

AGENDA ITEM NO 7

REPORT NO LB37/22

ANGUS LICENSING BOARD – 18 AUGUST 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

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

Name of Applicant – Patricia Smith

Type of Licence: On and Off Sales

The Board are asked to note that this application for major variation of 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.

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 36.

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 is 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 10th 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

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 six 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 licence holder and premises manager of the shop, Patricia Smith, along with her work colleague and daughter Beth Smith.

On my visit to the premises, it was easy to see what they wanted to do regarding the alcohol display areas. We discussed removing the display area in the new area of the shop, which Patricia Smith agreed to. Once this was done then the premises only had two alcohol display areas, and not six as the layout plan which was originally lodged with the major variation application showed, one which was accessible to the public and one which was inaccessible. I provided Patricia Smith with guidance on what she needed to do to make the necessary changes to the layout plan.

I also explained to Patricia Smith that as the major variation application was not going to be determined by the Licensing Board until the August meeting she may wish to apply for occasional licences, which on determining would allow her to trade until the major variation was granted. This was since her grand opening was to be in mid-July. I can confirm that we have received three occasional licence applications which were granted, and which run from 12 July until 22 August 2022 inclusive. I am not sure whether these licences have been used.

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

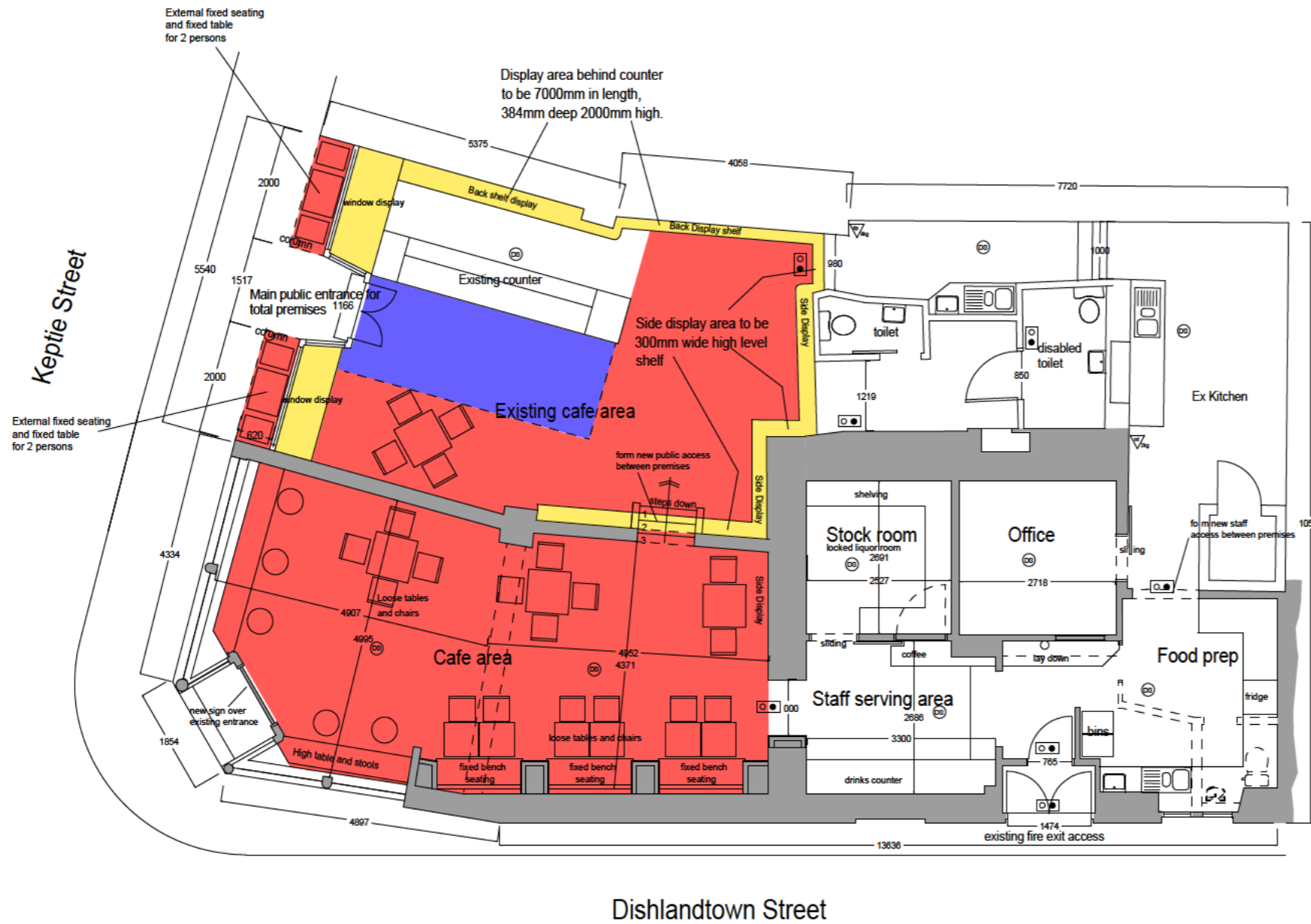
Rev B May 2022

1 Removal of staff toilet

2 Numbers for licence application now 36

Rev C June 2022

