

ANGUS LICENSING BOARD

Minute of the adjourned meeting of the **ANGUS LICENSING BOARD** held in The Town and County Hall, The Cross, Forfar on Wednesday 13 February 2008 commencing at 5.00 pm.

PRESENT: Councillors HELEN OSWALD, IAIN GAUL, ROBERT SPINK, ALEX KING, PETER MURPHY, MARK SALMOND and GLENNIS MIDDLETON

APOLOGIES: Councillors JOHN WHYTE AND THE HON RUTH LESLIE MELVILLE

CHAIRMAN: Councillor JIM MILLAR

ADJOURNED BUSINESS

A LICENSING (SCOTLAND) ACT 1976 AS AMENDED

1. REGULAR EXTENSION OF PERMITTED HOURS – OUTWITH GUIDELINES

Applicant	Premises – Public House	Hours requested
Plough Inn (Forfar) Limited and Ian Whyte 48 Market Street Forfar DD8 3EW	The Plough Inn 48 Market Street Forfar DD8 3EW No agent	(a) Afternoon Opening Sunday 2.30pm to 6.30pm (b) Private Functions for Self Contained Function Suite Sunday 2.30pm to 6.30pm Monday to Sunday 11.00pm to 1.00am (c) Live entertainment, karaoke, provision of darts, pool, dominoes and other games for league teams and individuals Sunday to Thursday 11.00pm to 12 midnight Friday and Saturday 11.00pm to 1.00am

Mr Whyte appeared personally and addressed the Board on the requirement for the regular extension. The Board agreed to grant the regular extension as applied for.

2. CONFIRMATION OF SUBSTITUTION EMPLOYEE/DAY TO DAY MANAGER

Applicant	Premises – Public House	Details of Experience
Belhaven Brewery Co. Limited Belhaven Brewery Dunbar and Jacqueline McHaffie c/o Tolbooth 37-43 West High Street Forfar DD8 1BE	Tolbooth 37-43 West High Street Forfar DD8 1BE Harper Macleod DX GW86 Glasgow	Ms McHaffie has 2 years licensing experience. Employed at Victoria Inn, Haddington for 2 years assisting her sister who was the licensee in the operation and management of the premises.

Ms McHaffie appeared personally together with Mr Lean, solicitor. Mr Lean advised that Ms McHaffie would undertake the relevant training course and would also forward a copy of the certificate to the Board thereafter.

3. PERMANENT TRANSFER (FOLLOWING TEMPORARY TRANSFER)

(a) Applicant	Premises – Off Sales	Details of Experience
Partnership of Eileen Weighton and Charles J McKenzie 37 Brechin Road Kirriemuir DD8 4DA and Eileen K Weighton Partner/Owner 37 Brechin Road Kirriemuir DD8 4DA	C & E Westmuir Shop & Post Office Main Road Westmuir Kirriemuir DD8 5AP Miller Hendry LP 40 Dundee	Ms Weighton has 3 months licensing experience. Barmaid at Airlie Arms Hotel, Kirriemuir. Booked on course at Angus College on 31 October 2007.

Ms Weighton appeared personally and advised the Board that she would undertake the next available training course in Arbroath and would also forward a copy of the certificate to the Board thereafter.

(b) Applicant	Premises – Public House	Details of Experience
Brian Burgess 73 Wasdale Park Seascale Cumbria CA20 1PD	Lorne Bar 17 Commerce Street Arbroath DD11 1NA Gourley McBain LP 2 Arbroath	Mr Burgess has over 6 years licensing experience. Manager at Lion and Lamb Hotel, Gosforth. Holds a personal licence issued by Copeland Borough Council.

Mr Burgess appeared personally together with Mr Lean, solicitor. Mr Lean advised that Mr Burgess had obtained his personal licence from Copeland Borough Council. Discussions took place and the Board agreed that Mr Burgess should undertake a relevant training course which would include legislation in respect of the Licensing (Scotland) 1976 Act and Licensing (Scotland) 2005 Act.

4. FOR THE GRANT OF A NEW LICENCE

The Board agreed to defer consideration of this application, at the request of the legal agent, to the adjourned board to allow Ms Cramond to appear personally.

John Reid & Sons Newbigging Farm, Tealing and Elizabeth Hazel Cramond West Winds Shielhill Road Tealing	Farmers Market Newbigging Farm Tealing RSB Macdonald LP 19 Dundee	Full Grant of Off Sales Licence Ms Cramond has 13 years licensing experience. Employed by various alcohol retailers from 1991 to 2004 - marketing and sales. She is to attend BIIAB personal licence holder's course on 11/2/08.
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Mr Reid and Ms Cramond appeared personally. Ms Cramond confirmed that she had undertaken a relevant training course on 11 February 2008 and would forward a copy of the certificate to the Board in due course.

SPECIAL MEETING FOLLOWING CONCLUSION OF ADJOURNED BUSINESS

5. BOLAG SHIPPING & TRADING CO. 1 CHURCH STREET, BRECHIN

The Board were advised that the works to separate the access between the licensed premises and the flat had been completed. Representatives from the Council's Building Standards Section and Tayside Fire and Rescue confirmed that they were happy with the works undertaken. Discussions took place and the Board agreed to note that they were satisfied with alterations undertaken by the licenceholder.

6. SUSPENSION HEARING – THE STAR HOTEL, 7 NEW WYND, MONTROSE

Mr Ian Grant, the licenceholder, was in attendance with his representative Baron Leckie. It was agreed that the letter from Tayside Police including the schedule dated 9 January 2008 was competently served and relevant in its terms and was subsequently circulated to the Board. A letter from Mr Grant dated 9 February 2008 including a highlighted schedule was also circulated to the Board.

Chief Inspector Clark on behalf of the Chief Constable, addressed the Board on the contents of the letter. The Chairman asked members of the Board whether they had any questions of the Chief Inspector. Various questions took place.

Baron Leckie on behalf of the licenceholder, Ian Grant, addressed the Board in relation to the complaint. The Chairman asked members of the Board whether they had any questions of Baron Leckie. Various questions took place.

Having heard both parties sum up, the Board agreed to consider the matter in private.

On reconvening, Councillor Salmond, seconded by Councillor Middleton, moved that the regular extension of permitted hours be suspended for a period of 28 days and that Mr Grant and his staff undergo a Conflict Management Course.

There being no amendment, the Board unanimously agreed to suspend the regular extension of permitted hours for a period of 28 days and that Mr Grant and his staff undergo a Conflict Management Course.

Councillor Spink left the meeting at this stage.

7. INVESTIGATION OF COMPLAINT – FINAVON HOTEL, FINAVON, BY FORFAR

Mr David Howatson, the licenceholder was in attendance and agreed that the letter from Eileen Wallace dated 3 January 2008 had been received. Eileen Wallace advised that she was unable to attend the meeting but Mrs Robertson would be in attendance at this meeting to act as a witness. Having heard from Mrs Robertson and Mr Howatson on the circumstances and having heard both parties sum up, the Board agreed to consider the matter in private.

On reconvening, the Board advised Mr Howatson that bad service reflects on the Board but confirmed that the Board had no remit to act on this type of complaint. The Board invited Mr Howatson to look closely at this incident and to reflect on his customer care skills. The Board agreed to take no further action on the matter.