

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Wednesday 10 December 2008 at 10.00 am.

**Present:** Councillors JIM MILLAR, JOHN WHYTE, IAIN GAUL, ALEX KING, RUTH LESLIE MELVILLE MBE, GLENNIS MIDDLETON, PETER MURPHY, HELEN OSWALD, MARK SALMOND and BOB SPINK.

Councillor MILLAR, Convener, in the Chair.

## 1. APOLOGIES

There were no apologies for absence.

## 2. DECLARATIONS OF INTEREST

Helen Oswald declared an interest in item 10(i) as she resided in Ireland Street, Carnoustie and was familiar with the Hotel and indicated that she would be taking part in any discussion and voting.

## 3. MINUTE OF PREVIOUS MEETING

The [minute of meeting of this Board held on 29 October 2008](#) was approved as correct record and signed by the Convener.

## 4. DECLARATION OF FINALITY

The Board noted that the Declaration of Finality for Tesco Superstore, Cairnie Street, Arbroath had been declared final on 27 November 2008.

## 5. DELEGATED APPROVALS – UNDER THE LICENSING (SCOTLAND) ACT 1976 (AS AMENDED)

There was submitted and noted [Report No LB25/08](#) by the Clerk detailing applications for licences under the Licensing (Scotland) Act 1976, as amended, which had been granted/renewed by the Clerk during the period 22 October to 2 December 2008 in accordance with the Scheme of Delegation appended to the Licensing Policy.

## 6. NEW APPLICATIONS – UNDER THE LICENSING (SCOTLAND) ACT 1976 (AS AMENDED)

There was submitted [Report No LB26/08](#) by the Clerk on applications received for new licences under the Licensing (Scotland) Act 1976, which required to be determined by the Board, as detailed in the Appendix to the Report.

### (a) PROVISIONAL GRANT OF NEW LICENCES

Applicant	Premises and Agent	Type of Application
Belhaven Brewery Co. Ltd. Spott Road Dunbar East Lothian EH42 1RS	Presently Gala Bingo 12 Hume Street Montrose DD10 8JD	Provisional Grant of Public House Licence.
Following an adjournment, the Board agreed to defer this application until the end of the public business.		

Forthflats Ltd 18 Benholm Gardens Forfar And Margaret Ellen Murray 9b Millgate Friockheim Arbroath	Anchor Bar 18 West Port Arbroath	Full Grant of Public House Licence  Ms Murray has 18 years licensing experience. Current Licensee.
The Board noted that Ms Murray was not present and agreed to defer the application to allow her to attend.		

**(b) REGULAR EXTENSION OF PERMITTED HOURS - CATEGORY A – WITHIN GUIDELINES**

The Board agreed that the undernoted application be deferred to allow Ms Murray to attend.

**Public House**

<b>Applicant</b>	<b>Premises and Agent</b>	<b>Hours Requested</b>
Forthflats Limited 18 Benholm Gardens Forfar and Margaret Ellen Murray 9B Millgate Friockheim Arbroath	Anchor Bar 18 West Port Arbroath	(a) Afternoon Opening Sunday 2.30pm to 6.30pm (b) Private Functions for self contained function suite. Sunday 2.30pm to 6.30pm Sunday to Thursday 11.00pm to 12 midnight Friday and Saturday 11.00pm to 1.00am (c) Darts, dominoes, OAP bingo and karaoke. Sunday to Thursday 11.00pm to 12 midnight Friday and Saturday 11.00pm to 1.00am

**7. DALHOUSIE HOTEL, CARNOUSTIE**

With reference to Article 6 of the minute of meeting of this Board of 29 October 2008, the Board considered a letter dated 12 September 2008 from Mr Piggot, the licensee of Dalhousie Hotel, Carnoustie explaining his reasons for wishing to retain his hotel licence although his premises did not have any letting bedrooms.

The Clerk advised the Board that in order for Mr Piggot to retain his hotel licence he must provide at least four letting bedrooms. Mr Piggot was present and addressed the Board.

The Board then heard from Mr Murray, Building Standards Manager, who advised that no Building Warrant was required as the works in question were merely refurbishments to the premises.

The Board agreed:-

- (a) that the situation be noted and that Mr Piggot be advised that he eventually must provide four letting bedrooms to comply with the conditions of his Hotel licence;
- (b) that Bedroom 1 be completed by 4 February 2009;
- (c) that Bedroom 2 be completed by 18 March 2009;
- (d) that the fire system be up to the satisfaction of the Fire and Rescue Service; and
- (e) that a report be submitted to the Board meeting on 4 February advising them of the progress made.

