPORT LB36/22
ANGUS LICENSING BOARD – 18 AUGUST 2022**

(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

The Board are asked to note this application for a premises licence called at the Angus Licensing Board on 9 June 2022. The Board deferred this application to allow the applicant to submit a new layout plan.

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

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, Arbroath's Family Shopper Limited, where Mr Saim Mohammad is the director.

Mr Saim 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 Mr Saim Mohammad on what to do next and provided guidance to him on how to apply for occasional licences to cover him until his premises licence was determined by the Licensing Board.

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 but these were never used as the shop wasn't ready to open.

At the Licensing Board meeting on 9th June the application was deferred so that the layout plan issues could be addressed. You will recall that the layout plan showed four alcohol display areas where there can only be two, one which is accessible to the public and one which is inaccessible to the public. I visited the premises on Wednesday 15th June and met with the manager, Mr Asam Ghaffar, of the shop. The premises were closed and not trading.


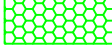
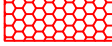


On my visit to the premises, I found there only to be two alcohol display areas, and not four as the existing layout plan showed, one which was accessible to the public and one which was inaccessible. I provided Mr Saim Mohammed with guidance on what he needed to do to make the necessary changes to the layout plan. I also explained to Mr Saim Mohammad that as the premises licence application was not going to be determined by the Licensing Board until the August meeting he may wish to apply for occasional licences, which on determining would allow him to trade until the full premises licence was granted. I can confirm that we have received four occasional licence applications which have been granted and which run from 28 June until 21 August 2022 inclusive.

I spoke with the architect in regard to the amendments required who provided me with an amended layout plan. I am happy that the amended layout plan now complies with the legislative requirements and shows two alcohol display areas.

Statutory Checks

To date there have no complaints received regarding the occasional licence applications which have been granted and I do not have any outstanding issues with the application. I duly submit this report for consideration of Board Members.

Nicky Corletto
Licensing Standards Officer
Angus Council

-  Toilet Area
-  Display Area of Alcohol (Inaccessible)
-  Display Area of Alcohol (Accessible)
-  Emergency Exit Sign
-  Fire Extinguisher

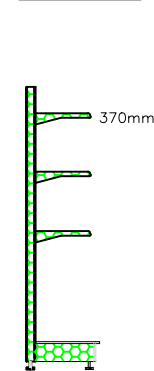
Total Display Area of Alcohol (Inaccessible)
 Wall Shelving:- 2.0m x 1.8m = 3.6m²
 Wall Shelving (Low Level):- 1.0m x 1.4m = 1.4m²

Total Display Area of Alcohol (Accessible)
 Wall Shelving:- 2.6m x 1.8m = 4.68m²

Chills:- = 3.75m x 1.6m = 6.0m²

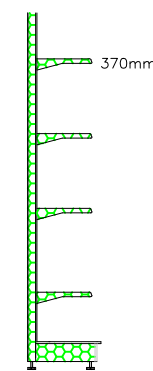
Total Display Area:- 12.8m²

Profile 1
Wall Shelving
(Low Level)



