

ANGUS LICENSING BOARD – 4 OCTOBER 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

**(a) KINNETTLES CASTLE, KINNETTLES, FORFAR, DD8 1TR**

**Names and Address of Applicant**

Clarenco LLP, Clarenco House, Stokenchurch Business Park, Ibstone Road, Stokenchurch, Buckinghamshire, HP14 3FE

**Type of Licence: Provisional Premises Licence - On/Off Sales**

1. Core times when alcohol will be sold for consumption **on** the premises:-

Sunday to Thursday 11.00am to 12 midnight  
Friday and Saturday 11.00am to 1.00am

Core times when alcohol will be sold for consumption **off** the premises:-

Monday to Sunday 11.00am to 10.00pm

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

2. Activities to be provided outwith core licensed hours – conference facilities; restaurant facilities; bar meals; receptions; club meetings; recorded music ; live performances; dance facilities; theatre; films; gaming; indoor / outdoor sports; televised sports; outdoor drinking facilities. Additional activities – social and business events; charity and fund raising events; auctions; fashion shows, casino nights, themed events, launches, fairs, gala days, hospitality events.

**It is requested that the Board confirm that no alcohol will be provided outwith core hours.**

3. Children and Young Persons aged 0 – 17 years to be permitted within all part of the premises.

4. Capacity – Main Building – 60; Marquee – 150

**Comments Received**

**Building Standards** have advised that a building warrant has been submitted and approved to convert the existing house into a function venue with sleeping accommodation. To comply with the Building Warrant, works in relation to fire escape from the building are required. To date the work has not commenced on site. There are no objections to the proposal on the basis that works required by virtue of the Building Regulations are carried out and completed to our satisfaction before the building is used as proposed.

**(b) MONTROSE ROSELEA JUNIOR FOOTBALL CLUB, BROOMFIELD PARK, MONTROSE**

**Names and Address of Applicant**

Montrose Roselea Junior Football Club, Broomfield Park, Broomfield Road, Montrose, DD10 8TZ

**Type of Licence:** On Sales

**Questions from Operating Plan**

1. Core times when alcohol will be sold for consumption **on** the premises:-

Monday to Friday 5.00pm to 11.00pm  
Saturday and Sunday 11.00am to 12 midnight

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

2. Activities to be provided outwith core licensed hours – conference facilities; club meetings; recorded music ; indoor / outdoor sports; televised sports; dance; films; gaming; live performances. Additional activities to be provided – BBQ; fundraising and charity events; award presentations. No food preparation on premises.

**The applicant has confirmed that no alcohol to be sold outwith core hours.**

3. Outdoor Drinking facilities to be provided within core hours.

4. Children and Young Persons aged 0 – 17 years to be permitted to all parts excluding bar area.

5. Capacity – 50 persons (30 seated and 20 standing).

**(c) NATIONAL BAR, 264 – 268 HIGH STREET, ARBROATH, DD11 3BZ**

**Names and Address of Applicant**

Colin Ogilvie, 9 Fruithill, Kirriemuir, DD8 1JT

**Type of Licence:** On/Off Sales

**Questions from Operating Plan**

1. Core times when alcohol will be sold for consumption **on** the premises:-

Monday to Thursday 11.00am to 12 midnight  
Friday and Saturday 11.00am to 1.00am  
Sunday 11.00am to 1.00am

Core times when alcohol will be sold for consumption **off** the premises:-

Monday to Sunday 11.00am to 10.00pm

**The Board are asked to note that the terminal hour on Sunday for on sales is 12 midnight and the hours requested are outwith policy.**

2. Activities to be provided within core licensed hours. Additional activities - pool, darts and karaoke.

3. Children and Young Persons aged 5 – 17 years to be permitted within lounge area of premises.

4. Capacity – Lounge 64; Bar 30

**Comments Received – TAYSIDE POLICE** submitted a letter dated 6 September 2012, a copy of which shall be circulated at the meeting.

The Board is asked to note that Premises Licence no. 82 was issued in respect of these premises which were formerly known as Becket's. Premises Licence no. 82 ceased to have effect and this was reported to the Board on 2 February 2011.