

ANGUS LICENSING BOARD – 15 NOVEMBER 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 ([Appendix A, B & C](#)), 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

(a) LICENCE NO. 175 – PANMURE ARMS HOTEL, 52 HIGH STREET, EDZELL, DD9 7TA

Names and Address of Applicant

David Alexander Blacklaws, Mains of Drumhendry Steading, Laurencekirk, AB30 1RN

Type of Licence: On/Off Sales

Description of Variation Sought

1. Layout changes to the premises to include a conservatory.
2. Outdoor Drinking facilities to be provided to the west and south of the premises during core licensed hours only.
3. Activities to include accommodation, films, indoor/outdoor sports, televised sports and gaming – to take place within and outwith core hours. Films to be used for conferences and in bedrooms only.

The Board is asked to confirm that no alcohol to be provided outwith core hours

4. Capacity – Increase from 358 to 413 persons.
5. Children and Young Persons to be allowed access to the Conservatory and outdoor areas in addition to the existing areas.

The Board is asked to apply local children's conditions.

(b) LICENCE NO. 92 – COLLISTON INN, COLLISTON, BY ARBROATH, DD11 3RP

Names and Address of Applicant

Firm of K & D Henderson, Newton of Boysack, Arbroath, DD11 4PT

Type of Licence: On Sales

Confirmation Notice

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.

Description of Variation Sought

1. To vary the licence to include Off Sales with operating hours:-

Monday to Sunday 11.00am to 10.00pm

The Board is asked to note that the hours requested are within Board's policy.

2. To vary the 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.

3. Activities to include restaurant facilities, bar meals, receptions and recorded music outwith core licensed hours. Addition of dance facilities within core licensed hours. Other activities to be provided are charity and fund raising events.

The Board is asked to confirm that no alcohol to be provided outwith core hours

4. Outdoor Drinking facilities to be provided during core licensed hours only. No outside bar service to be provided.

5. Layout – Lounge Bar renamed Snug; Restaurant renamed Coffee Shop. Reduction in length of bar from 3.5m to 2.7m in the Snug. Removal of bar from Coffee Shop and replaced with coffee serving station.

6. Children and Young Persons to be allowed entry to the Function Room, Coffee Shop and Snug.

(c) LICENCE NO. 19 – COMMERCIAL INN, LETHAM, DD11 3RP

Names and Address of Applicant

M & J Stott Limited, 5 Academy Street, Forfar, DD8 2HA

Type of Licence: On Sales

Description of Variation Sought

1. To vary the licence to include Off Sales with operating hours:-

Monday to Sunday 11.00am to 10.00pm

The Board is asked to note that the hours requested are within Board's policy.

2. To vary the 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.

3. Activities to include bar meals within core licensed hours.

4. Outdoor Drinking facilities to be provided during core licensed hours only.

5. Children and Young Persons to be allowed entry to the premises as follows:-

Terms – accompanied by a responsible adult

Ages – 0 to 17 years (baby changing facilities available)

Times – 11am to 7pm

Parts of Premises – lounge area and courtyard.

The Board is asked to apply local children's conditions.