

ANGUS LICENSING BOARD – 18 APRIL 2012

PREMISES LICENCES - REQUEST TO VARY PREMISES LICENCES
UNDER THE LICENSING (S) ACT 2005

REPORT BY THE CLERK

ABSTRACT

The purpose of this Report is to present applications to vary a premises licence(s) under the Licensing (Scotland) Act 2005 which require to be determined by the Board.

1. RECOMMENDATION

It is recommended that the Board consider and determine the application to vary a premises licence or 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 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 3.

2. BACKGROUND

The Board has received applications to vary a premises licence or 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 shall only be discharged by the Licensing Board.

3. LEGAL IMPLICATIONS

A variation to a Premises Licence means any variation of:-

- (i) any of the conditions to which the licence is subject (other than the Mandatory Conditions),
- (ii) any of the information contained in the operating plan contained in the licence,
- (iii) the layout plan contained in the licence, or
- (iv) any other information contained or referred to in the licence,

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:-

- (i) any variation of the layout plan, if the variation does not result in any inconsistency with the operating plan,
- (ii) 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; and
- (iii) 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).

The Board must hold a hearing and determine applications to vary which are not minor variations.

The Board must, in considering and determining the 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 application must be refused as the Board had previously refused the same variation to the premises licence in respect of the same premises within the preceding one year, 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 if alcohol is to be sold for off sales purposes before 10am or after 10pm (or both);
- (b) that the Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives; and
- (c) 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 in accordance with the proposed variation.

Where the Board grants the application, it may make a variation of the conditions to which the licence is subject.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

5. HUMAN RIGHTS IMPLICATIONS

In dealing with the applications as set out in this Report, the Board will have regard to any human rights issues in relation to the applicants.

6. EQUALITIES IMPLICATIONS

The issues contained in this Report fall within an approved category that has been confirmed as exempt from an equalities perspective.

7. CONSULTATION

The Head of Finance, the Director of Infrastructure Services and the Chief Constable, Tayside Police have been consulted in the preparation of this Report.

8. NOTIFICATION

The applicant(s) and the persons submitting representations have been notified of the terms of this Report. They have also been advised of their entitlement to attend the Board should they wish.

SHEONA C HUNTER
CLERK TO THE LICENSING BOARD

ANGUS LICENSING BOARD - SUMMARY OF APPLICATION

Names and Address of Applicant		Name and Address of Premises
J D Wetherspoon (Scot) Limited Wetherspoon House Central Park Reeds Crescent Watford WD24 4QL		The Corn Exchange Olympia Buildings Market Place Arbroath Type of Licence: On/Off Sales
The Board are asked to note that this item was adjourned at meeting on 14 March 2012 at the request of the legal agent.		
MATTERS FOR THE BOARD TO CONSIDER		
APPLICATION FOR VARIATION OF PREMISES LICENCE		
Variation Sought		
Q3	Description of Variation Sought	To vary commencement hour for on and off sales to 11.00am on Sunday. The Board is asked to note that the hours requested are within Board's policy.

ANGUS LICENSING BOARD - SUMMARY OF APPLICATION

Names and Address of Applicant		Name and Address of Premises
Carol Inglis and Irene McLennan The Bungalow Haircairn by Monikie Broughty Ferry DD5 3QH		Corner Hotel 103-105 Dundee Street Carnoustie DD7 7EW Type of Licence: On/Off Sales
If the confirmation notice is received before the Board date then this application will be dealt with. If the confirmation notice is not received the application may be deferred.		
MATTERS FOR THE BOARD TO CONSIDER APPLICATION FOR VARIATION OF PREMISES LICENCE		
Variation Sought		
Q3	Description of Variation Sought	To vary commencement hour for on sales to 11.00am on Sunday. The Board is asked to note that the hours requested are within Board's policy.

ANGUS LICENSING BOARD - SUMMARY OF APPLICATION

Names and Address of Applicant		Name and Address of Premises
Caroline Hampton Sunnydene 97A Glamis Road Forfar DD8 1DR		10 12-14 Castle Street Forfar DD8 3AD Type of Licence: On/Off Sales
If the confirmation notice is received before the Board date then this application will be dealt with. If the confirmation notice is not received the application may be deferred.		
MATTERS FOR THE BOARD TO CONSIDER		
APPLICATION FOR VARIATION OF PREMISES LICENCE		
Variation Sought		
Q3	Description of Variation Sought	To increase capacity from 80 to 130.
	Building Standards	Memorandum dated 20 March 2012 from Building Standards, a copy of which is attached.