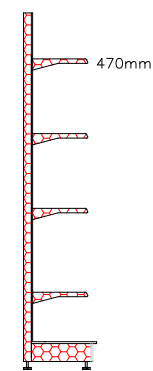
Height : 1.4m

Profile 2
Wall Shelving



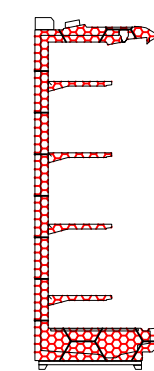
Height : 1.8m

Profile 3
Wall Shelving

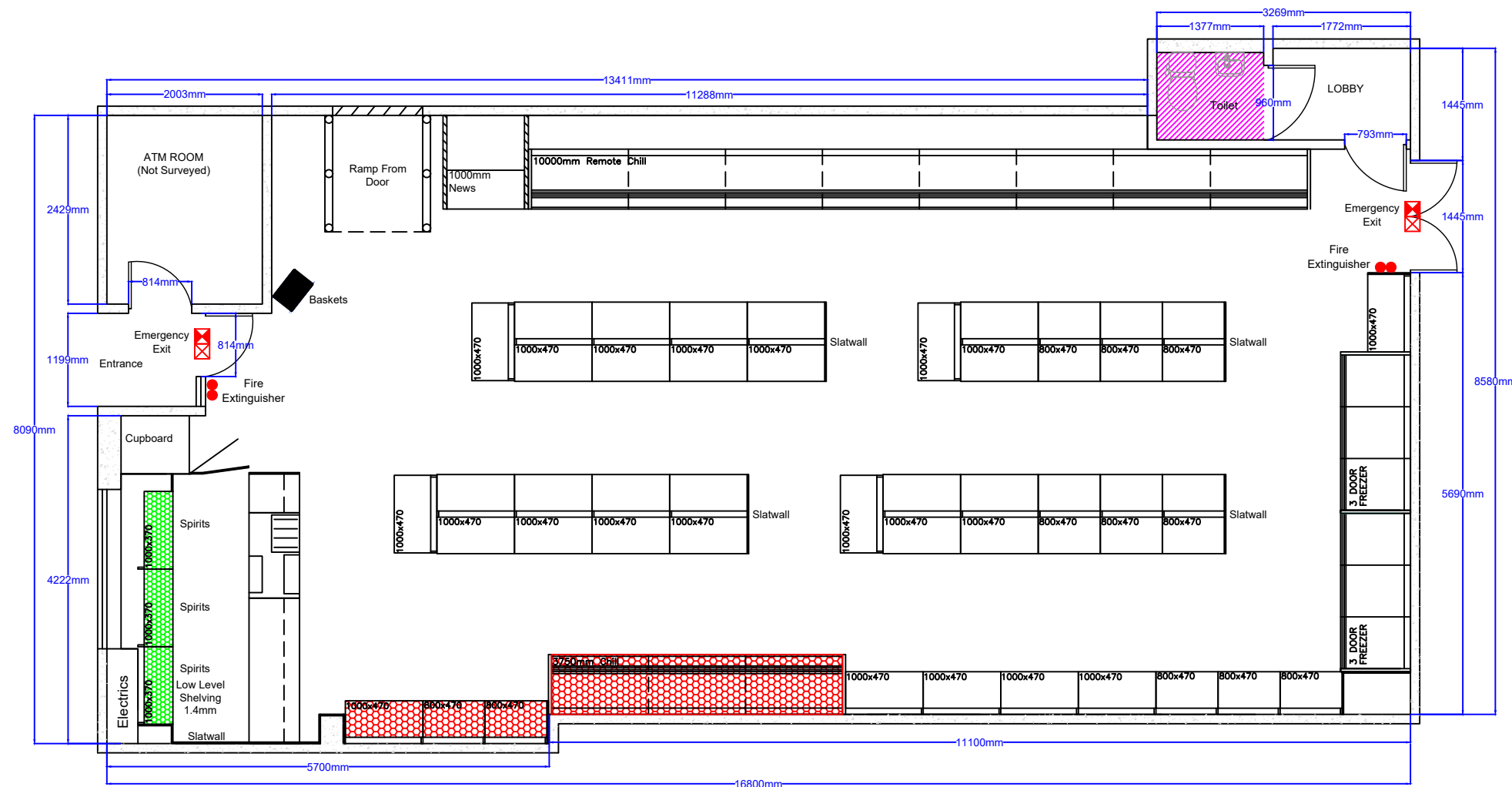


Height : 1.8m

Profile 4
Chill



Height : 1.6m



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:	License		
Drawing No:	14-043		
Scale:	1:75@A3	Revision:	
Date:	14-12-21	Project Rep:	AD
Drawn By:		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 Or 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) ANGUS GRILL AND LARDER, BALNABREICH, BRECHIN, DD9 6RN

Name of Applicant

Angus Grill & Larder – A90 Ltd., Spalding House, 90-92 Queen Street, Broughty Ferry, DD5 1AJ