## 8. TIMETABLE OF MEETINGS – 2009/2010

The Board agreed to approve the following programme of meetings (all at 10am in the Town and County Hall, Forfar):-

Wednesday 6 May 2009  
 Wednesday 17 June 2009  
 Wednesday 19 August 2009  
 Wednesday 9 September 2009  
 Wednesday 28 October 2009  
 Wednesday 9 December 2009  
 Wednesday 3 February 2010  
 Wednesday 17 March 2010

## 9. PERSONAL LICENCE HOLDERS - DELEGATED

There was submitted [Report No LB27/08](#) by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 2 October to 2 December 2008 in accordance with the Scheme of Delegation appended to the Licensing Policy.

The Board agreed to note the licences granted under delegated authority as detailed in the appendix to the Report.

## 10. PREMISES APPLICATIONS – LICENSING (SCOTLAND) ACT 2005

There was submitted [Report No LB28/08](#) by the Clerk on applications received for new licences under the Licensing (Scotland) Act 2005, which required to be determined by the Board, as detailed in the Appendix to the Report.

### (a) Harbour Foodstore, Arbroath.

The Board considered an application from Razia Ashraf for the grant of a premises licence (off sales) in respect of premises at Harbour Foodstore, 35 High Street, Arbroath and noted that the confirmation notice had now been received.

Mr Ashraf was present and addressed the Board during which he explained that the premises closed at 7pm and he did not require to be licensed after these hours.

The Board agreed that the application be granted subject to the mandatory conditions.

### (b) Corner Newsmarket, Carnoustie.

The Board considered an application from Imran Saleem for the grant of a premises licence (off sales) in respect of premises at Corner Newsmarket, 6-8 Barry Road, Carnoustie and noted that the confirmation notice had not been received.

The Board agreed that the application be deferred to allow the notice to be submitted to the Clerk.

### (c) Chapelbank House Hotel, Forfar

The Board considered an application from Susan Williamson for the grant of a premises licence (on sales) in respect of premises at Chapelbank House Hotel, 69 East High Street, Forfar.

The applicant and Mr Middleton, the applicant's agent were present. Mr Middleton addressed the Board and advised them that his client wished to create a coffee house within the premises which would cater for children aged 13 to 15 years old over lunchtime, providing them with food and soft drinks. The agent advised the Board that his client could not comply with part one of the children's conditions and requested that these be amended to cater for their request.

Following discussion, the Board agreed that the application be deferred to allow the applicant to consult with the Licensing section re the operating plan.

**(d) Rupali Restaurant, Forfar**

The Board considered an application from Ghulam Solaiman for the grant of a premises licence (on sales) in respect of premises at Rupali Restaurant, 3/5 Queen Street, Forfar.

The Board agreed:-

- (i) that the application be granted subject to the mandatory conditions; and
- (ii) that the local conditions relating to children and young persons be implemented.

**(e) The Burns Bar, Arbroath.**

The Board considered an application from K & N Leisure for the grant of a premises licence (on/off sales) in respect of premises at The Burns Bar, 33 Lordburn, Arbroath and it was noted that a letter had been circulated from Tayside Police dated 9 October 2008.

The Board agreed:-

- (i) that the application be granted for the on sales existing hours previously granted under Licensing (Scotland) Act 1976 subject to the mandatory conditions;
- (ii) that the off sales hours be agreed as per Board policy; and
- (iii) to the seasonal variations in accordance with Board Policy.

**(f) Thrums Hotel**

The Board considered an application from the firm of D & S Clark for the grant of a premises licence (on/off sales) in respect of premises at Thrums Hotel, 25 Bank Street, Kirriemuir.

The applicant's agent, Miss Fraser was present and addressed the Board during which she agreed that the premises operating plan be amended to allow children and young persons on the premises up until 9pm.

The Board agreed:-

- (i) that the application be granted subject to the mandatory conditions;
- (ii) to the seasonal variations in accordance with Board Policy;
- (iii) that the local conditions relating to children and young persons be implemented; and
- (iv) that the operating plan be amended to allow children and young persons on the premises up until 9pm.

**(g) Seafront Leisure Centre**

The Board considered an application from Lochearn Caravan Parks Ltd for the grant of a premises licence (on/off sales) in respect of premises at Seafront Leisure Centre, Red Lion Holiday Park, Dundee Road, Arbroath DD11 2PT.

The applicant and Miss Fraser, the applicant's agent was present and addressed the Board during which she clarified that no children would be permitted in the Seafront Bar as this area was strictly for persons over 18 years old.

The Board agreed:-

- (i) that the application be granted for the on sales existing hours previously granted under the Licensing (Scotland) Act 1976 subject to the mandatory conditions;
- (ii) that the off sales hours be agreed as per Board policy;
- (iii) to the seasonal variations in accordance with Board Policy;
- (vi) that the local conditions relating to children and young persons be implemented and the operating plan be amended to allow children and young persons on the premises up until 9pm; and
- (v) that the operating plan be amended to reflect the views of the Board and that that no children be allowed in the pool room unless accompanied by an adult.

