

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Wednesday 20 August 2008 at 10.00 am.

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

Councillor MILLAR, Convener, in the Chair.

1. APOLOGY

An apology for absence was intimated on behalf of Councillor Helen Oswald.

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 18 June 2008](#) was approved as a correct record and signed by the Convener.

4. MODEL LOCAL CONDITIONS - CHILDREN

There was submitted amended [Report No LB7/08](#) by the Clerk which set out proposed standard conditions which could be attached to the Licences of all premises that wished to allow access to children and young persons. A copy of a letter from Tayside Police dated 12 August 2008 was also considered by the Board in this connection.

The Board noted that each application would be assessed on its own merits within the context of the legislation and agreed that the following local conditions be approved:-

1. General

The licence holder must operate the premises in accordance with the description of the premises detailed in the licence, as approved by the Licensing Board.

2. Access to Licensed Premises (On Sales) by Children

Children and young persons will only be permitted to access and remain within on-sale licensed premises in accordance with the details specified in the Operating Plan. In addition the following control measures will require to be in place:-

(a) (i) WHERE FOOD IS SOLD ANCILLARY TO ALCOHOL

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will only be permitted in licensed premises until 9.00pm or one hour after cessation of serving of food to the individual person or group of persons consuming the meal, whichever is the earlier.

(ii) WHERE ALCOHOL IS SOLD ANCILLARY TO FOOD

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will be permitted in the licensed premises until one hour after the cessation of serving food to the individual person or group of persons consuming the meal.

(iii) WHERE ALCOHOL IS SOLD ANCILLARY TO A FUNCTION/ ENTERTAINMENT

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to attend a pre-booked private function or a ticketed function until the termination of the function.

(iv) WHERE NO FOOD IS SOLD

No children under the age of 16 will be permitted into any premises and young persons aged 16 or 17 will only be permitted in the licensed premises until 9.00pm.

- (b) Children and young persons are only permitted to be present in licensed premises seated at tables and not bar counters.
- (c) Children and young persons must be accompanied by and kept under the direct supervision of a responsible adult (not less than the age of 18) who must keep proper control of the children at all times.
- (d) The part or parts of the licensed premises where children and young persons are permitted should be free of gaming and/or category C amusements with prizes machines.
- (e) Gaming and category C amusements with prizes machines and cigarette vending machines should not be located in walkway areas and must be sited in a location where their use can be monitored by staff and no children or young persons will be permitted to operate said machines.
- (f) Where televisions or screens for live or pre-recorded entertainment or games are intended to be used in areas where children are permitted, the programmes or video films must be of a type suitable for family and children's viewing.
- (g) Male and female toilets must be directly accessible from the area where children are allowed and remain open at all times when children are in the premises.
- (h) A children's menu shall be made available at all times during which children or young persons are permitted to be on the premises. This would not be satisfied by the provision of soft drinks or snacks but would require to be plated food from a varied menu which may include sandwiches. There is no requirement to provide a children's menu at a wedding or other pre-booked private function or ticketed function.
- (i) Electrical sockets within the part or parts of the premises to which children have access should, when not in use, have plug caps thereon.
- (j) Where open fires or electrical or gas fires or radiators are within part or parts of the premises to which children have access, it is expected that such fires and radiators etc. will be securely guarded.
- (k) Managers must ensure that stringent measures are in place to ensure that children or young people do not purchase or consume alcohol on the premises (unless such consumption by a young person is permitted in terms of the restricted provisions of Section 105(5) of the Act).
- (l) Managers must ensure that stringent measures are taken to ensure that children and young persons are not exposed to strong language, violence or disorder.

3. Licensed Premises Described as Restaurants

Licensed premises which operate as or are generally described as a restaurant will, unless the Board allows otherwise, only be able to authorise the sale, or supply, of alcohol to persons taking table meals for consumption as an ancillary to the meal and no bar counter service should be available.

5. PROVISION OF FIRST AID PERSONNEL

There was submitted [Report No LB8/08](#) by the Clerk which informed members that under the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 the Board required to establish a minimum training standard for First Aid trained personnel to be present in late opening premises.

After some discussion, the Board agreed to defer this item to a future meeting to allow further information to be submitted.

6. DELEGATED APPROVALS – LICENSING (SCOTLAND) ACT 1976

There was submitted and noted [Report No LB9/08](#) 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 11 June to 12 August 2008 in accordance with the Scheme of Delegation appended to the Licensing Policy.

