ANGUS LICENSING BOARD - 17 AUGUST 2023

NEW PREMISES LICENCE APPLICATIONS - 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 licence as detailed in the attached Appendix, in terms of one of the following options: -

- (i) to grant the application, subject to Statutory Conditions, and any other discretionary or 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.

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APPENDIX TO REPORT LB40/23

ANGUS LICENSING BOARD – 17 AUGUST 2023

(a) FERRY STOP, 12 FERRY STREET, MONTROSE, DD10 8DA

Name of Applicant - Muhammad Bilal Sabir

Type of Licence: Premises Licence - Off Sales

Description of Premises

Convenience store serving the local community.

1. 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.

2. Capacity

59m2

No Comments Received

Ferry Stop, 12 Ferry Street, Montrose, Angus, DD10 8DA Premises Licence Number: TBC

Background: -

This is an application for a new premises licence. As you will note from the location map the premises is located along Ferry Street and is surrounded primarily by residential and commercial properties. The application has been applied for by Muhammad Bilal Sibar and has been applied for as an individual.

Licensing Standards Officer Report:

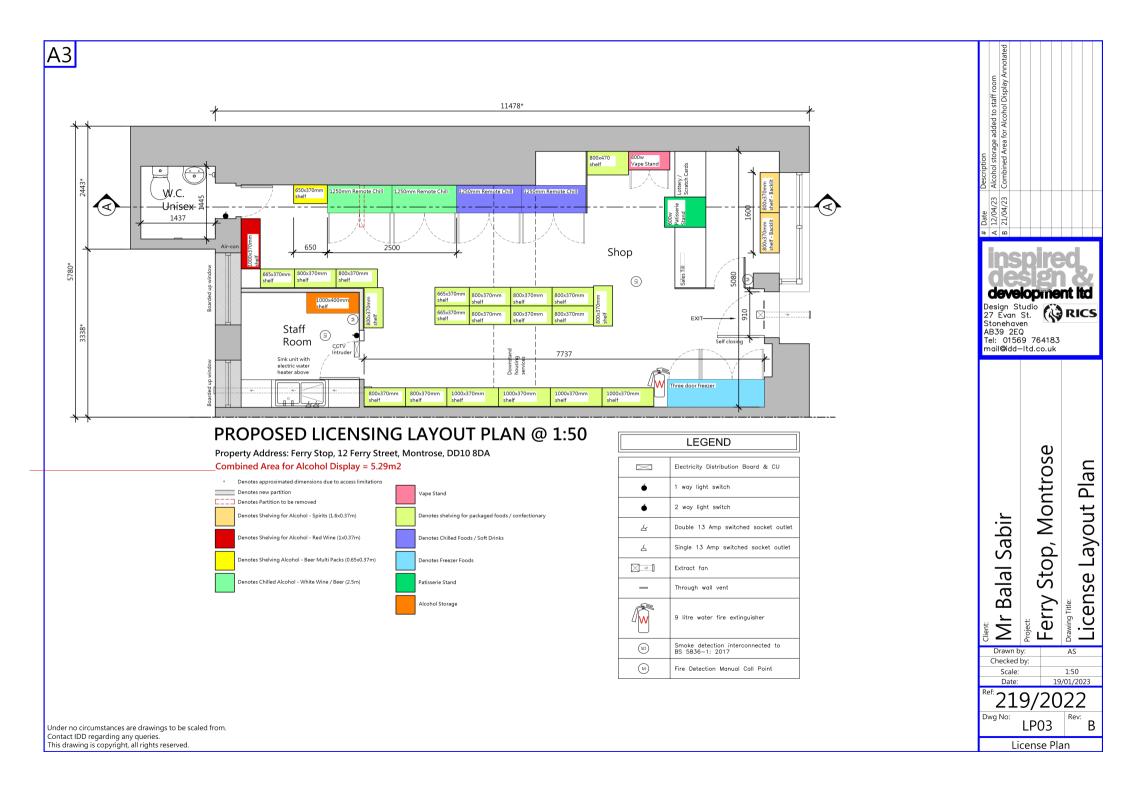
The application is for a small convenience store and is for off sale hours only.

