

ANGUS LICENSING BOARD – 14 SEPTEMBER 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 premisesthe 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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ANGUS LICENSING BOARD – 14 SEPTEMBER 2023

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

Name of Applicant - Sri Mathan

Type of Licence: Premises Licence – Off Sales

The Board are asked to note that this application for a premises licence called at the Angus Licensing Board on 17 August 2023. The Board deferred this application to allow the applicant to carry out requests made by Fire Scotland.

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.

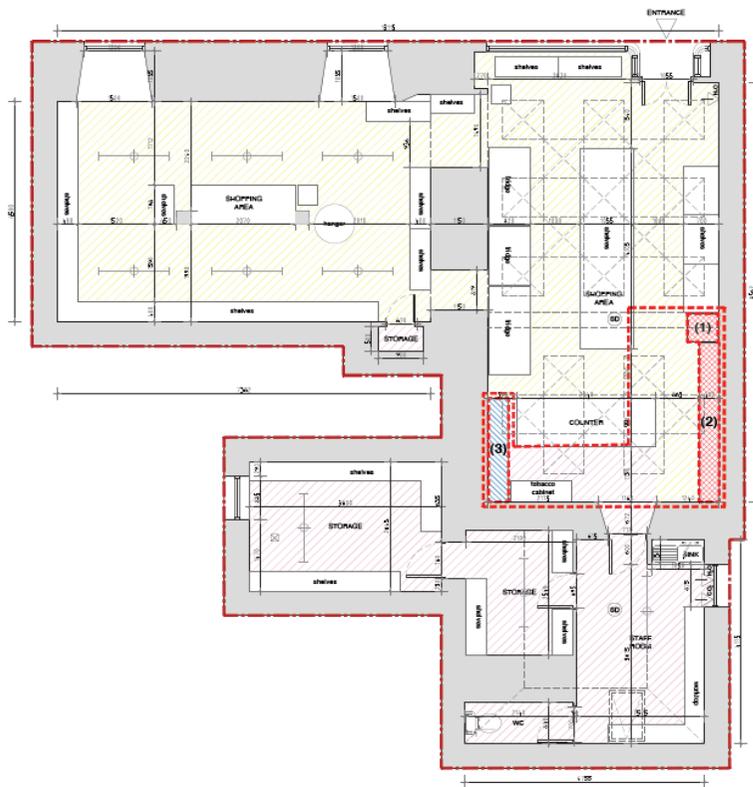
The five delivery conditions are as follows:

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.

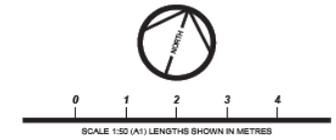
Kevin Leith
Licensing Standards Officer
Angus Council



PROPOSED ALCOHOL LICENCE 1:50



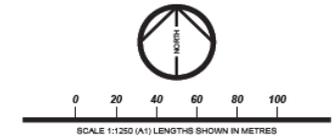
PROPOSED ENVIRONMENTAL HEALTH PLAN 1:50



SCALE 1:50 (A1) LENGTHS SHOWN IN METRES
 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 work. Unspecified dimensions are not to be scaled off this drawing for construction purposes. All dimensions are in millimetres unless stated otherwise. If any dimensions or details conflict please notify the Architect immediately. This drawing is to be used for STATUTORY purposes only. This is not a CONSTRUCTION drawing.



LOCATION PLAN 1:1250



SERVICES LEGEND:	
Fluorescent tube light fitting	
suspended ceiling light panels	
Extract Fan	
Water Fire Extinguisher	
Foam Fire Extinguisher	
Smoke Detector	
Property Boundary	

- Area to be licensed
 - Area of premises where children, young people and public have access
 - Area of premises where staff only have access
 - Accessible alcohol display area:
 - (1) 0.50m (w) x 1.80m (h) = 0.90m² (refrigerated)
 - (2) 3.25m (w) x 1.80m (h) = 5.85m² (display)
 - Total accessible area = 6.75m²
 - Area of inaccessible alcohol display:
 - (2) 2.10m (w) x 1.80m (h) = 3.78m² (shelves)
 - Total inaccessible area = 3.78m²
- Total alcohol display area = 10.71m²**

