

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Wednesday 29 October 2008 at 10.00 am.

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

Councillor MILLAR, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Peter Murphy and Helen Oswald.

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF PREVIOUS MEETINGS

The [minutes of meetings of this Board held on 10 September](#) and [30 September 2008](#) were approved as correct records and signed by the Convener.

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

There was submitted and noted [Report No LB16/08](#) 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 2 September to 21 October 2008 in accordance with the Scheme of Delegation appended to the Licensing Policy.

5. NEW APPLICATION – UNDER THE LICENSING (SCOTLAND) ACT 1976 (AS AMENDED)

There was submitted [Report No LB17/08](#) by the Clerk on an application received for a new licence 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 LICENCE

The Board agreed to defer consideration of the undernoted application to allow the licenceholder to display the appropriate notice.

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 No agent	Provisional Grant of Public House Licence under Section 26 (1) Day to day manager to be appointed prior to declaration of finality application.

6. DALHOUSIE HOTEL, CARNOUSTIE

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 Board agreed that the above request be deferred to allow the applicant to attend.

7. GAMBLING ACT 2005 – APPOINTED OFFICER

There was submitted [Report No LB18/08](#) by the Clerk seeking the authority of the Board to appoint an authorised person for inspection purposes in terms of the Gambling Act 2005

The Board agreed to grant authority to the Licensing Standards Officer, Law and Administration Division, Corporate Services Department to enforce the inspection provisions set out in Part 15 of the Gambling Act 2005 and that he be formally designated as an authorised person in terms of Section 304 of the Act.

8. DISABILITY EQUALITY SCHEME ANNUAL REPORT

There was submitted [Report No LB19/08](#) by the Clerk advising that the Board was required to publish a Disability Equality Scheme Annual Progress Report against the actions set out within the DES.

The Board agreed to note the contents of the Disability Equality Scheme Annual Report 2007 as detailed in the appendix to the Report.

9. GENDER EQUALITY SCHEME ANNUAL REPORT

There was submitted [Report No LB20/08](#) by the Clerk advising that the Board was required to publish a Gender Equality Scheme Annual Progress Report against the actions set out within the GES.

The Board agreed to note the contents of the Gender Equality Scheme Annual Report 2007 as detailed in the appendix to the Report.

10. EXTENDED HOURS OVER 2008 FESTIVE PERIOD

There was submitted [Report No LB21/08](#) by the Clerk advising that the Board required to consider whether they wished to make extensions of hours available to licensed premises (excluding off-sales premises) over the festive period. A table showing the proposed extensions for the festive period for 2008 was detailed in the Appendix attached to the Report.

The Board agreed:-

- (i) to approve the proposed extensions of permitted hours as detailed in Appendix 1 of the Report for Christmas Eve and Hogmanay for all licensed premises (with the exception of off-sales premises);
- (ii) to delegate to the Clerk, authority to grant all such occasional extensions, permissions and licences where no objections were received;
- (iii) to delegate to the Clerk, authority to refuse all applications for Christmas Eve and Hogmanay which were received after the cut off date of 1 December 2008;
- (iv) to delegate to the Clerk, authority to refuse any application lodged for the festive period (except for Christmas Eve and Hogmanay) where fifteen clear days notice had not been given by the applicant; and
- (v) to delegate to the Clerk, authority to refuse any application for outwith guidelines during the festive period of Friday 12 December 2008 to Thursday 1 January 2009 inclusive.

11. PERSONAL LICENCES - DELEGATED

There was submitted [Report No LB22/08](#) by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 17 March to 1 October 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.

12. PERSONAL LICENCE

There was submitted [Report No LB23/08](#) by the Clerk on an application for a Personal Licence under the Licensing (Scotland) Act 2005, which required to be determined by the Board

(a) Graham Douglas

The Board considered information received from Tayside Police in relation to an application for the grant of a personal licence received on 23 April 2008 from Graham Douglas, 39 Woodend Drive, Kirriemuir.

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

13. PREMISES APPLICATIONS – LICENSING (SCOTLAND) ACT 2005

There was submitted [Report No LB24/08](#) 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) Landsburgh Bros Ltd.

The Board considered an application from Landsburgh Bros Ltd for the grant of a premises licence (off sales) in respect of premises at Spar, 83 High Street, Carnoustie.

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

(b) Landsburgh Bros Ltd.

The Board considered an application from Landsburgh Bros Ltd for the grant of a premises licence (off sales) in respect of premises at Spar, 43 Barry Road, Carnoustie.

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

(c) Kerymor Tavern

The Board considered an application from Graham and Janice Ferrie for the grant of a premises licence (on/off sales) in respect of premises at Kerymor Tavern, 64 Glamis Road, Kirriemuir.

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

(d) Somerfield Stores Ltd

The Board considered an application from Somerfield Stores Ltd for the grant of a premises licence (off sales) in respect of premises at Somerfield, Western Road, Montrose.

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

(e) The Pageant

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 and it was noted that the applicant had not provided a paper apart addressing the licensing objectives.

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

(f) Clova Hotel

The Board considered an application from Jane Niven for the grant of a premises licence (on/off sales) in respect of premises at Clova Hotel, Glen Clova, Kirriemuir.

The applicant's agent, Ms McKeown 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) Neptune Bar

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 Board noted that no representatives were present and agreed that the application be deferred to a future meeting to allow the applicant or their representative to attend.