7. NEW APPLICATIONS – LICENSING (SCOTLAND) ACT 1976

There was submitted [Report No LB10/08](#) 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) GRANT OF NEW LICENCES

The Board agreed to approve the undernoted applications (i) to (iii) (unless otherwise minuted).

	Applicant	Premises and Agent	Type of Application and Experience
(i)	Tesco Stores Limited Cirrus Building C Shire Park Welwyn Garden City Hertfordshire AL7 1ZR	Tesco Superstore Cairnie Street Arbroath Hill Brown LP 6 Glasgow 3	Provisional Grant of Off Sales Licence under Section 26 (1)
(ii)	Nichola May Ferguson 16B Applegate Arbroath DD11 1HX	4 Gravesend Arbroath Thorntons LP 1 Arbroath	Provisional Grant of Entertainment Licence (Upper Level) under Section 26 (1)
	<p>The Board agreed to defer consideration of items 7 (a) (ii) and (iii) until after consideration of item 8.</p> <p>The Board noted that a letter of observation dated 31 July 2008 had been received from Tayside Police in respect of the above named premises. The Clerk advised that the letter had been competently served and a copy was circulated to the Board for consideration.</p> <p>Ms McKeown, the applicant's agent was present and addressed the Board during which she explained the circumstances of the complaint.</p>		

	<p>Superintendent Ewan West, Tayside Police, addressed the Board and advised them of their concerns regarding Kent Mitchell, Director of K & N Leisure.</p> <p>Ms McKeown summed up and the Board agreed that the Licence be granted subject to the applicant giving an undertaking that Mr Kent Mitchell would have no involvement in the day to day management of the business.</p>		
(iii)	<p>Nichola May Ferguson 16B Applegate Arbroath DD11 1HX</p>	<p>4 Gravesend Arbroath</p> <p>Thorntons LP 1 Arbroath</p>	<p>Provisional Grant of Public House Licence (Lower Level) under Section 26 (1)</p>

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

The Board agreed to approve the undernoted applications (i) to (iv) (unless otherwise minuted).

Entertainment

	Applicant	Premises and Agent	Hours Requested
(i)	<p>Nichola May Ferguson 16B Applegate Arbroath DD11 1HX</p>	<p>4 Gravesend Arbroath</p> <p>Thorntons LP 1 Arbroath</p>	<p>(a) Afternoon Opening Sunday 2.30pm to 6.30pm (b) Private Functions for self contained function suite Sunday 2.30pm to 6.30pm (c) Disco music/live bands Friday and Saturday 11.00pm to 2.00am</p>

Public House

	Applicant	Premises and Agent	Hours Requested
(ii)	<p>Nichola May Ferguson 16B Applegate Arbroath DD11 1HX</p>	<p>4 Gravesend Arbroath</p> <p>Thorntons LP 1 Arbroath</p>	<p>(a) Afternoon Opening Sunday 2.30pm to 6.30pm (b) Private Functions for self contained function suite Sunday 2.30pm to 6.30pm (c) Background music, satellite TV and live entertainment Sunday to Thursday 11.00pm to 12 midnight Friday and Saturday 11.00pm to 1.00am</p>
(iii)	<p>Seaton Catering Limited 10 Albert Place Stirling FK8 2QL</p>	<p>Seaton House Seaton Estate Caravan Park Seaton Estate Arbroath DD11 5SE</p> <p>Kerr Stirling 10 Albert Place Stirling FK8 2QL</p>	<p>(a) Afternoon Opening Sunday 2.30pm to 6.30pm (c) An eclectic mix of snooker, pool, televised sport, occasional live bands, DJ and functions such as birthday parties, weddings and conferences. Sunday to Thursday 11.00pm to 12 midnight Friday and Saturday 11.00pm to 1.00am</p>

Registered Club

	Applicant	Premises and Agent	Hours Requested
(iv)	Michael John Cummins "Highview" Nether Dysart Montrose DD10 9TE	Royal Montrose Golf Club Traill Drive Montrose DD10 8SW	Morning and afternoon opening for refreshment of members and guests, club and other official functions:- Sunday 11.00am to 2.30pm and 2.30pm to 5.00pm Thursday 11.00pm to 12 midnight Friday and Saturday 11.00pm to 1.00am Sunday 11.00pm to 12 midnight