1 Shelving at high level updated

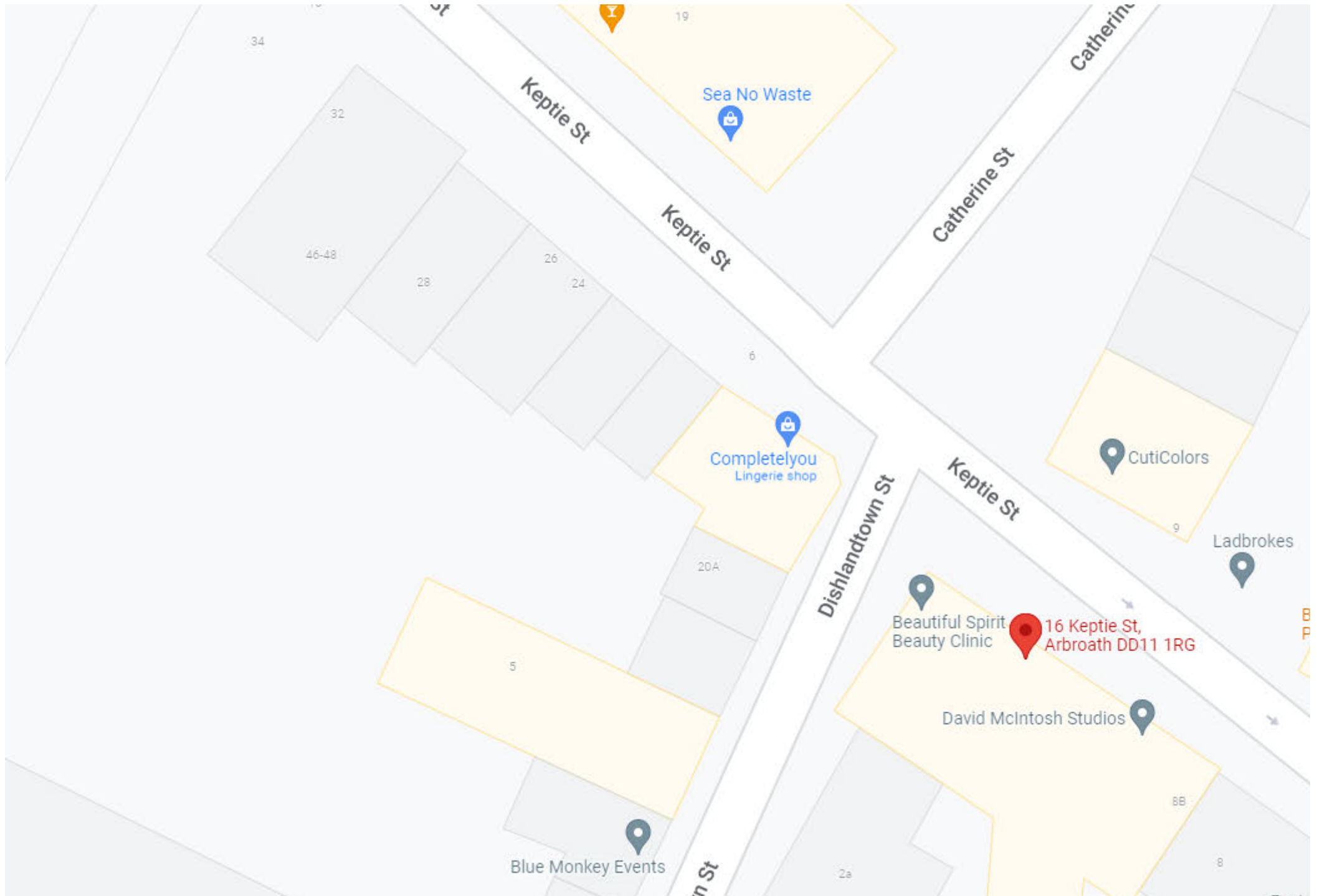


Legend

- 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



(b) 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

The Board are asked to note that this application for major variation of 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.

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

Currently 90 – request increase of 78 to total capacity of 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 and I will be recommending outdoor area conditions be attached to the licence

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.

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 2nd 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".

The Board are asked to note the further information provided by the 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.

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.

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 168 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 would 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.

The Club have applied for outdoor drinking outwith core hours.

The premises have applied for off sales but have stated only on Saturdays from 1pm until 8pm and that outdoor drinking is allowed outwith core hours. A reminder to the Board members that during match play the premises cannot offer off sales as no alcohol is allowed other than in hospitality.

On Friday 24 June I emailed Clark Renlison for an update. He confirmed that to date the additional portacabin had not yet arrived and therefore the layout plan could not be updated.

On 25 July Clark Renlison contacted me to advise the portacabin was still not in place and would it be possible to amend the application to revert to the original application, which was lodged, removing the second portacabin. I explained to him that he could put that motion before the Board members, and it would be up to them whether they would allow this.

Statutory Checks

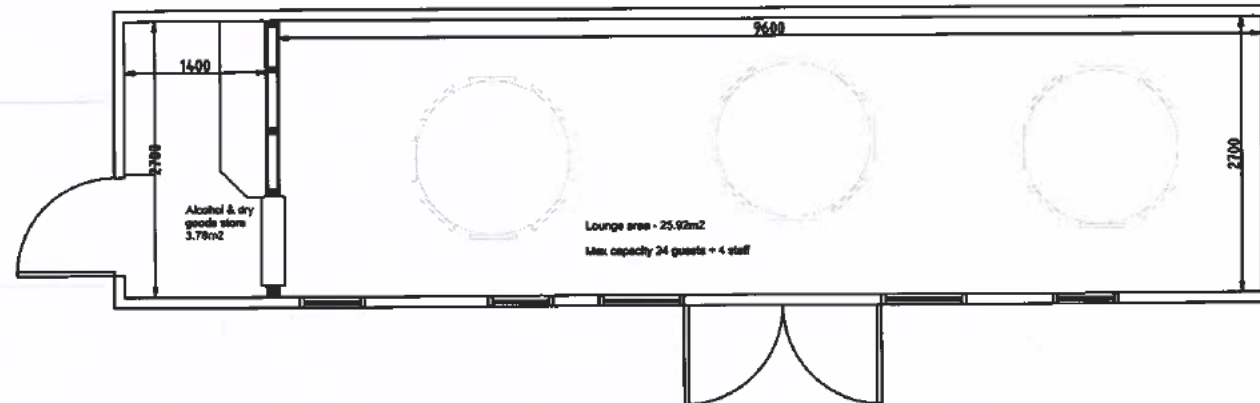
I can confirm that to date no complaints have been received in respect of these premises.

