

ANGUS LICENSING BOARD – 14 JUNE 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

<b>Names and Address of Applicant</b>		<b>Name and Address of Premises</b>
Turf 'n Stuff Limited Border Cottage East Border Farm By Arbroath DD11 4RS		Turf 'n Stuff (Trading as Scotch Whisky Express) Units 8 & 9 Peasiehill Road Elliot Industrial Estate Arbroath DD11 2NJ  <b>Type of Licence:</b> Off Sales
<b>MATTERS FOR THE BOARD TO CONSIDER</b>  <b>NEW APPLICATION FOR PREMISES LICENCE</b>		
Q3	Core times when alcohol will be sold for consumption <b>off</b> the premises:-	Monday to Friday 8.00am to 5.00pm  Premises consist of a warehouse, packing and dispatching alcohol with online sales only. No direct sales to the public over the counter.  <b>The hours applied for are outwith guideline hours for off sales which are:-                      Monday to Sunday 10.00am to 10.00pm</b>