(c) PERMANENT TRANSFER

	Applicant	Premises and Agent	Agent
(i)	Seaton Catering Limited 10 Albert Place Stirling FK8 2QL and Niki Kingston 27G Hill Street Arbroath	Seaton House Seaton Estate Caravan Park Seaton Estate Arbroath	Kerr Stirling 10 Albert Place Stirling FK8 2QL
<p>The Board dealt with item 7 (c) (i) at the end of the meeting in order to allow the applicant's agent time to attend the meeting.</p> <p>The Board noted that a letter of objection dated 15 May 2008 had been received from an objector in respect of the above named premises. The Clerk advised that the letter was not competent and it was agreed that the letter be not circulated to the Board for consideration.</p> <p>Mr Thomson, the applicant's agent was present and addressed the Board.</p> <p>The Board agreed to grant the permanent transfer.</p>			

8. PREMISES APPLICATIONS – LICENSING (SCOTLAND) ACT 2005

There was submitted [Report No LB11/08](#) 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) Lidl Uk GmbH (Store: 419)

The Board considered an application from Lidl UK GmbH for the grant of a premises licence in respect of premises at (Store: 419), Queenswell Road, Forfar.

The Board agreed that the application be deferred to allow the applicant to attend.

(b) The Golf Inn, Montrose.

The Board considered an application from The Golf Inn Limited for the grant of a premises licence in respect of premises at 15 – 17 Mill Street, Montrose.

The applicant was present and addressed the Board during which he advised that no bar meals would be served within the premises.

The Board agreed that the application be granted subject to the mandatory conditions and subject to the seasonal variations being allowed in accordance with Board Policy.

(c) Lochlands Bar, Arbroath

The Board considered an application from Baxter Crowe Developments Ltd for the grant of a premises licence in respect of premises at Lochlands Bar, 14 – 16 Lochlands Street, Arbroath.

The applicant was present and Ms McKeown, the applicant's agent addressed the Board during which she confirmed that no children would be allowed on the premises even for weddings and funerals.

The Board agreed that the application be granted subject to the mandatory conditions and subject to the seasonal variations being allowed in accordance with Board Policy.

(d) South Esk Inn, Montrose

The Board considered an application from Linda Smart and Ronald Salmond for the grant of a premises licence in respect of premises at South Esk Inn, 37 Wharf Street, Montrose.

The applicant was present and addressed the Board during which she confirmed that no children would be allowed on the premises and that no outdoor sports would be provided.

The Board agreed that the application be granted subject to the mandatory conditions and subject to the seasonal variations being allowed in accordance with Board Policy.

(e) Ram's Heid, Arbroath

The Board considered an application from Richard Falconer for the grant of a premises licence in respect of premises at Ram's Heid, East Muirlands Road, Arbroath.

The applicant was present and Ms McKeown, the applicant's agent, addressed the Board.

The Board agreed that the application be granted subject to:-

- (i) the mandatory conditions;
- (ii) the seasonal variations being allowed in accordance with Board Policy; and
- (iii) the local conditions relating to children and young persons.

(f) The Star Inn, Friockheim

The Board considered an application from John Fenton for the grant of a premises licence in respect of premises at The Star Inn, 14 Gardyne Street, Friockheim.

The applicant was present and addressed the Board during which he advised them that children and young persons would only be allowed access to the premises for the purposes of consuming a meal.

The Board agreed that the application be granted subject to:-

- (i) the mandatory conditions; and
- (ii) the local conditions relating to children and young persons.

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.

9. GUIDANCE FOR CCTV SYSTEMS WITHIN LICENSED PREMISES

There was circulated a draft paper which had been produced by Tayside Police on Guidance for CCTV Systems within Licensed Premises.

Superintendent West addressed the Board and advised members that, in terms of paragraph 4 of the Schedule to the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007, premises which wished to remain open after 1am must install CCTV outside their premises. The document had been drawn up to give License holders guidance on this and these were the minimum standards required by the Chief Constable, Tayside Police.

With regard to section 4.3.3 (Image Retention), the Board requested that Tayside Police investigate the possibility of the images being retained for a minimum period of 2 months instead of only 7 days before over-recording. Superintendent West advised that he would explore the possibilities of retaining the images for a longer period.

The Board agreed to approve in principle, the contents of the document but requested that the Licensees concerned should be given the opportunity to make any comments on the document.

10. LICENSED PREMISES IN ARBROATH

There was circulated a letter dated 23 June 2008 regarding licensed premises in Arbroath.

After noting the contents of the letter, the Board agreed that an undertaking be reached with the licence holders that the Director concerned would have no involvement in the day to day management of the business.

11. LICENSED PREMISES IN CARNOUSTIE

There was circulated a letter from Tayside Police dated 12 August 2008 regarding licensed premises in Carnoustie.

The Board agreed that the licence holder be cited to a special meeting of the Board to be held in the Town and County Hall, Forfar on Tuesday 30 September 2008 at 4pm.