Type of Licence: Premises Licence – On and Off Sales

1. Description of Premises

Premises are a modern café with small retail offering and external seating area situated adjacent to the A90

2. Core Times -

On sales Monday to Sunday 11.00 to 22.00

Off Sales Monday to Sunday 10.00 to 22.00

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

3. Activities – within and out with core hours

Conference facilities, restaurant facilities, bar meals, receptions, club or other group meetings, recorded music, live performances, theatre, films and outdoor drinking

4. Out with Core Hours Details -

Premises can open from 07.00 for service of teas, coffees, snacks, breakfasts and meals and patrons can sit outside when weather permitting.

Conferences (business meetings), club meetings, recorded music, live performances, theatre, film (poetry, literary readings, comedians, training and other arts media) can commence from 08.00 and continue through core hours but not after core hours.

Outdoor drinking can commence for teas, coffees and hot and cold beverages and service of meals and snacks from 08.00 and continue through core hours to 22.00 - no alcohol to be served except during core hours.

5. Any Other Activities -

Provision of gifts, some pre-packaged foods eg crisps and sweets, teas and coffees, soft drinks and locally sourced fresh food including wrapped butchery, dairy and non-alcoholic and alcoholic beverages, tea and coffee, gifts.

Takeaway and delivery of food and drinks including alcohol.

Delivery as per delivery driver's guidance attached to this appendix.

6. Children and young Persons –

- a) Terms: All children must be accompanied by an adult.
Young persons may access the premises unaccompanied or accompanied

- b) Ages: 0 – 17 years
- c) Times: All times the premises are open
- d) Parts of Premises: All public parts of the premises

7. Capacity –

on sales Internal 38
 External 30 (capacity will be used in the good weather and will not affect the overall capacity)
Off sales 2.35m²

Comments Received

Licensing Standards Officer - the premises are offering a delivery service and outdoor drinking area and the Board may wish to include the conditions detailed in her report for the Board.

Environmental Health – no objection to this licence application but we would comment that as the applicants proposal includes the use of the venue for functions where the playing of music, either recorded or live is likely that noise could be a problem if not suitably managed. This service would not however require a detailed noise management plan unless justified complaints were received. This service also notes that the outdoor drinking area is proposed to be used up to 2200hrs, whereas the normal curfew would be 2100hrs.

Note for delivery Personnel

1. Web site - state clearly this affects deliveries made by the licensee
 - 1.1. Ensure that no sales or deliveries to under 18's clearly stated on web site
 - 1.2. Ensure orders taken by credit / debit card
 - 1.3. Ensure state that challenge 25 will take place at point of delivery
 - 1.4. Ensure state on web site that charge will be made in event alcohol will be returned to base.
2. Orders by phone
 - 2.1. Ensure phone orders taken by credit /debit card
 - 2.2. Ensure state to customer and on receipt that orders of alcohol will not be delivered to under 18s;
 - 2.3 Advise that challenge 25 will take place and alcohol will be returned to base should challenge 25 proffered proofs not be accepted by delivery driver
 - 2.4. Ensure customer aware that charge will be made in event alcohol must be returned to base in event of challenge 25 failure



Delivery
drivers



carrying alcohol

must be over 18
they need to comply with the law or face a

**£5000.00 fine and/or 3 months in
jail.**

DELIVERY DRIVERS MUST NOT
DELIVER ALCOHOL TO PEOPLE WHO
ARE OR WHO APPEAR TO BE DRUNK



If delivery drivers consider the person who is going to accept the delivery at domestic premises is under 25 they must operate

Challenge 25

to check that the persons accepting the alcohol is over 18

Delivery drivers **MUST** ask to see approved age

identification

DELIVERY DRIVER'S MUST

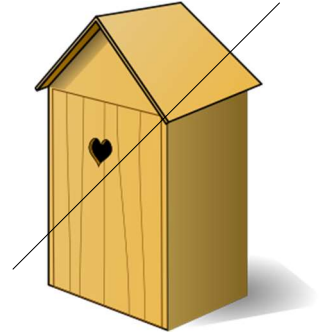
1. LOOK AT THE CARD & LOOK AT THE PERSON OFFERING THE CARD
2. CONFIRM THE PHOTOGRAPH ON THE CARD LOOKS LIKE THE PERSON OFFERING THE CARD
3. CHECK THE DATE OF BIRTH MAKES THE PERSON OVER THE AGE OF 18