Statutory Checks

I have been unable to visit the premises but can confirm that no objections have been received regarding this application.

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

Kevin Leith Licensing Standards Officer Angus Council



ANGUS LICENSING BOARD - 17 AUGUST 2023

(b) 180 EAST HIGH STREET, FORFAR, DD8 2HC

Name of Applicant - Sri Mathan

Type of Licence: Premises Licence - Off Sales

1. Description of Premises

Premises are a full-service convenience store situated in the centre of the county town of Forfar offering sale of groceries, off sales and carrying out occasional deliveries of groceries and alcohol

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

Monday to Sunday 10.00 - 22.00

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

3. Activities

Recorded music within and outwith core hours

4. Activities Outwith Core Hours

Recorded background music may be played and sale of goods other than alcohol may take place before, during and after core hours

5. Any Other Activities

Sale of groceries and other items commensurate with a full service convenience store and occasional deliveries of groceries and alcohol

6. Capacity

Accessible alcohol display area – 6.89 m2 Inaccessible alcohol display area – 3.82 m2 Total alcohol display area – 10.71 m2

Comments Received

Fire Scotland - noted the following observations of the layout plan attached to the application.

- A robust Fire Risk Assessment and Fire policy should be in place that considers all of the risks within the premises and provides clear fire safety management.
- The rear store area appears to show an inner, inner room.
- Travel distance may be excessive due to a single means of escape.
- Consideration should be given to extending the Fire Warning and Detection system to provide greater coverage and early warning of fire to relevant persons.

The Board are asked to note the observations from Fire Scotland have been forwarded on to the agent, Janet Hood

Licensing Standards Officer - confirmed no comments to make in respect of the application other than to request the Board add the 5 delivery conditions detailed in his report to the Board.

LICENSING STANDARDS OFFICER REPORT

An application for a New Premises Licence was received on 21 June 2023 in respect of:

180 East High Street, Forfar, DD8 2HC Premises Licence Number: TBC

Background: -

This is an application for a new premises licence. The premises is located on East High Street, Forfar and is surrounded by both residential and commercial properties. The application is in the name Sri Mathan and has been applied for as an individual.

Licensing Standards Officer Report:

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

The application indicates that delivery of alcohol will be an option and I would suggest that if the Board are minded granting the application, then 5 delivery conditions be attached to the licence. This is to keep the premises in line with other premises that provide delivery of alcohol.

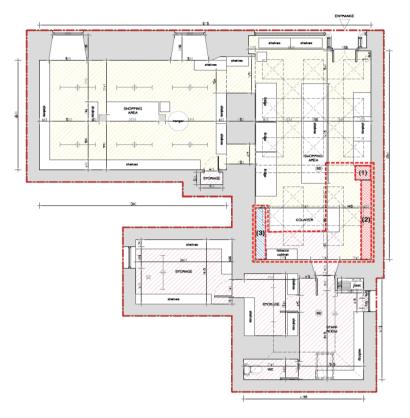
The five delivery conditions are as follows:

- 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.

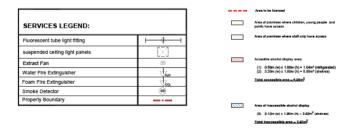
Statutory Checks

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

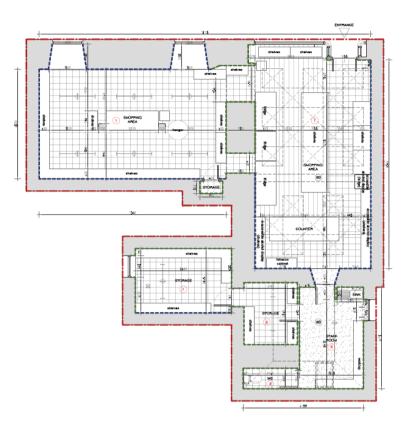
Kevin Leith Licensing Standards Officer Angus Council



