

SPECIAL ANGUS LICENSING BOARD – 20 JUNE 2024
APPLICATIONS FOR AN OCCASIONAL LICENCE
MORRIATTIS, LOCHLANDS STREET, ARBROATH, DD11 3AB
REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this report is to present nine applications for an occasional licence under the Licensing (Scotland) Act 2005 which requires to be determined by the Board.

1. RECOMMENDATIONS

It is recommended that the Board consider and determine the Applications in terms of one of the following options: -

- (i) to grant the applications, subject to the Mandatory Conditions and any other discretionary or local conditions which the Board may wish to impose; or
- (ii) to refuse the applications on one or more of the grounds referred to in Paragraph 3.2.

2. BACKGROUND

Ten applications in respect of occasional licences have been received under the Licensing (Scotland) Act 2005 for Morriattis, Arbroath. Nine of those applications require to be determined by the Board as objections from members of the public have been received in respect of each licence.

One application has not been considered due to insufficient time to arrange a Board.

The premises was previously licensed as Buicks Lounge Bar by way of a Premises Licence.

3. LEGAL IMPLICATIONS

3.1 The Board must consider whether any of the grounds for refusal specified in Section 59(6) of the Licensing (Scotland) Act 2005 applies and –

- (a) if none of them applies, the Board must grant the application;
- (b) if any of them applies, the Board must refuse the application.

3.2 The grounds for refusal are: -

- (a) that the premises to which the application relates are excluded premises;
- (b) that the application must be refused under section 56(6A), (If the granting of an occasional licence application would result in the occasional licence limit being exceeded), 64(2) (If the granting of an occasional licence application would allow alcohol to be sold in the premises for a continuous period of 24 hours or more), or 65(3) (If the granting of an occasional licence application is such that the hours proposed in the application would permit alcohol to be sold for consumption off the premises before 10am, after 10pm, or both);
- (c) that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives;
- (d) that, having regard to:-
 - (i) the nature of the activities proposed to be carried on in the premises to which the application relates;

- (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.

- 3.3. In determining any application which is to be determined in accordance with Paragraph 3.2, the Board must take into account any report from a Licensing Standards Officer under Section 57(3) of the Licensing (Scotland) Act 2005.
- 3.4. The Board must also, in determining any application, have regard to a notice made by any person to the Board under section 58 of the Licensing (Scotland) Act 2005 objecting to the occasional application on any ground relevant to one of the grounds for refusal specified at paragraph 3.2 above, and to any representations made to the Board concerning the application, including, in particular, representations –
- (i) in support of the application, or
 - (ii) as to conditions which the person considers should be imposed.

The Board may reject a notice of objection or representation under Section 58 of the Licensing (Scotland) Act 2005 if the objection or representation is frivolous or vexatious.

- 3.5. Where the Board grants an Occasional licence, the Board may impose such other conditions (in addition to those to which the licence is subject by virtue of Schedule 4 of the Licensing (Scotland) Act 2005) as they consider necessary or expedient for the purposes of any of the licensing objectives.

The Board may not impose a condition which -

- (i) is inconsistent with any condition –
 - (a) to which the occasional licence is subject by virtue of Schedule 4,
 - (b) or prescribed
- (ii) would have the effect of making any such condition more onerous or more restrictive; or
- (iii) relates to a matter (such as planning, building control or food hygiene) which is regulated under another enactment.

4. INFORMATION

The Licensing Standards Officer has raised no Report but commented as detailed in the attached **Appendix 1**. Police Scotland in their response have confirmed there are no objections to the applications. Copies of the objections received have been submitted to members prior to the meeting.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. HUMAN RIGHTS IMPLICATIONS

In dealing with the matters set out in this report the Board will have regard to any human rights issues pertaining to the applicant.

7. CONSULTATION

The Chief Constable of Police Scotland and the Licensing Standards Officer have been consulted in the preparation of this Report.

8. NOTIFICATION

The applicant has been notified of the terms of this report and been invited to attend the Board.

REPORT AUTHOR: Stuart McQueen, Team Leader, Licensing and Regulation

EMAIL DETAILS: LAWlicensing@angus.gov.uk

APPENDIX 1 TO REPORT LB 25/24
SPECIAL ANGUS LICENSING BOARD – 20 JUNE 2024

OCCASIONAL LICENCE APPLICATIONS – MORRIATTIS, LOCHLANDS STREET, ARBROATH, DD11 3AB

APPLICANT: - Malcolm Taylor (represented by Gilson Gray Solicitors)
OCCASIONAL LICENCE APPLICATIONS 8747, 8748, 8749, 8750, 8751, 8752, 8753, 8754, 8755

Dates Requested: -

18 June 2024 to 1 July 2024
2 July to 15 July 2024
16 July to 29 July 2024
30 July to 12 August 2024
13 August to 26 August 2024
27 August to 9 September 2024
10 September to 23 September 2024
24 September to 7 October 2024; and
8 October to 21 October 2024.

Malcolm, Personal Licence Holder, submitted, through an agent Janet Hood, 9 applications for Occasional Licences on the 6 May 2023. (Due to very sad circumstances, Gilson Gray have advised that they now represent the applicant). These are to allow alcohol sales within the premises to be called Morriattis. The premises were previously known as Buicks Lounge Bar and had a premises licence in place. This was surrendered by the licence holder on 22 August 2023.

The applicant has therefore requested that the licences run from 18 June until 21 October 2024 inclusive and are for on sale hours only.

Times for the sale of alcohol are identical in each application and are as follows:

Sunday – Thursday 1100 – Midnight
Friday & Saturday 1100 to Saturday & Sunday 0100 (respectively)

The hours requested are within Board policy.

Licensing Standards Comments

If the Board is minded to grant the application(s), I would recommend granting subject to the mandatory and local conditions and to be operated in line with Board policy.