ONLY IF THEY ARE SURE THE PERSON IS OVER THE AGE OF 18 & SOBER CAN THEY DELIVER THE ALCOHOL

DELIVERY DRIVERS CANNOT LEAVE THE ALCOHOL ANYWHERE EXCEPT THE ADDRESS ON THE INVOICE

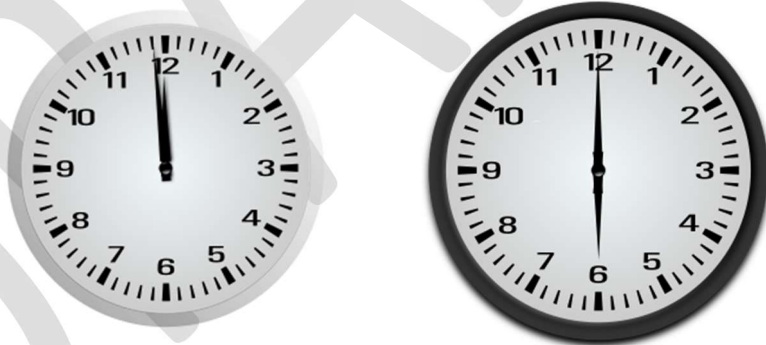
They must deliver the alcohol to a person aged over 18

They must not leave alcohol in a garage or shed



IF THEY ARE NOT SURE ABOUT ANY OF THE ABOVE THEY NEED TO TAKE THE ALCOHOL BACK TO BASE

DELIVERIES CANNOT BE MADE BETWEEN MIDNIGHT AND 6 A.M.



APPROVED AGE IDENTIFICATION DOCUMENTS ARE



EU PHOTO DRIVER'S LICENCE
IMMIGRATION



BIOMETRIC

CARD



YOUNG SCOT CARD



PASSPORT



EU ID

CARD



MILITARY

ID CARD

THESE CARDS MUST BE CURRENT AND NOT OUT OF DATE

Must have Invoice on paper or on mobile device

Invoice MUST contain certain information about the person who ordered the alcohol Recipient:

Name - Mrs Janet Hood

Address - Clarence House, Paterson Street, Edzell, AB45 6YP Items dispatched:

Alcohol Ordered - 12 bottles 75 cl Krooge Champagne - £1200.00

3 bottles 1litre Glen Mornengie – £240.00

6 bottles 75 cl Doefast £60.00

Dispatch address - Veryodd Cellar, 3 Smoith Street, Edinburk

Copy invoice has to be kept in a day book on premises from which alcohol is delivered - it is recommended Delivery Company also keeps a copy if the invoice.

**DELIVERY FIRMS MUST ENSURE THE
PREMISES FROM WHICH THE ALCOHOL IS
DISPATCHED HAS A PREMISES LICENCE
PERMITTING OFF SALES - check before
accepting the delivery**

**This notice has been prepared for you with
the five licensing objectives in mind**

**Preventing crime and disorder,
Securing public safety,
Preventing public nuisance,
Protecting and improving public health, and
Protecting children and young persons**

DRAFT

LICENSING STANDARDS OFFICER REPORT

An application for a New Premises Licence was received on 14 July 2022 in respect of:

Angus Grill & Larder, Balnabreich, Brechin, DD9 6RN
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 adjacent to the A90 and is a standalone premises with no neighbouring premises. It is a café/restaurant style premises which has an outdoor seating area. The application has been applied for as a company, Angus Grill & Larder – A90 Ltd, where there are two directors, namely Campbell Archibald and William MacPherson.

The premises have been running on occasional licences since March 2021 and have been running with no issues. Applications have been received until the end of September, but these will be withdrawn once the premises licence is granted.