ANGUS LICENSING BOARD - SUMMARY OF APPLICATION

Names and Address of Applicant		Name and Address of Premises
Shahzaz Din 214 Arbroath Road Dundee DD4 7RZ		Cliffburn Hotel Cliffburn Road Arbroath DD11 5BT Type of Licence: On/Off Sales
If the confirmation notice is received before the Board date then this application will be dealt with. If the confirmation notice is not received the application may be deferred.		
MATTERS FOR THE BOARD TO CONSIDER		
APPLICATION FOR VARIATION OF PREMISES LICENCE		
Variation Sought		
Q3	Description of Variation Sought	<p>To vary commencement hour for on and off sales to 11.00am on Sunday.</p> <p>The Board is asked to note that the hours requested are within Board's policy.</p> <p>Add Activities – Charity and Fundraising Events.</p> <p>To permit children in the lounge area.</p> <p>To increase capacity from 554 to 560.</p> <p>To note changes to the layout plan to change former lounge bar to restaurant and the restaurant to lower function hall.</p>

ANGUS LICENSING BOARD - SUMMARY OF APPLICATION

Names and Address of Applicant		Name and Address of Premises
William Inglis 38 Addison Place Arbroath DD11 2BA		Harbourside Grill 61 Ladybridge Street Arbroath Type of Licence: On/Off Sales
If the confirmation notice is received before the Board date then this application will be dealt with. If the confirmation notice is not received the application may be deferred.		
MATTERS FOR THE BOARD TO CONSIDER		
APPLICATION FOR VARIATION OF PREMISES LICENCE		
Variation Sought		
Q3	Description of Variation Sought	<p>To vary hours for on sales to:-</p> <p>Monday to Thursday 11am to 11pm Friday and Saturday 11am to 12 midnight Sunday 11am to 10pm</p> <p>Add Activities – Within Core Hours</p> <p>Club or group meetings and live performances</p> <p>Add Activities – Outwith Core Hours</p> <p>Receptions, restaurant, Club or Group meetings and recorded music</p> <p>It is requested that the Board confirm that no alcohol will be provided outwith core hours.</p> <p>Children - Permit children aged 0-17 into premises. Baby changing facilities are provided.</p> <p>To allow children into lower and upper dining area and waiting area but excluding bar.</p> <p>Amend occupancy from 46 to:- Upper Dining – 43 Lower Dining – 20 Waiting/Bar Area – 27 - Total 90</p> <p>Change Description of Premises to:- Steak and seafood restaurant at Arbroath Harbour within a mix of both residential and commercial properties.</p>

Names and Address of Applicant		Name and Address of Premises
Montrose Bowling Club Western Road Montrose DD10 8LW		Montrose Bowling Club Western Road Montrose DD10 8LW Type of Licence: On Sales
If the confirmation notice is received before the Board date then this application will be dealt with. If the confirmation notice is not received the application may be deferred.		
MATTERS FOR THE BOARD TO CONSIDER APPLICATION FOR VARIATION OF PREMISES LICENCE		
Variation Sought		
Q3	Description of Variation Sought	<p>Variation to include off sales hours.</p> <p>Hours – Monday to Sunday 11am to 10pm</p> <p>To change the restricted area within current operating plan to whole area within boundary wall as per layout plans attached.</p> <p>The applicant has confirmed that prior to 2009 the outside drinking area was permitted in the whole area within the boundary wall with the exception of half a metre of said surface.</p>

Names and Address of Applicant		Name and Address of Premises
Royal Montrose Golf Club Traill Drive Montrose DD10 8SW		Royal Montrose Golf Club Traill Drive Montrose DD10 8SW Type of Licence: On Sales
If the confirmation notice is received before the Board date then this application will be dealt with. If the confirmation notice is not received the application may be deferred.		
MATTERS FOR THE BOARD TO CONSIDER APPLICATION FOR VARIATION OF PREMISES LICENCE		
Variation Sought		
Q3	Description of Variation Sought	To vary the licence from on sales to on and off sales. Hours – Monday to Sunday 11am to 10pm The Board is asked to note that the hours requested are within Board's policy.

Names and Address of Applicant		Name and Address of Premises
Carnoustie Bowling Club 35 Maule Street Carnoustie DD7 6AB		Carnoustie Bowling Club 35 Maule Street Carnoustie DD7 6AB Type of Licence: On Sales
If the confirmation notice is received before the Board date then this application will be dealt with. If the confirmation notice is not received the application may be deferred.		
MATTERS FOR THE BOARD TO CONSIDER		
APPLICATION FOR VARIATION OF PREMISES LICENCE		
Variation Sought		
Q3	Description of Variation Sought	<p>To vary licence from on sales to on and off sales and to vary the hours:-</p> <p>On -Sales Monday to Thursday 11am to 12 midnight Friday and Saturday 11am to 1am Sunday 11am to 11pm</p> <p>Off-Sales Monday to Sunday 11am to 10pm</p> <p>To add Seasonal Variations for Christmas Eve, Christmas Day, Hogmanay and New Year's Day as per Board's policy.</p> <p>Add Activities for outdoor drinking - see attached note. No outside bar service and confined to core hours.</p> <p>Add Activities Within and Outwith Core Hours for conference, restaurant and receptions.</p> <p>Add Activities – Outwith Core Hours for live performances, dance facilities and gaming.</p> <p>Board to confirm that no alcohol to be provided outwith core hours</p> <p>Delete Activities - bar meals, recorded music and televised sport.</p> <p>To vary designated children's area to permit children access to all parts of the club which are considered public areas. Children's area excludes delineated bar area</p>

		<p>To increase occupant capacity from 102 to 158 persons.</p> <p>Meeting/junior room – 17 Main hall – 120 Female changing/meeting room – 21</p> <p>To re-define the bar area and correct some minor discrepancies within the original plans relating to separation walls and boundaries.</p>
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