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



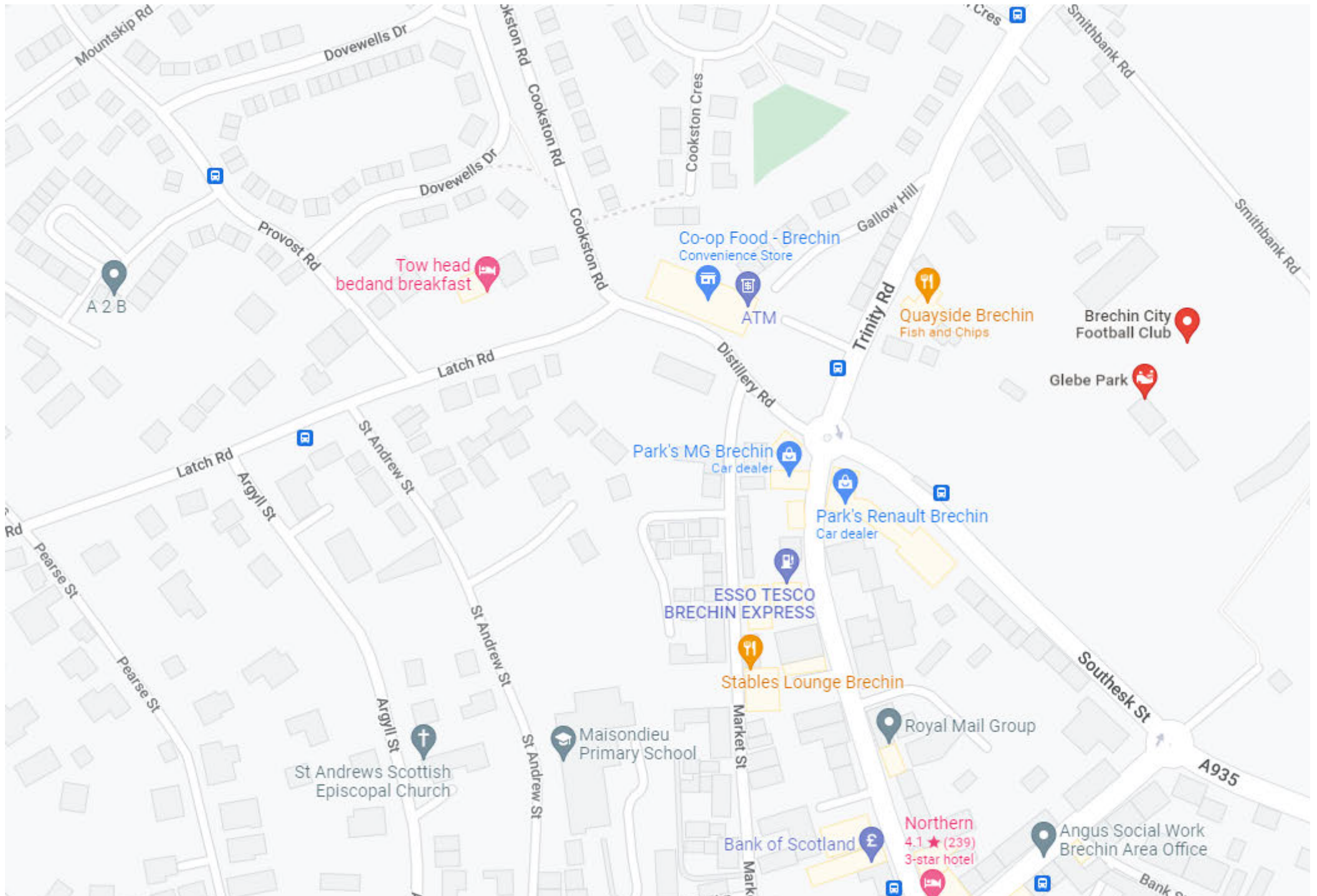
Location Plan (not to scale)



Decking area - No Alcohol Consumption Permitted

Floor Plan - 1:50 Scale

Glebe Park Trinity Road Brechin DD9 6BJ		LIC01	Rev. -
		As Built Plans & Elevations - new Platinum Lounge	



**APPENDIX 1 TO REPORT LB37/22
ANGUS LICENSING BOARD – 18 AUGUST 2022**

(c) LICENCE NO. 420, SHELL FORFAR, QUEENSWELL ROAD, FORFAR, DD8 3JA

Name of Applicant

Shell UK Oil Products Ltd., Shell Centre, London, SE1 7NA

Type of Licence: Off Sales

Description of Variation

1. **Operating Plan** – to now include delivery services by a third party provider

Amend description at 5(f) any other activities to:

Convenience store will operate outside of and during core hours selling grocery products, drinks, tobacco, sandwiches, confectionery, etc. The premises will offer a delivery service which may include alcohol via a third-party delivery service provider. All deliveries which include alcohol will be made within the permitted times to deliver alcohol allowed under the Act. The premises licence holder will take steps to ensure that the delivery partner operates a Challenge 25 age verification policy.

LICENSING STANDARDS OFFICER REPORT

An application for a major variation was received on 22 June 2022 in respect of:

Shell Forfar, Queenswell Road, Forfar

Premises Licence Number: 420

Background:

The premises, as you can see from the location plan, is located along Queenswell Road and is surrounded by commercial properties. The application has been applied for as a company, Shell UK Oil Products Limited under their agent Lockett & Lockett.