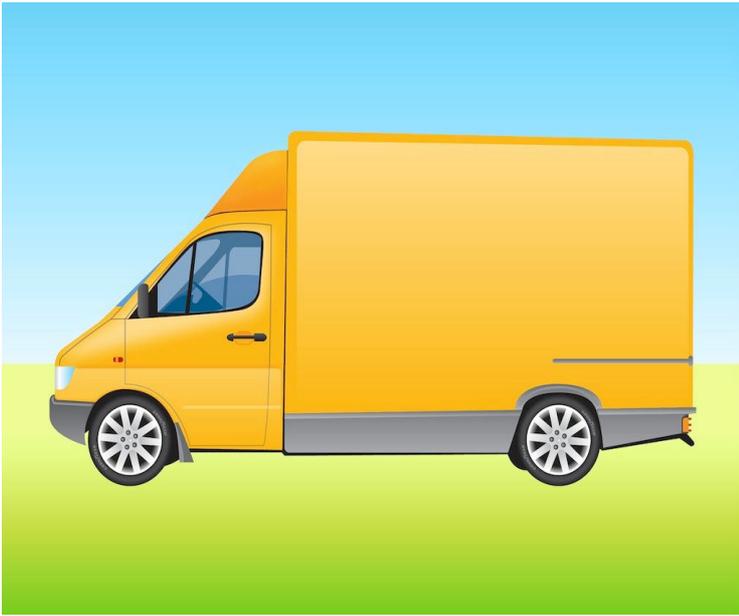
LEGEND:

Floor Finishes	commercial vinyl flooring
	wooden plank flooring
	commercial carpet flooring
Wall Finishes	Plasterboard finish - painted
	Plasterboard finish
Ceiling Finishes	plasterboard ceiling - painted
	plasterboard ceiling (vaulted) - painted
Water Supply	Main Cold Water Feed with Electric Bunkers Locally Located (Below Stairs for Hot Water)
Artificial Lighting	Fluorescent tube light fittings light panels
Refuse Storage	Refuse Storage & Collection to rear of premises Recycling cages and collected by third party under contract.

Project ALCOHOL LICENCE		 JON FRULLANI ARCHITECT	
Client Hamptons Convenience Store			
Address 180E High Street		Drawing Title Proposed Licence & Environmental Health Plan	
Postcode DD8 2HG		Issue Status	Drawing No. 7285_L_701
Designer AP	Date 11.05.2023	Survey	Revision -
Scale as noted			
i 01382 224828 m 07808 729038 e jon@frullani.co.uk w frullani.co.uk f Facebook.com/frullani r unit 5, 89-91 St. James Street, Dundee, DD1 4JG <small>This drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose, without prior written permission from the Architect and/or Client.</small>			

Note for Delivery Personnel

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.

Note for Delivery Personnel

Premises Licence Holders, Premises Managers and Staff

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



Note for Delivery Personnel

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

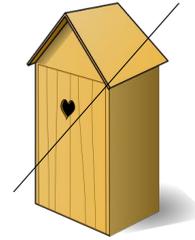
ONLY IF THEY ARE SURE THE PERSON IS OVER THE AGE OF 18 & SOBER CAN THEY DELIVER THE ALCOHOL

Note for Delivery Personnel

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. !



Note for Delivery Personnel

Premises Licence Holders, Premises Managers and Staff

APPROVED AGE IDENTIFICATION DOCUMENTS ARE



EU PHOTO DRIVER'S LICENCE



BIOMETRIC IMMIGRATION CARD



YOUNG SCOT CARD



PASSPORT



EU ID CARD



MILITARY ID CARD

THESE CARDS MUST BE CURRENT AND NOT OUT OF DATE

Note for Delivery Personnel

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
accepting the delivery

Note for Delivery Personnel

Premises Licence Holders, Premises Managers and Staff

Note for Premises Licence Holders

Managers and Staff

Record keeping

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

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

Information which must be recorded in day book and invoice

(a) the quantity, 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

Note for Delivery Personnel

Premises Licence Holders, Premises Managers and Staff

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

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 from harm.**

Note for Delivery Personnel

Premises Licence Holders, Premises Managers and Staff

THIS PART CAN BE CHANGED TO SUIT CIRCUMSTANCES

EG.

- 1. FROM RESTAURANT - ALCOHOL ONLY DELIVERED WITH A MEAL**

- 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.

Note for Delivery Personnel

Premises Licence Holders, Premises Managers and Staff

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

Eg.

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