

ANGUS LICENSING BOARD – 15 SEPTEMBER 2022

NEW PREMISES LICENCE UNDER THE LICENSING (S) ACT 2005

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this Report is to present an application for a new premises licence under the Licensing (Scotland) Act 2005 which requires to be determined by the Board.

1. RECOMMENDATIONS

It is recommended that the Board considers and determines the application for a 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 an application for a new premises licence under the Licensing (Scotland) Act 2005 which requires to be determined by the Board because the matters are not subject to delegation and can only be discharged by the Licensing Board.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

4. OTHER IMPLICATIONS

Legal

The Board must, in considering and determining each premises 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 LB43/22
ANGUS LICENSING BOARD – 15 SEPTEMBER 2022**

(a) THE WEE SHOP, 150 EAST HIGH STREET, FORFAR, DD8 2ER

Name of Applicant - Brygida Szot

Type of Licence: Premises Licence - Off Sales

1. **Description of Premises** - Small grocery shop selling Eastern European stock

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

Monday to Sunday 10.00 to 22.00

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

3. **Activities** – recorded music within and out with core licensed hours

Background music may be played throughout the store

4. **Capacity** – 2m² shelves behind counter

LICENSING STANDARDS OFFICER REPORT

An application for a New Premises Licence was received on 17 August 2022 in respect of:

The Wee Shop, 150 East High Street, Forfar, DD8 2ER
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 East High Street, and is surrounded by both residential and commercial properties. The application is in the name of Brygida Szot and has been applied for as an individual.

Brygida Szot contacted me in July this year regarding her existing premises licence at 94 Castle Street, Forfar, and how she could change the premises licence to her new location, as she had been given notice to quit from her landlord that he was selling the premises and therefore she had to vacate.

I advised her that she would have to apply for a new premises licence and the steps she needed to take to do this and explained that once the new application was granted then she should surrender her existing licence at 94 Castle Street, Forfar. I explained that she could apply for occasional licences which would cover her from when she opened for trade in her new shop, and these could be applied for until her premises licence application was determined at the next available licensing Board meeting to allow her continuous trading.

Licensing Standards Officer Report:

The application is for a small convenience shop and is for off sale hours only. Brygida Szot has applied and been granted occasional licences and as far as I am aware there have been no issues received in respect of these.

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



