

ANGUS LICENSING BOARD – 1 FEBRUARY 2012

**PREMISES LICENCES
UNDER THE LICENSING (S) ACT 2005**

REPORT BY THE CLERK

ABSTRACT

The purpose of this Report is to present applications for a new 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 for a new licence or new 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 or local conditions which the Board may wish to impose;
- (ii) propose a modification to the operating plan 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 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 3.

2. BACKGROUND

The Board has received applications for new licence(s) 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

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 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 Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives; and

- (d) 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.

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 dealt with in this Report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required as the determination of licensing applications is laid out in the Licensing (Scotland) Act 2005.

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
Sainsbury's Supermarkets Limited 33 Holborn London EC1N 2HT		Sainsbury's Store Former Distillery Site Brechin Road Montrose DD10 9LE Type of Licence: Off Sales
<p>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.</p>		
<p>MATTERS FOR THE BOARD TO CONSIDER</p> <p>NEW APPLICATION FOR PROVISIONAL PREMISES LICENCE (NOT LODGED UNDER GRANDFATHER RIGHTS)</p>		
Q3	Core times when alcohol will be sold for consumption off the premises:-	Monday to Sunday 10.00am to 10.00pm - hours within policy
	Building Standards	Buildings Standards submitted a memo dated 21 December 2011, a copy of which is attached.
<p>It is requested that the Board considers the layout plans submitted to establish whether the marked areas of alcoholic drink are in accordance with the regulations.</p>		