Licensing Standards Officer Report:

I visited the premises on Wednesday 20th July and spoke with one of the owners, William MacPherson. The application is for a modern café style premises which offers a selection of food, drinks, sweets, crisps, and gifts and which offers both internal and external seating. I have enclosed a few photographs for the Board members showing the external and internal areas.

The premises are offering a takeaway service and delivery of both food and drinks, including alcohol, and if the Board are minded to grant, I would suggest that the following delivery and outdoor area conditions be placed on the licence:

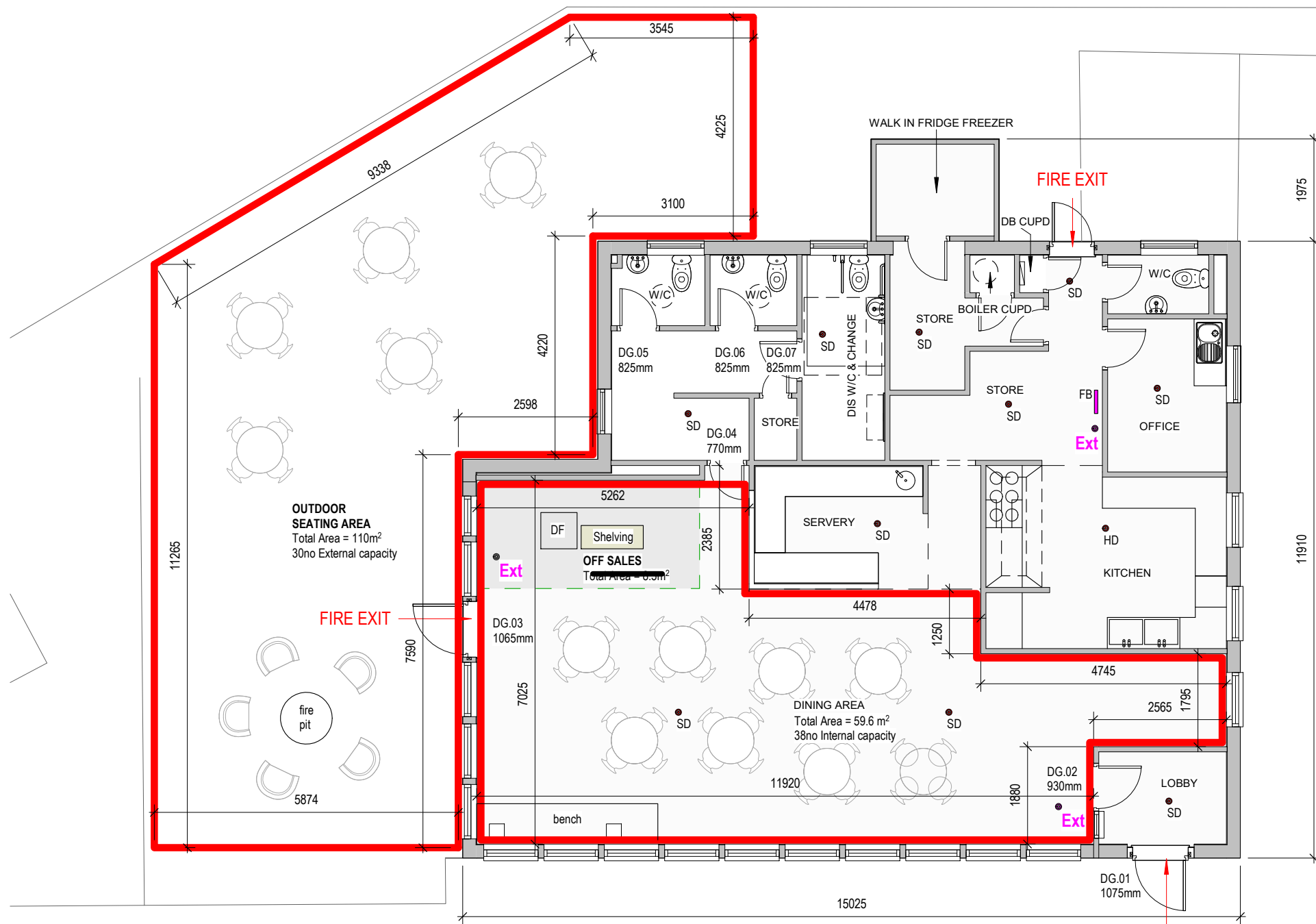
1. Alcohol sold or dispatched from the premises will be delivered only to residential or business addresses
2. The Licenceholder shall always check the age of customers or potential customers, be satisfied that they are aged 18 years or over before any sale is completed and otherwise shall comply with the age-related sale provisions in the Licensing (Scotland) Act 2005.
3. Sales of Alcohol may only take place within licensed hours.
4. The licence holder 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 delivery book should be kept for all alcohol delivery sales. It is an offence to deliver alcohol to persons under 18 years of age.
6. Patrons shall not be permitted to use the external drinking area beyond 21:00 hours
7. No music shall be provided in the external drinking area
8. No music of amplified sound should be provided anywhere within the licensed premises with the intention of being heard within the external drinking area.

