

## ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 4 April 2019 at 10.00am.

**Present:** Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, BRENDA DURNO, ALEX KING, DAVID LUMGAIR, GAVIN NICOL AND BETH WHITESIDE.

Councillor Fotheringham, Convener, in the Chair.

### 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Brian Boyd and David Fairweather.

### 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 14 February 2019 and 4 March 2019 were approved as correct records and signed by the Convener.

### 4. NEW PREMISES LICENCES – UNDER THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB 16/19 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) Wee Shop, 94 Castle Street, Forfar

The Board considered an application from Brygida Szot for the grant of a premises licence (off sales) in respect of premises at Wee Shop, 94 Castle Street, Forfar

Ms Szot, the applicant, was present and addressed the Board during which she confirmed that the music would be kept to a reasonable level.

The Board agreed that the application be granted subject to Statutory Conditions.

#### (b) Redcastle Brewery, Drummygar Mains, Carmyllie, By Arbroath

The Board considered an application from Redcastle Farms Ltd for the grant of a premises licence (on/off sales) in respect of premises at Redcastle Brewery, Drummygar Mains, Carmyllie, By Arbroath.

Mr Anderson, the applicant, was present and addressed the Board during which he answered a number of questions from members in relation to the size and clarification of the area which required to be licenced.

The Board agreed that the application be deferred to the next meeting of the Angus Licensing Board on 16 May 2019 to allow the applicant to amend his application and take legal advice.

## **5. PERSONAL LICENCE HOLDER – NOTICE OF CONVICTION**

With reference to Article 3 of the minute of meeting of this Board of 4 March 2019, there was submitted Report No LB 17/19 by the Clerk advising the Board of the notification of a conviction received in respect of a Personal Licence holder, Marc Sivewright, the confirmation of the conviction received from the Chief Constable dated 23 January 2019 and the recommendation in respect of that conviction, and asking the Board to consider and determine what order, if any, required to be made in respect of the personal licence.

The members noted the contents of the correspondence received from Police Scotland dated 23 January 2019.

Mrs Hood, the applicant's agent, accompanied by Mr Sivewright, addressed the Board during which she circulated information in connection with her client.

The Board agreed to note the position but that the applicant be given a warning of the possible consequences of any future adverse reports.

## **6. NEW APPLICATION FOR A PERSONAL LICENCE – NOTICE OF CONVICTION**

There was submitted Report No LB 18/19 by the Clerk informing members of correspondence received from the Chief Constable giving notice of a conviction of a relevant offence in terms of section 73(3)(b) of the Act in respect of a new personal licence application received on 6 March 2019 from James Burnett.

The members noted the contents of the correspondence received from the Chief Constable dated 19 March 2019.

Mr Burnett was present and addressed the Board.

Constable Forbes, Police Scotland then spoke on the contents of the letter from Police Scotland dated 19 March 2019.

The Board agreed to grant the application but that the applicant be given a warning of the possible consequences of any future adverse reports.

## **7. NEW APPLICATION FOR A PERSONAL LICENCE**

There was submitted Report No LB 19/19 by the Clerk informing members of correspondence received from the Chief Constable in terms of section 73 (3)(a) of the Act in respect of a new personal licence application received on 4 March 2019 from Nevada Mitchell.

The members noted the contents of the correspondence received from the Chief Constable dated 18 March 2019 confirming that the applicant had not been convicted of any relevant offence but provided information which he felt was relevant to the Board's consideration in terms of the 2005 Act with regard to the determination and refusal of the Application.

Mr Mitchell was present and addressed the Board during which he addressed many of the issues which were detailed in the letter from Police Scotland. He also advised that he had previously held a personal licence but had not undertaken the mandatory refresher training therefore his personal licence had been surrendered in August 2014.

Constable Forbes, Police Scotland then addressed the Board and spoke on the contents of the letter from Police Scotland dated 18 March 2019 and their concerns regarding the applicant being a fit and proper person to hold a licence.

Various questions were asked of the applicant and Constable Forbes following which Mr Mitchell summed up.

The Board agreed that having carefully considered all of the relevant information, that the grounds of refusal for a personal licence application had not been met and that the application be granted.

## **8. PERSONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 20/19 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 22 January 2019 to 11 March 2019 in accordance with the Scheme of Delegation appended to the Licensing Policy.

## **9. OCCASIONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 21/19 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 13 January 2019 to 11 March 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.

## **10. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS**

There was submitted and noted Report No LB 22/19 by the Clerk detailing applications for minor variations to premises licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 22 January 2019 to 11 March 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.

## **11. EXTENDED HOURS – DELEGATED APPROVALS**

There was submitted and noted Report No LB 23/19 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 22 January 2019 to 11 March 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.

## **12. TIMETABLE OF MEETINGS**

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

Thursday 8 August 2019

Thursday 12 September 2019

Thursday 31 October 2019 (**following joint forum meeting which commences at 10am**)

Thursday 9 January 2020

Thursday 20 February 2020

Thursday 9 April 2020

Thursday 14 May 2020