Licensing Standards Officer Report:

The major variation application is to amend the operating plan to offer customers a delivery service. They are adding a statement saying that “the premises will offer a delivery service which may include alcohol via a third-party delivery service provider. All deliveries including alcohol will be made within the permitted times to deliver alcohol allowed under the Act. The premises licence holder will take steps to ensure that the delivery partner operates a Challenge 25 age verification policy”.

As the premises are offering this service the Board may wish to include the following conditions 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 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

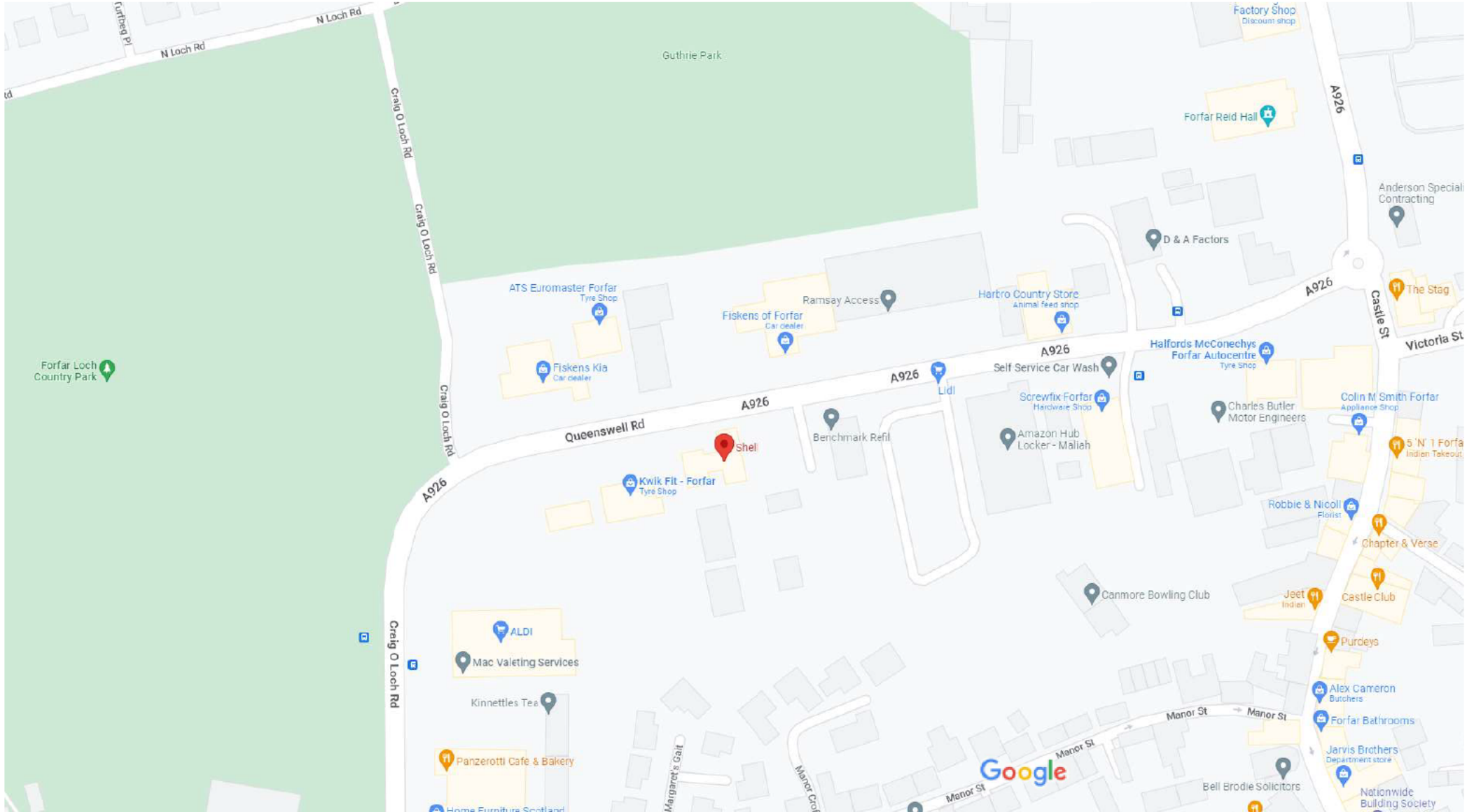
I do not have any issues with the application and duly submit this report for consideration of Board Members.

Nicky Corletto
Licensing Standards Officer
Angus Council



Shell

Shell, Queenswell Road, Forfar



Map data ©2022 20 m

(d) LICENCE NO. 106, KINLOCH ARMS HOTEL, 27-29 HIGH STREET, CARNOUSTIE, DD7 6AN

Name of Applicant – Kinloch Lodgings Ltd

Type of Licence: On and Off Sales

Description of Variation

1. Layout Plan

Amend the layout plan attached showing the proposed extension to the external drinking area to the rear of the premises.

2. Description of Premises

Amend premises licence description

From:- Hotel on High Street was a free standing two storey building

To:- Detached full service Hotel with external areas situated in Carnoustie High Street

Comments Received

Licensing Standards Officer – had no comments, other than she would be requesting a further condition to the existing outdoor drinking conditions be attached to the licence. The condition will be detailed in her report to the Board.

Environmental Health - note that the application is for the extension of an existing outside seating area comprising two raised decking areas. This service is not aware of there being any noise complaints regarding the existing use however use of the proposed decking has the potential to cause disturbance to adjacent residential properties. While this service would not object to this application, we would recommend that the standard outdoor drinking conditions and a condition requiring the licensee to submit a noise management plan detailing how noise from the premises will be controlled to prevent Public Nuisance are attached to the license.

