

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 3 November 2016 at 10.00am.

Present: Councillors CRAIG FOTHERINGHAM, ALEX KING, BRIAN BOYD, LYNNE DEVINE, DAVID FAIRWEATHER, IAIN GAUL, JIM HOUSTON AND PAUL VALENTINE.

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor David Lumgair.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 15 September 2016 was approved as a correct record and signed by the Convener.

4. EXTENDED HOURS OVER CHRISTMAS AND NEW YEAR

With Reference to Article 5 of the minute of meeting of this Board of 17 June 2016, there was submitted Report No LB 57/16 by the Clerk inviting the Board members to note representations received by the Clerk in respect of extended hours over Christmas and New Year following a public consultation exercise held between 7 July 2016 to 31 August 2016; and determine whether the Board should consider publishing a supplementary Statement of Licensing Policy in respect of extended hours over Christmas and New Year.

There was circulated and noted five responses which were received as a result of the consultation exercise after which discussion took place.

The Board agreed that:-

- (i) if Christmas Eve, Christmas Day, Hogmanay and New Years Day fall on a Sunday, Monday, Tuesday, Wednesday or Thursday then, on that day, the Board would permit on sale premises to trade for the hours provided to them in their Operating Plan for a Friday and Saturday night;
- (ii) if Christmas Eve, Christmas Day, Hogmanay and New Years Day fall on a Friday or a Saturday then, on that day, the Board would permit on sale premises one additional hour at the end of trading. However, the Board would not permit this extension of hours if it would result in premises trading beyond 2am; and
- (iii) if applicants wish to take advantage of this relaxation, they should include provision for it in their Operating Plan, or apply for an Extended Hours application.

5. PREMISES LICENCE – UNDER THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB 58/16 by the Clerk on an application received for a new licence under the Licensing (Scotland) Act 2005, which required to be determined by the Board as detailed in the Appendix to the Report.

(a) Savers, 39 – 41 High Street, Montrose

The Board considered an application from Savers Health and Beauty Ltd for the grant of a premises licence (off sales) in respect of premises at Savers, 39 – 41 High Street, Montrose.

Mr Reid, a representative of the Company was present and addressed the Board.

The Board agreed to grant the application subject to:-

- (i) the description of the premises being as a convenience store/retail unit;
- (ii) the core times when alcohol would be sold for consumption off the premises being Monday to Saturday 10am to 17.30; and Sunday 11am to 17.00;
- (ii) the activities being a retail shop selling a range of health and beauty products plus household goods and foods; and
- (iii) the capacity of the alcohol display area being 4.3 m²

6. PREMISES LICENCES – REQUEST TO VARY A PREMISES LICENCE UNDER THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB 59/16 by the Clerk on applications to vary premises licences under the Licensing (Scotland) Act 2005, which required to be determined by the Board as detailed in the Appendix to the Report.

(a) Cheers Plus, 57 Grant Road, Arbroath

The Board considered an application from Khalid Saeed to vary a premises licence in respect of premises at Cheers Plus, 57 Grant Road, Arbroath to allow him to amend his operating plan to include an increase in the alcohol display area by an addition of 2 beer stack areas detailed in the layout plan. Height 1.6m x width 1.1m and height 1.6m x width 1.05m.

Mr Saeed was present and addressed the Board.

The Board agreed that the application be granted.

(b) Coast Bar and Nightclub (lowerlevel) 4 Gravesend, Arbroath

The Board considered an application from H & Co Leisure Ltd to vary a premises licence in respect of premises at Coast Bar and Nightclub (lower level) 4 Gravesend, Arbroath to allow them to amend their operating plan to include the variation of the on sales hours for Friday and Saturday from the existing terminal hour of 01.00 to 02.00.

The Board noted that the application had been deferred at the request of the applicant.

7. PREMISES LICENCES – REQUEST TO EXTEND HOURS – UNDER THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB 60/16 by the Clerk on an application received to extend the licensed hours in respect of premises licences under the Licensing (Scotland) Act 2005, which required to be determined by the Board, as detailed in the Appendix to the Report.

(a) Devitos Night Club, 11 Millgate Loan, Arbroath

The Board considered an application from Bellrock Property Ltd requesting an extension of two additional hours to their normal trading hours on Monday 26 December 2016, Tuesday 27 December 2016, Monday 2 January 2017 and Tuesday 3 January 2017, as detailed in the Report.

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

The Board then heard comments from PC Scanlon, Police Scotland and Mark Gillespie, Licensing Standards officer who both expressed concerns with the application.

The Board agreed that the application be refused as granting the application would be inconsistent with one or more of the licensing objectives.

8. CHIEF CONSTABLE'S REPORT TO ANGUS LICENSING BOARD

There was submitted and noted Report No LB 61/16 by the Clerk which presented the Chief Constables Report to the Angus Licensing Board for the period 1 April 2015 to 31 March 2016 attached as an Appendix to the Report.

9. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 62/16 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 11 August to 11 October 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

10. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 63/16 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 11 July to 11 October 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

11. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 64/16 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 11 August to 10 October 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

12. CONFIRMATION OF PROVISIONAL PREMISES LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB65/16 by the Clerk advising members of an application for confirmation of provisional premises licences under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 11 August to 10 October 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

13. PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005 – LICENCES SURRENDERED

There was submitted Report No LB 66/16 by the Clerk presenting information on two premises licences which the licence holders had surrendered, as detailed in the Appendix to the Report.

The Board agreed to note that the premises licences detailed in the Appendix to the Report had been surrendered and had ceased to have effect in terms of the 2005 Act and that the licences for Presentation Products Scotland Ltd, Dundee Road, Arbroath and Iceland, 45 Castle Street, Forfar be removed from the register.