

ANGUS LICENSING BOARD – 14 MARCH 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**

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

**ANGUS LICENSING BOARD - SUMMARY OF APPLICATION**

<b>Names and Address of Applicant</b>		<b>Name and Address of Premises</b>
Richard Falconer 9 Denfield Gardens Arbroath DD11 3HR		Ram's Heid East Muirlands Road Arbroath  <b>Type of Licence:</b> On/Off Sales
<b>MATTERS FOR THE BOARD TO CONSIDER</b>		
<b>APPLICATION FOR VARIATION OF PREMISES LICENCE</b>		
<b>Variation Sought</b>		
Q3	Description of Variation Sought	<p>To vary commencement hour for on and off sales to 11.00am on Sunday.</p> <p><b>The Board is asked to note that the hours requested are within Board's policy.</b></p> <p>To amend activities in respect of funerals to allow funeral receptions to be held outwith core hours.</p> <p><b>It is requested that the Board confirm that no alcohol will be provided outwith core hours.</b></p>

**ANGUS LICENSING BOARD - SUMMARY OF APPLICATION**

<b>Names and Address of Applicant</b>		<b>Name and Address of Premises</b>
K & N Leisure Limited 16B Applegate Arbroath DD11 1HX		Coast – Lower Level only 4 Gravesend Arbroath DD11 1HT  <b>Type of Licence:</b> On Sales
<b>MATTERS FOR THE BOARD TO CONSIDER</b>  <b>APPLICATION FOR VARIATION OF PREMISES LICENCE</b>		
<b>Variation Sought</b>		
Q3	Description of Variation Sought	To vary terminal hour for on sales on Thursday from 12 midnight to 1am.  <b>The Board are asked to note that the hours requested are outwith policy.</b>

**ANGUS LICENSING BOARD - SUMMARY OF APPLICATION**

<b>Names and Address of Applicant</b>		<b>Name and Address of Premises</b>
Abbey Bowling Club Walker Place Arbroath DD11 1HQ		Abbey Bowling Club Walker Place Arbroath DD11 1HQ  <b>Type of Licence:</b> On Sales
<b>MATTERS FOR THE BOARD TO CONSIDER</b>		
<b>APPLICATION FOR VARIATION OF PREMISES LICENCE</b>		
<b>Variation Sought</b>		
Q3	Description of Variation Sought	<p>To vary the premises licence and in particular the statement in 6 (d) to include all local children's conditions and more specifically, to provide that condition 2 (a) (v) should apply in respect that the premises cater substantially for family activities and recreation involving children, the Club has in excess of 30 junior members of its own and also provides facilities to offer trials for junior members of other Angus clubs. In addition it is a family orientated Club which would like to be able to encourage the children and grandchildren of members to spectate in the hope that this might encourage them to participate in the sport in the future whereby increasing the longevity of not just the Club but of the sport of bowling in general.</p> <p><b>It is recommended that the Board apply local children's conditions.</b></p>

**ANGUS LICENSING BOARD - SUMMARY OF APPLICATION**

<b>Names and Address of Applicant</b>		<b>Name and Address of Premises</b>
Forfar Golf Club Cunninghill Arbroath Road Forfar DD8 2RL		Forfar Golf Club Cunninghill Arbroath Road Forfar  <b>Type of Licence:</b> On Sales
<p><b>MATTERS FOR THE BOARD TO CONSIDER</b></p> <p><b>APPLICATION FOR VARIATION OF PREMISES LICENCE</b></p>		
<b>Variation Sought</b>		
Q3	Description of Variation Sought	<p>To vary the premises from a club licence to a premises licence. The Club wish to obtain a full licence to provide flexibility in accepting functions such as funerals whilst still operating the admissions to the Clubhouse on a members only basis.</p> <p><b>The Board are asked to note that the premises manager is Monica Watson.</b></p>