The Board are asked to note that 2 of the standard outdoor drinking conditions, namely Patrons shall not be permitted to use the external drinking area beyond 21.00 and No music shall be provided in the external drinking area are already attached to the licence.

Comments regarding the noise management plan were also forwarded to the Agent. To date no plan has been submitted.

Building Standards - The current premises license capacity is 250 persons. The addition of the outdoor area does not appear to have any occupancy applied to it. While we would agree to the overall capacity of the premises not being increased, is it the intention this area is not to be open to the public? Is there a notional occupancy capacity to be applied that is not in addition to the 250 persons due to inclement weather (i.e. all external patrons would have to move inside in inclement weather)?

Building warrant reference 22/00234/NDOM was applied for on the 29th March 2022 and subsequently approved on the 15th July 2022 for the 'formation of outdoor seating area'. This area should be constructed and on completion, inspected by Building Standards. A Completion Certificate must be submitted and accepted at that time prior to the occupancy or use of the area/s.

The Agent has been forwarded a copy of these comments

LICENSING STANDARDS OFFICER REPORT

An application for Major Variation was received from on 4th July 2022 in respect of:

Kinloch Arms Hotel, 27-29 High Street, Carnoustie, DD7 6AN

Premises Licence Number 106

Background: -

The premises are located on High Street and there are both residential and commercial premises within this location. The current premises licence holder is Kinloch Lodgings Limited, and the current premises manager is Robert J Alcock.

Major Variation

The application is to amend the existing layout plan to extend the external drinking area to the rear of the premises and to amend the description of the premises licence to state, "detached full-service hotel with external areas situated in Carnoustie High Street".

Statutory Checks

On checking the system there have been three complaints received since 2016 which related to noise issues from patrons leaving the premises; issues with broken glass; fighting at the premises and staff being unable to control patrons. The last complaint received was on 11 December 2020 and related to the premises advertising that the doors will be open outside until 10.30pm. They were advised by the previous Licensing Standards Officer that this was not allowed as there was a condition on their licence which stated the outside external drinking area could not be used after 21:00 hours. There have been no further issues reported since then.

The premises currently have two additional conditions on their licence which state:

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

I visited the premises on Wednesday 20th July and spoke with the manager, Robert Alcock. He gave me a tour of the premises and showed me the works which were being carried out to the new family lounge/restaurant area of the premises. I have enclosed a few photographs for the Board members showing the external car park and the and the family lounge/restaurant area.

I would suggest that if the Board are minded granting the application, then an additional condition be attached to the licence which states that "no music shall be provided in the external drinking areas". This is to keep the premises in line with other premises who have external drinking areas.

The three outdoor area conditions are as follows:

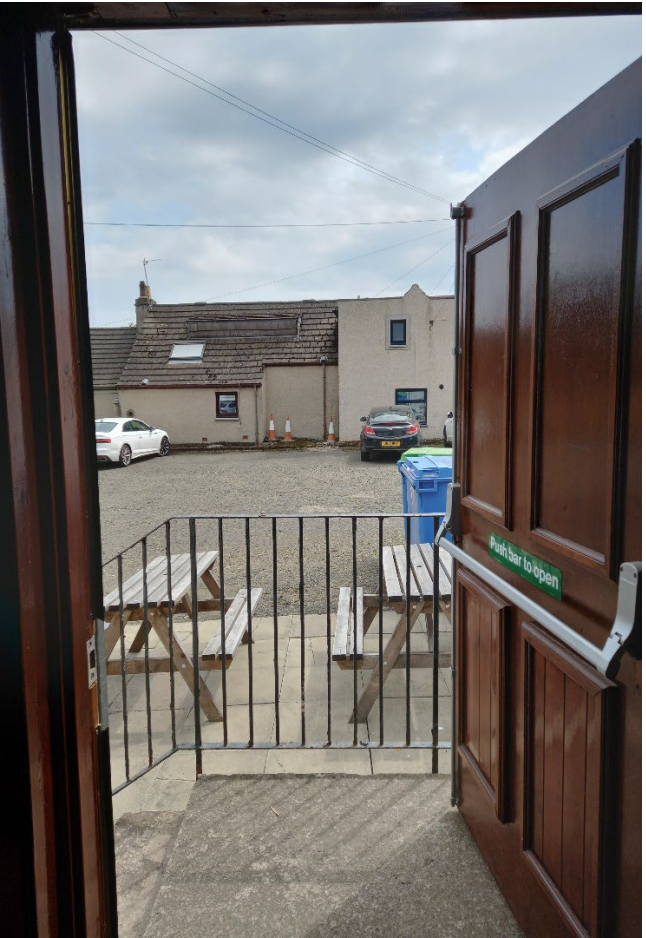
1. Patrons shall not be permitted to use the external drinking areas beyond 21:00;
2. No music shall be provided in the external drinking areas; and
3. No music of amplified sound should be provided anywhere within the licensed premises with the intention of being heard within the external drinking areas.

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











(e) LICENCE NO. 298, THE CORNER HOTEL, 103-105 DUNDEE STREET, CARNOUSTIE

Name of Applicant – Carnoustie Corner hotel Limited

Type of Licence: On and Off Sales

Description of Variation

1. Core Times - Amend

Sunday off sales commencement from 12.30pm to 11.00am

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

2. Operating Plan

a. Activities add -

within and out with core hours theatre, films and outdoor drinking facilities

out with core hours accommodation, conference facilities, restaurant facilities, bar meals, receptions, club meetings, recorded music, live performances, dance facilities. Indoor/outdoor sports and televised sports.

b. Outwith Core Hours Details add –

Conference facilities and Receptions - conferences and seminars and such receptions as described above shall occasionally commence from 07.00 with the provision of morning facilities such as teas, coffees and breakfasts.