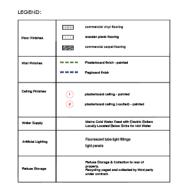
PROPOSED ALCOHOL LICENCE 1:50



Total alcohol display area = 10.71m2



PROPOSED ENVIRONMENTAL HEALTH PLAN 1:50





All dimensions and levels to be checked on site prior to the commencement of work, Architect to be Informed of any discrepancies prior to the commencement of varu. I respectived detensions are not to be scade of this drawing for construction purposes. All dimensions are in millimetes unless stated otherwise. If any dimensions or debals control passes notify the Architect immediately. This drawing is to be used for \$FATAUTION proposes only. This is not a CONSTRUCTION drawing.



LOCATION PLAN 1:1250



Project		JON FRULLANI ARCHITECT	
ALCOHOL LICENCE			
Client			
Hamptons Convenience Store			
Address		Drawing Title	
180E High Street		Proposed Licence & Environmental Health Plan	
Forfar		Issue Status	Drawing No.
DD8 2HG		Survey	7285_L_701
Designer	Date	Scale	Revision
AP	11.05.2023	as noted	-
t: 0.1382; 22.4836 m: 07806 726306 e: jon@jfarchillect.co.uk v. jfarchillect.co.uk fi facebook.com/jfarchillect si: umit 5, disabict 10, gissernariost, dundee, did 1 4cp. the earnings partend to younget. They will be reproduced in exhibit only any past to any appose.			
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Premises Licence Holders, Premises Managers and Staff



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.

Premises Licence Holders, Premises Managers and Staff

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



Premises Licence Holders, Premises Managers and Staff

If delivery driver's 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

Premises Licence Holders, Premises Managers and Staff

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.!





Premises Licence Holders, Premises Managers and Staff

APPROVED AGE IDENTIFICATION DOCUMENTS ARE





EU PHOTO DRIVER'S LICENCE

BIOMETRIC IMMIGRATION CARD







EU ID CARD



Premises Licence Holders, Premises Managers and Staff 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 accep[ng the delivery

Premises Licence Holders, Premises Managers and Staff

Note for Premises Licence Holders

Mangers and Staff

Record keeping

In order to deliver or permit delivery of alcohol you must have

- 1. <u>a day book kept on the premises from which the</u> <u>alcohol is despatched, and</u>
- 2. The delivery drivers must have a delivery book or invoice with them

<u>Information which must be recorded in day book and invoice</u>

- (a) the quan[ty, description and price of the alcohol, and
- (b) the name and address of the person to whom it is to be delivered.
- (c) the quantity, description and price of the alcohol

Premises Licence Holders, Premises Managers and Staff

(d) must show the invoice or day book to the police or LSO on request

This no[ce 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 from harm.

THIS PART CAN BE CHANGED TO SUIT CIRCUMSTANCES

EG.

1. FROM RESTAURANT - ALCOHOL ONLY DELIVERED WITH A MEAL

Premises Licence Holders, Premises Managers and Staff

2. FROM CONVENIENCE STORE / SHOP - ALCOHOL ONLY DELIVERED WITH

GROCERIES

These restrictions are probably not lawful as they are restraint of trade but most licensees will accept them

- 1. WEB SITE / PHONE TRAINING / PACKAGE LABEL
 - 1.1. Ensure that you have no sales or deliveries tounder 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 18's;
 - 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 state to customer and print on receipt that charge will be made in event alcohol will be returned to base.
 - 2.5 Clearly state on package -Alcohol will not be delivered to persons appearing to be under the age of 25 without successful challenge 25 proving they are over the age of 18

Premises Licence Holders, Premises Managers and Staff

Eg.

THIS PACKAGE CONTAINS ALCOHOL CHALLENGE 25! NO DELIVERY TO PERSONS UNDER THE AGE OF 18