In regard to children and young person's access the application states that "*all children must be accompanied by an adult but young persons may be unaccompanied or accompanied*". This is not in line with the model children's conditions as stated in the Licensing Board Policy so the Board may want to discuss this further with the applicant and the condition would have to be amended if the Board agree with the applicant.

Statutory Checks

To date there have been no complaints received regarding the occasional licence applications which have been granted and I do not have any further outstanding issues with the application. I duly submit this report for consideration of Board Members.

Nicky Corletto
Licensing Standards Officer, Angus Council



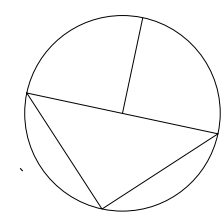
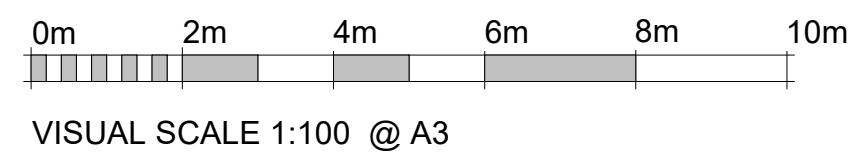
LICENSING KEY:-

- LICENSE AREA**
- Internal Capacity = 38
- External Capacity = 30
- Accessible Alcohol Display**
- H = 2.04m
- W = 1.15m
- Total display area for sale of alcohol = 2.35sq.m.
- This is off sales accessible capacity.
- Children and young persons can access all public areas.

FIRE LEGEND:-

- SMOKE DETECTOR
SD
- HEAT DETECTOR
HD
- FIRE EXTINGUISHER
- FIRE BLANKET
FB
- **Ext**

1 LICENSE - FLOOR LAYOUT
1 : 100



suffix	date	description	initials
G	22.02.2022	LICENSE LAYOUT AND KEY UPDATED	CR
F	18.02.2022	LICENSE LAYOUT AND KEY UPDATED FOLLOWING COMMENTS RECEIVED	CR
E	17.02.2022	LICENSE AND AREA ADDED TO LAYOUT	CR
D	14.01.2022	LICENSE LAYOUT UPDATED	CR
C	13.01.2022	KITCHEN DOOR REMOVED, EXTINGUISHERS UPDATED AND FIRE BLANKET ADDED	CR
B	12.01.2022	FIRE DETECTION ADDED TO LAYOUT	CR
A	23.11.2021	LAYOUT UPDATED FOLLOWING CLIENT REVIEW	CR

Project Title: **CAM VENTURES AS BUILT LICENSE DRAWINGS AT ANGUS GRILL & LARDER**

Drawing Title: **LICENSE - PREMISES LAYOUT**

Date: 17.12.2021	Scale: As indicated @ A3	Project Drawing No: P21-066 - 104	Rev: G
Issue: PLANNING	Drawn By: CR		

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Angus Grill + Larder

Angus Grill & Larder



Map data ©2022 50 m