Restaurant facilities/Bar Meals - teas, coffees and breakfasts commence from 07.00 for residents and such facilities are also available for non residents.

Club or other group meetings etc. - as for Receptions.

Recorded music - background music shall occasionally be provided to enhance the provision of morning Receptions, Club meetings, Conferences and Seminars.

Live performances - dramatic, artistic and musical performances by artistes shall occasionally be performed in the morning before licensing opening times but not after the terminal drinking hours to enhance Conferences, Seminars, Receptions and Club Meetings.

Dance Facilities, Theatre and Films - as for Live Performances.

Indoor/outdoor sports -darts, skittles and other similar "pub" games and pastimes are available from 08.00.

Televised sport - sporting events from across the world, such as tennis, football, athletics events (Olympic Games, Commonwealth Games, World Championships), boxing matches shall on occasion be screened to residents and non residents.

Outdoor drinking facilities - non alcoholic refreshment will be available for consumption by residents and non residents in the outdoor drinking areas in the morning before licensing opening times but not after the terminal drinking hours.

c. Other Activities remove: -

Cabaret, karaoke, quiz nights and charity fund raisers

d. Children and Young Persons

(i) Terms amended from - Accompanied by a responsible adult

- to The premises seek to encourage a family friendly atmosphere and hence, subject to strict rules as here outlined, welcomes families with children and young persons both for the taking of meals and to enjoy the other facilities offered by the premises.

The premises will strictly regulate the admission of children and young persons and will adopt the Prove It IP ASS ID schemes requiring photographic evidence of age if in doubt.

Children and young persons will not be permitted to sit at bar counters nor to stand in the bar areas of the premises unless specifically authorised below.

(ii) Times amended from - Local Children's Conditions shall apply in accordance with the activity or service provided on the premises.

- to Residents with children will be allowed entry during the day but after 20.00. children under the age of 14 will be expected to be accompanied by adults in the bar areas of the premises.

Non residents children will be allowed entry until 20.00 daily. Children taking a meal with an adult shall be permitted entry during the core hours.

Young person aged 16 and 17 will be allowed entry during the Core Hours.

Birthday parties and other bona fide private functions - the above rules may be waived on occasions where there is a sporting or other special televised event, birthday or similar bona fide private function supervised by a member of staff.

(iii) Parts of Premises amend from – Lounge, restaurant/function rooms and toilets

3. Layout Plan

Variation to the layout plan to reflect the new layout of the premises and to include Beer Garden area

4. Capacity

Currently 154 – request increase of 48 to total capacity of 202

Comments Received

Environmental Health - In terms of the terminal hour for use of the beer garden, given the proximity to residential premises this service would request that any use be prohibited after 9pm.

Agents responded – by email advising “the proposal is intended that non-alcoholic drinks such as teas/coffees and soft drinks may be served outside prior to core hours in the morning. If no outdoor drinking is permitted beyond 9pm then non-alcoholic drinks would not be served outside after then either. We are content to amend the wording if Environmental Health want any ambiguity removed.”

Licensing Standards Officer commented she will be recommending the 3 outdoor area conditions be attached to the licence and she will be highlighting to the Board that the applicant's requests regarding children and young persons are out with the Model Children and Young Persons conditions.

LICENSING STANDARDS OFFICER REPORT

An application for Major Variation was received from on 6th July 2022 in respect of:

The Corner Hotel, 103-105 Dundee Street, Carnoustie, DD7 7EW

Premises Licence Number 298

Background: -

The premises are located on Dundee Street and there are both residential and commercial premises within this location. The current premises licence holder is Carnoustie Corner Hotel Limited, and the current premises manager is Karen White.

Major Variation

The application is to vary the Sunday opening hours from 12.30pm to 11am; vary the operating plan to allow activities outwith core licensed hours; addition of theatre; films and outdoor drinking facilities both within and outwith core licensed hours; amendment to children and young person's access; amend the capacity from 154 to 202 and amend the layout plan to reflect the new layout of the premises and to include the beer garden area.

I visited the premises on Wednesday 20th July, but the premises manager, Karen Wild, was not on duty. I spoke with a member of staff who advised they were unsure of what the application was for but gave permission to take photographs of the proposed outdoor beer garden area. I have enclosed a few photographs below of the external car park area which is to be the proposed beer garden area.

Statutory Checks

On checking the system there haven't been any complaints received in respect of these premises.

I would suggest that if the Board are minded granting the application, then the three outdoor area conditions be attached to the licence. This is to keep the premises in line with other premises who have external drinking areas.

The three outdoor area conditions are as follows:

1. Patrons shall not be permitted to use the external drinking areas beyond 21:00.
2. No music shall be provided in the external drinking areas; 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 areas.