(h) Queen Street Tavern

The Board considered an application from Belhaven Brewery Company Ltd for the grant of a premises licence (on/off sales) in respect of premises at Queen Street Tavern, 45 – 53 Queen Street, Forfar.

The applicant's agent, Mr Loudon was present and addressed the Board during which he advised that Receptions would be held in the Lounge Bar. He also agreed that the operating plan be amended to reflect this and that it also 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 reflect the above changes.

(i) Burns Tavern

The Board considered an application from Forthflats Ltd for the grant of a premises licence (on/off sales) in respect of premises at Burns Tavern, 95 East High Street, Forfar and it was noted that the confirmation notice had now been received.

The applicant was present and addressed the Board during which he confirmed that children and young persons would not be allowed access to the premises.

The Board agreed:-

- (i) that the application be granted subject to the mandatory conditions; and
- (ii) to the seasonal variations in accordance with Board Policy.

(j) Rosely County House Hotel

The Board considered an application from Mario Palmieri and Partners for the grant of a premises licence (on sales) in respect of premises at Rosley Country House Hotel, Forfar Road, Arbroath.

The applicant's agent was present and addressed the Board during which he advised that alcohol would be sold from the Lounge Bar only and that no more than 10 persons would be permitted into the conservatory at any one time.

After hearing from representatives from Tayside Fire and Rescue and Building Control who advised the Board that their comments had been complied with, 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) Lochlands Coffee Mill

With reference Article 9 (h) of the minute of meeting of this Board of 10 September 2008, the Board considered an application from HRB Ltd for the grant of a premises licence (on sales) in respect of premises at Lochlands Coffee Mill, The Mill, Dundee Road, Forfar.

The applicant was present and addressed the Board during which he agreed that the operating plan be amended to delete the reference to conference facilities and receptions to include weddings, funerals, birthdays, retirements etc.

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 reflect the above changes.

(l) Commercial Inn

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 it was noted that the confirmation notice had not been received.

The applicant's agent, Mr Lean was present and addressed the Board during which he advised that he was unaware of the reasons why the confirmation notice had not been submitted.

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

(m) Brown Horse Hotel

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 it was noted that the confirmation notice had not been received.

The applicant's agent, Mr Lean was present and addressed the Board during which he advised that he was unaware of the reasons why the confirmation notice had not been submitted.

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

(n) Springfield House

The Board considered an application from Belhaven Brewery Company Ltd for the grant of a premises licence (on/off sales) in respect of premises at Springfield House, 1 Cookston Road, Brechin and noted that a letter dated 7 August 2008 had been received from Tayside Police in connection with the application.

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

Discussion then took place regarding the comments received from Tayside Police and Chief Inspector Thornton addressed the Board. Questions were asked of the applicant's agents regarding the serving of food in the games room.

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 reflect the views of the Board and that the serving of meals be not allowed in the games room and that no children be allowed in the games room.

(o) Roods Bar, Kirriemuir

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 regarding the omission of connected persons from the application form.

The applicant was present and addressed the Board during which she advised that she did not intend to serve any meals and no children and young persons would be permitted on the premises. She also advised that the premises would be managed by herself, her husband and their two sons but had not reflected this in her application form.

The Board agreed that the application be deferred to allow the applicant to seek legal advice regarding the submission of a joint application.

(p) Nineteenth Hole, Carnoustie

The Board considered an application from Belhaven Brewery Company Ltd for the grant of a premises licence (on/off sales) in respect of premises at Nineteenth Hole, 8 Ferrier Street, Carnoustie and noted that three letters of objection had been received from neighbours however; one of the objections had not been received timeously and was outwith the objection period. After consulting with the applicant's agent, Mr Loudon, the Board agreed that this letter also be circulated to the Board.

The applicant's agent then addressed the Board during which he advised that the outside area, which was used by smokers had been reviewed and was now closed at 9pm each night by the use of a gate. He also agreed that the premises operating plan be amended to allow children and young persons on the premises up until 9pm.

The Board then heard from an objector, Mr Burns, who expressed concerns that there may still be problems with noise from patrons and the amplified music when the door to the outside area was left open.

The Board then heard from Mr Webster, Acting Head of Environmental Health regarding the problems with noise.

Mr Loudon then summed up his case for the applicant and advised the Board that all reasonable measures would be taken by the licensee to resolve any noise issues relating from the premises.

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 with the exception of the games area in the main lounge; and
- (iv) that the operating plan be amended to allow children and young persons on the premises up until 9pm.

(q) Stags Head Inn

The Board considered an application from Belhaven Brewery Company Ltd for the grant of a premises licence (on/off sales) in respect of premises at Stags Head Inn, 61 Dundee Street, Dundee and considered a letter of objection dated 9 August 2008.

The applicant's agent, Mr Loudon was present and addressed the Board during which he 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.

MATTER TAKEN IN PRIVATE**14. INVESTIGATION OF A COMPLAINT**

There was circulated to the Board, correspondence regarding a licensed premises in Brechin. The Licensee was present and advised the Board that notice of the complaints had only been received by him on Friday 24 October 2008 and this had not been adequate time for him to arrange a legal representative.

The Board agreed to defer the matter to allow the licensee to seek legal advice.