**(h) The Mart Bar, Forfar**

The Board considered an application from James Cheetham for the grant of a premises licence (on sales) in respect of premises at The Mart Bar, Forfar Auction Mart, John Street, Forfar and it was noted that the confirmation notice had not been received.

The Board agreed that the application be deferred to allow the notice to be submitted to the Clerk

**(i) Seaview Hotel, Carnoustie**

The Board considered an application from Walter Cruickshank for the grant of a premises licence (on sales) in respect of premises at Seaview Hotel, 29 Ireland Street, Carnoustie.

The applicant was present and addressed the Board during which he confirmed that the operating plan would be amended to reflect the opening time of 12.30pm on a Sunday to bring the hours within Board policy.

The Board agreed:-

- (i) that the application be granted subject to the mandatory conditions; and
- (ii) that the local conditions relating to children and young persons be implemented.

**(j) Tutties Neuk Inn, Arbroath**

The Board considered an application from Alan Shand for the grant of a premises licence (on sales) in respect of premises at Tutties Neuk Inn, Gayfield, Dundee Road, Arbroath and noted that a letter dated 5 December 2008 had been submitted by the applicant's agents advising that the application had been amended to include details of Mrs Shand. A copy of the amended application form was circulated.

The applicant and his agent were present and addressed the Board during which the agent agreed that the premises operating plan be amended to allow children and young persons on the premises up until 9pm.

After hearing from Superintendent West, Tayside Police who advised the Board that they had no objections to the amended application, the Board agreed:-

- (i) that the application be granted subject to the mandatory conditions;
- (ii) to the seasonal variations in accordance with Board Policy; and
- (iii) that the local conditions relating to children and young persons be implemented.

**(k) The Pageant, Arbroath.**

With reference Article 13 (e) of the minute of meeting of this Board of 29 October 2008, the Board considered an application from Rosemount Taverns Ltd for the grant of a premises licence (on/off sales) in respect of premises at The Pageant, 10 Kirk Square, Arbroath.

The applicant's agent was present and addressed the Board during which he agreed that the operating plan be amended to allow children and young persons on the premises up until 9pm.

The Board agreed:-

- (i) that the application be granted subject to the mandatory conditions; and
- (ii) that the local conditions relating to children and young persons be implemented.

**(l) Neptune Bar, Montrose.**

The Board considered an application from Neptune Bar Ltd for the grant of a premises licence (on sales) in respect of premises at Neptune Bar, 7 Erskine Street, Montrose.

The applicant's agent, Mr Smith was present and addressed the Board

The Board agreed:-

- (i) that the application be granted for the existing hours previously granted under the Licensing (Scotland) Act 1976 subject to the mandatory conditions; and
- (ii) to the seasonal variations in accordance with Board Policy;

**(m) Commercial Inn, Arbroath.**

With reference to Article 13 (l) of the minute of meeting of this Board of 29 October 2008, the Board considered an application from Christine Smith for the grant of a premises licence (on sales) in respect of premises at Commercial Inn, 13 Old Shore Head, Arbroath and new layout plans were circulated to the Board.

The applicant's agent, Mr Lean was present and addressed the Board during which he agreed that the operating plan be amended to allow children and young persons on the premises up until 9pm.

The Board then heard from Mr Murray, Building Standards Manager, who advised the Board that he had no objections or representations to the application.

The Board agreed:-

- (i) that the application be granted subject to the mandatory conditions;
- (ii) to the seasonal variations in accordance with Board Policy;
- (iii) that the local conditions relating to children and young persons be implemented; and
- (iv) that the operating plan be amended to allow children and young persons on the premises up until 9pm.

**(n) Brown Horse Hotel, Brechin**

With reference to Article 13(n) of the minute of meeting of this Board of 29 October 2008, the Board considered an application from Punch Taverns (Inns) Ltd for the grant of a premises licence (on/off sales) in respect of premises at Brown Horse Hotel, 62 Market Street, Brechin and noted that a memo dated 11 August 2008 had been received from the Acting Head of Environmental & Consumer Protection in connection with the application.

New layout Plans were circulated to the Board and the applicant's agent, Ms Sandilands was present and addressed the Board during which she advised the Board that no sales of alcohol would be sold outwith the core hours. She also agreed that the operating plan be amended to allow children and young persons on the premises up until 9pm.

Superintendent West then addressed the Board and discussion took place regarding the use of the function room which incorporated a pool table as to whether or not children should be allowed in this area. Questions were then asked of the applicant's agent and Mr Webster, Acting Head of Environmental and Consumer Protection addressed the Board.

The Board agreed:-

- (i) that the application be granted subject to the mandatory conditions and the additional conditions as detailed in the memo by the Acting Director of Environmental and Consumer Protection;
- (ii) to the seasonal variations in accordance with Board Policy;
- (iii) that the local conditions relating to children and young persons be implemented; and
- (iv) that the operating plan be amended to reflect the views of the Board and no children be allowed in the function/pool room unless accompanied by an adult.