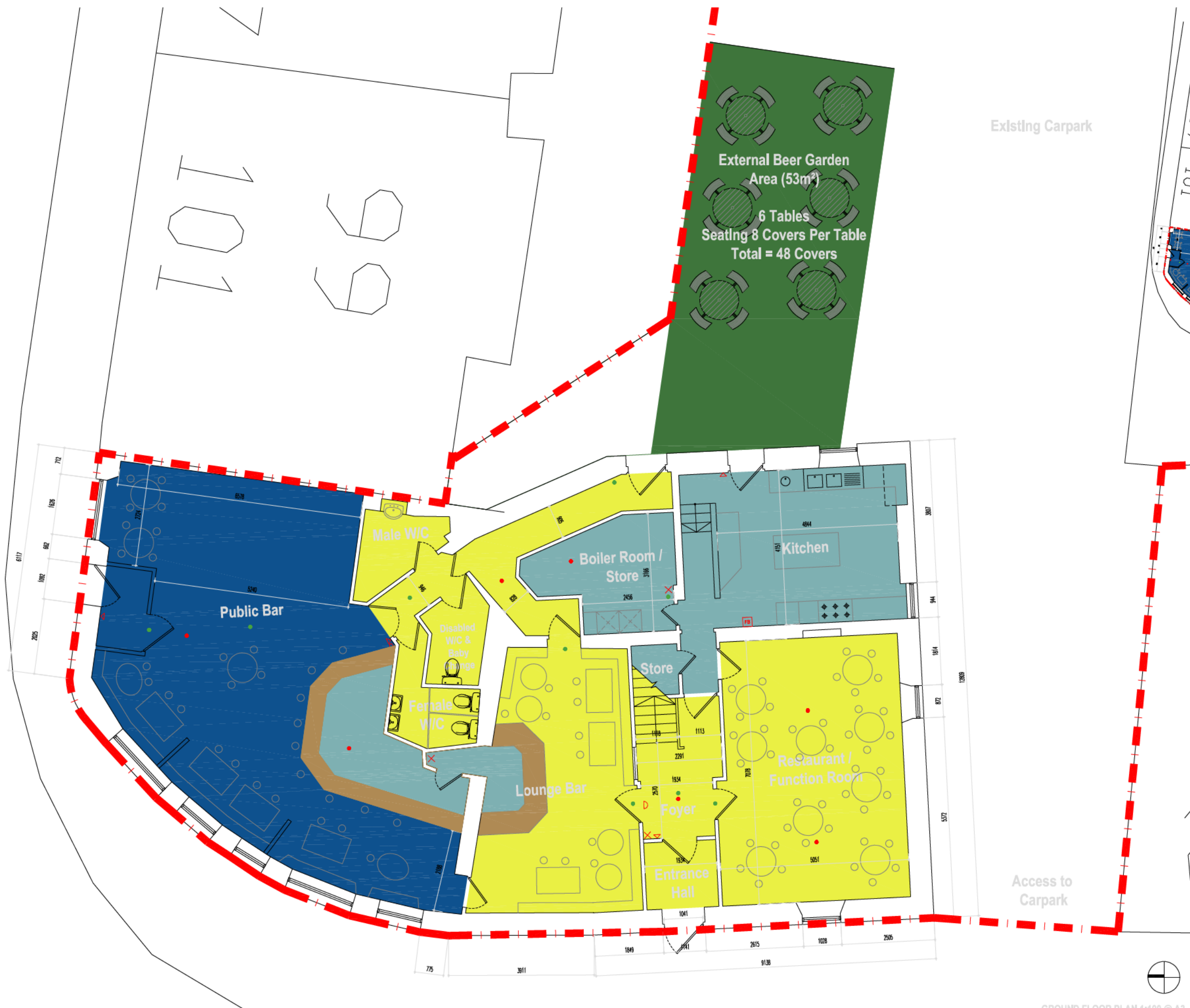
I note from the application that children and young person's access is being amended. For residents it is noted that children under the age of 14 are to be accompanied by adults in the bar areas. There is no mention of children aged 15 or young person's, aged 16 and 17 years, regarding residents. This needs to be clarified.

For non-residents the application states that children are allowed entry until 8.00pm daily but if taking a meal shall be permitted during core hours. May I remind the Board members of their Licensing Board policy where it states that children and young persons are permitted into licensed premises where the primary purpose of allowing them access is to consume a meal will only be permitted until 9.00pm or one hour after the cessation of serving food for the purpose of consuming a meal.

The application states that young persons are to be allowed entry during core hours. Again, this is outwith the model local conditions within the Licensing Board Policy and may need further clarification.

I duly submit this report for consideration of Board Members.

Nicky Corletto
Licensing Standards Officer
Angus Council



SITE PLAN 1:500 @ A3

LEGEND

- Storage / Staff Only
- Public Space - Over 18s Only
- Public Space (Including Child Access during food service times)
- Beer Garden Area - 66m²
6 Tables - Seating 8 covers per Total = 48 Covers
- Fire Extinguisher
- Smoke / Heat Detector
- Break Glass Point
- Alarm Sounder
- Emergency Light
- Fire Blanket

