

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Wednesday 18 June 2008 at 10.00 am.

Present: Councillors JIM MILLAR, JOHN WHYTE, IAIN GAUL, PETER MURPHY, HELEN OSWALD, MARK SALMOND and BOB SPINK.

Councillor MILLAR, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Provost Ruth Leslie Melville MBE and Councillor Glennis Middleton.

2. DECLARATIONS OF INTEREST

The Board agreed to note that no declarations of interest were made.

3. MINUTE OF PREVIOUS MEETING

The [minute of meeting of this Board held on 7 May 2008](#) was approved as a correct record and signed by the Convener.

The following Report was, on the determination of the Convener, dealt with as a matter of urgency, in order that members could be updated on recent events.

4. OCCASIONAL LICENCE - CHIMES PLAYGROUP, FORFAR

With reference to Article 6 of the minute of meeting of this Board of 7 May 2008, there was submitted [Report No LB6/08](#) by the Clerk advising members of the findings of the Licensing Standards Officer who, along with two Board members had attended a fundraising night at the Reid Hall, Forfar on Friday 9 May 2008.

After hearing from the Licensing Standards Officer, the Board noted the contents of the Report.

LICENSING (SCOTLAND) ACT 1976

5. DELEGATED APPROVALS

There was submitted and noted [Report No LB4/08](#) 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 19 April to 10 June 2008 in accordance with the Scheme of Delegation appended to the Licensing Policy.

6. NEW APPLICATIONS

There was submitted [Report No LB5/08](#) 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 a New Licence - Extended Premises - Piperdam Golf and Leisure Resort Ltd

The Board considered an application from Piperdam Golf and Leisure Resort Ltd and Stewart Glen for the provisional grant of a new licence in respect of premises at Piperdam Golf and Leisure Resort Ltd, Piperdam, Fowlis, Dundee.

Mr Lean, the applicant's agent, was present and addressed the Board.

The Board agreed that the application for the provisional grant of a new licence be approved.

(b) Regular Extension of Permitted Hours - Category B - Outwith Guidelines - Piperdam Golf and Leisure Resort Ltd

The Board agreed that the undernoted application be approved.

Applicant	Premises and Agent	Hours Requested
Piperdam Golf and Leisure Resort Limited Piperdam Fowlis Dundee and Stewart Mark Glen 32 Ballumbie Meadows Dundee	Piperdam Golf and Leisure Resort Limited Piperdam Fowlis Dundee and Blackadders 30-34 Reform Street Dundee	(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 1.00 am (c) Dances, live groups, disco, club dinners - Monday to Sunday 11.00pm to 1.00am

(c) Permanent Transfers - TC's Bar and Lounge, Forfar

The Board considered an application from the partnership of Stuart Nicholl and Derek Melville for the permanent transfer of a licence in respect of premises at TC's Bar and Lounge, 116 Castle Street, Forfar and noted that a letter of objection had been received.

Mr Nicholl was present and agreed that he had no objection to the letter being circulated. The Board then considered the letter of objection from Tayside Police dated 28 May 2008 and heard from Mr Nicholl who advised the Board that Mr Melville was no longer a partner in the business.

Chief Inspector Clark then addressed the Board and spoke on the contents of the letter.

After receiving consent from the applicant, the Clerk then circulated a letter dated 26 May 2008 from Blackadders, Solicitors and Mr Lean, the agent for the previous tenants, spoke on the contents of the letter and advised the Board that his clients wished to withhold their consent for the transfer of the licence until various issues had been resolved.

The Board agreed at this stage to adjourn and go into private to obtain legal advice. All members of the public and press left the meeting at this stage.

Following advice from the Clerk, the Board then resumed and Mr Nicholl answered various questions from members and summed up.

The Board agreed:-

- (i) to grant the permanent transfer of the licence for TC's Bar and Lounge, 116 Castle Street, Forfar to Stewart Nicholl on condition that the lease of the premises be solely in his name and that Mr Nicholl confirm in writing that Mr Melville will not be employed within the business and will have no involvement in the running of the business or receive any financial benefits from it; and
- (ii) to waive the Regulations and allow the transfer of the licence to take place.

(d) Permanent Transfer - Manzil, 99 North Street, Forfar

The Board considered an application from Nadia Mahmood, 38A Balmerino Road, Dundee for the permanent transfer of a licence in respect of premises at Manzil, 99 North Street, Forfar and noted that a letter of observation had been received.

Ms Mahmood was present and advised that she had no objections to the letter being circulated. The Board then considered the letter of observation received from Tayside Police dated 6 June 2008.

Ms Mahmood addressed the Board and explained the reasons for the lease being in joint names.

Chief Inspector Clark then addressed the Board and spoke on the contents of the letter. The Board noted that Mr Mahmood had spent convictions, outline details of which were contained within Appendix 2 of the letter from Tayside Police dated 5 June 2008, which had not previously been circulated. The Board unanimously agreed that, in all the circumstances, it was in the interests of justice that Appendix 2 be circulated.

Ms Mahmood then summed up.

The Board agreed:-

- (i) to grant the permanent transfer of the licence for Manzil, 99 North Street, Forfar to Ms Mahmood on condition that Ms Mahmood confirm in writing that Mr Mahmood will not be employed within the business and will have no involvement in the running of the business or receive any financial benefits from it; and
- (ii) to waive the Regulations to allow the transfer of the licence to take place.

7. MEETING WITH ANGUS LOCAL LICENSING FORUM

The Convener advised the Board that a joint meeting would take place with the Angus Local Licensing Forum on Wednesday 1 October 2008 to be held in the Town and County Hall, Forfar at 10.00 am.

MATTERS HELD IN PRIVATE

The Board resolved that the public and press should be excluded during consideration of the following items, so as to avoid the disclosure of information which was deemed to be private.

8. LICENSED PREMISES IN ARBROATH

There was circulated a letter dated 15 May 2008 regarding licensed premises in Arbroath.

After noting the contents of the letter, the Board agreed to note the position meantime but that the matter be referred back to the Board at the time of any future application.

9. LICENSED PREMISES IN CARNOUSTIE

There was circulated a letter from Tayside Police dated 9 June 2008 regarding licensed premises in Carnoustie.

After noting that the case against the applicant was currently pending, the Board agreed that consideration of this matter be deferred until the outcome of the pending case was known.