**(o) Roods Bar, Kirriemuir**

With reference to Article 13 (o) of the minute of meeting of this Board of 29 October 2008, the Board considered an application from Sylvia Glendinning for the grant of a premises licence (on sales) in respect of premises at Roods Bar, 10/12 Roods, Kirriemuir and noted that Tayside Police had submitted a letter dated 26 June 2008.

The Board noted that the representations made by Tayside Police had now been resolved and a joint application had now been received, to which Tayside Police had no objections.

The applicant was present and addressed the Board during which she confirmed that she did not intend to serve any meals and no children and young persons would be permitted on the premises. However, she wished her own son (aged 14 years old) to be permitted on the premises.

At this point, the Board agreed to adjourn to allow them to take legal advice regarding this request.

The Board then reconvened and agreed:-

- (i) that the application be granted subject to the mandatory conditions;
- (ii) to the seasonal variations in accordance with Board Policy; and
- (iii) that no children be permitted on the premises with the exception of the applicants son.

**11. NEW APPLICATION – UNDER THE LICENSING (SCOTLAND) ACT 1976  
(AS AMENDED) – PROVISIONAL GRANT OF A NEW LICENCE**

With reference to Article 6 (a) above the Board considered an application from Belhaven Brewery Co. Ltd for the provisional grant of a Public House Licence in respect of premises at 12 Hume Street, Montrose DD10 8JD (presently Gala Bingo).

In connection with the application, there was circulated a plan of Montrose detailing the location of all Licensed Premises within Montrose. There was also circulated a list of licensed premises in Montrose. The Board agreed that for the purposes of considering this application, the neighbourhood be determined as a radius of 400 metres from the premises.

The Clerk advised the Board that six letters of objection had been received in connection with the application and each letter was individually considered as to the competency or relevancy of the objection. Following consultation with the applicants' agent, Mr Loudon, the Board thereafter agreed that the following letters were relevant and were circulated:-

Letter dated 22 October 2008 from Charles Watson 9 Northesk Road, Montrose;  
Letter dated 12 November 2008 from The Carlton Hotel, 139 High Street, Montrose; and  
Letter dated 22 October 2008 from Messrs Blackadders on behalf of Paul and Dorothy Gersok, Busbys, 30 – 36 George Street, Montrose.

The Board agreed that the contents of the three other letters not be considered competent and accordingly were not circulated to the Board. The Board proposed that the locality be considered as the whole of Montrose.

Mr Loudon, the applicant's agent addressed the Board during which he emphasised that no objections had been received from members of the public or Tayside Police. He also pointed out that the Gala Bingo Licence was to be surrendered should this licence be granted. He went on to advise the Board that the premises would provide good quality food and close at 11pm and to refuse this application on grounds of overprovision may set a precedent for future applications. Mr Loudon was satisfied on the Boards proposal of locality

The Board then heard from Mr Lean, the agent for Mr & Mrs Gersok who spoke against the application on the grounds of overprovision. Mr Lean also indicated satisfaction with the definition of locality.

Members asked various questions and the Mr Loudon then summed up his case.

The Board agreed that the application be granted.

**12. ANGUS COUNCIL BYELAWS – PROHIBITION OF DRINKING IN PUBLIC PLACES.**

There was submitted Report No LB29/08 by the Clerk seeking members views on the extension of the existing Byelaws prohibiting consumption of alcohol in public places in respect of Brechin, Carnoustie, Montrose, Arbroath and Kirriemuir.

The report advised that a number of Councillors had requested that a further review be undertaken of the Byelaws to ensure the areas affected by them were relevant and appropriate and Tayside Police had indicated their support for such a proposal.

Following discussion, the Board agreed that the appropriate consultation take place regarding the extension of the Byelaws to include Forfar and Monifieth and extend the Byelaws in the other burghs in Angus and that a further report be submitted to the Board on the findings.

*Councillor Leslie Melville left the meeting and took no part in the decision of the following item.*

**MATTER TAKEN IN PRIVATE**

**13. INVESTIGATION OF A COMPLAINT**

With reference to Article 14 of the minute of meeting of this Board of 29 October 2008, there was circulated to the Board, correspondence regarding licensed premises in Brechin. The Clerk advised that a late letter of objection had been received and after consideration it was agreed that this letter be circulated to members.

The licensee was present and addressed the Board during which he questioned the nature of the complaints.

The Board then heard from two objectors and various questions were asked of the applicant and the objectors.

The licensee then summed up.

The Board agreed:-

- (i) that the licensee give the Board a written undertaken that no live music would take place within the premises until a satisfactory noise abatement system was put in place; and
- (ii) that the window in question be replaced with frosted glass.