GROUND FLOOR CAPACITY

- Public Bar Capacity = 80
- Lounge Capacity = 34
- Restaurant Capacity = 40

Note:
There is no allocation for staff toilets, Staff to use public toilets

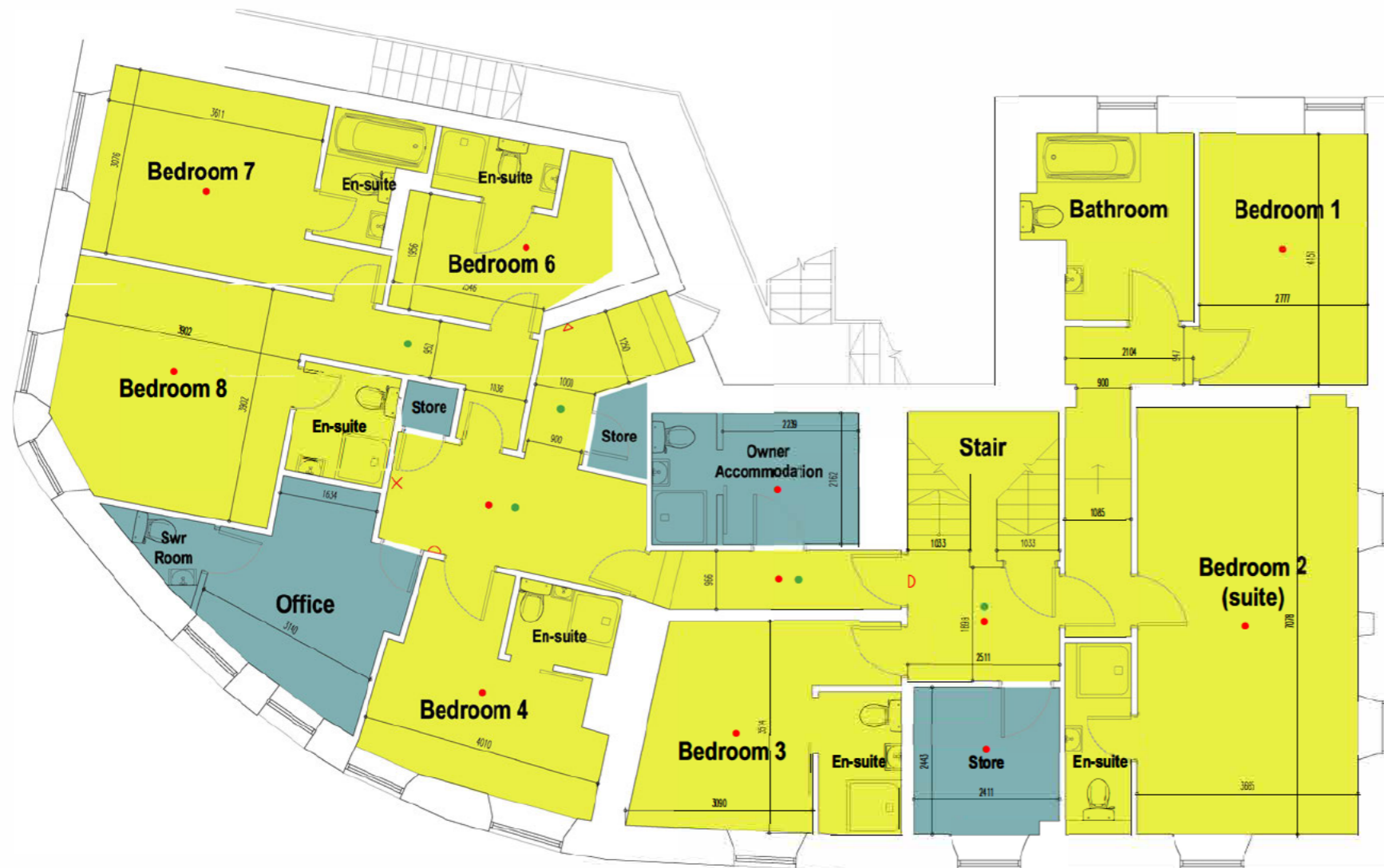
Rev A - 11.07.22 - Seating Area reduced

Job
The Corner Hotel
Licensing Drawing for 103-105
Dundee Street, Camoustie, DD7 7EW

Drawing
Ground Floor Plan & Site Plan
(Including Beer Garden Area)

Date	Scale	
May 2022	1:100 @ A3	
Job No	Draw No	Rev
1001	E-0002	A

GROUND FLOOR PLAN 1:100 @ A3



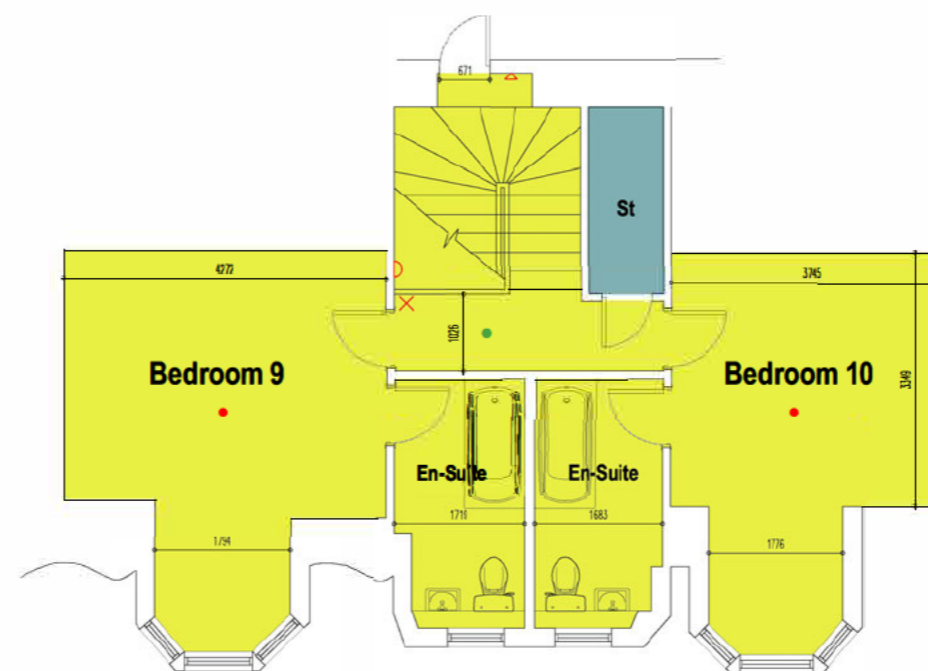
LEGEND

- Storage / Staff Only
- Public Space (Including Child Access)
- X Fire Extinguisher
- Smoke / Heat Detector
- △ Break Glass Point
- ◐ Alarm Sounder
- Emergency Light
- FB Fire Blanket

OCCUPANCY

First Floor Occupancy = 13
 Second Floor Occupancy = 4

FIRST FLOOR PLAN 1:100 @ A3



SECOND FLOOR PLAN 1:100 @ A3

Job		
The Corner Hotel		
Licensing Drawing for 103 -105		
Dundee Street, Carnoustie, DD7 7EW		
Drawing		
First & Second Floor Plan		
Date	Scale	
May 2022	1:100 @ A3	
Job No	Dwg No	Rev
1001	L 0003	



