

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 4 August 2016 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

## 1. APOLOGIES

An apology for absence was intimated from Councillor Bob Spink.

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

## 3. MINUTES

### (a) Previous Meeting

The minute of meeting of this Board of 12 May 2016 was approved as a correct record and signed by the Convener.

### (b) Special Angus Licensing Board

The minute of meeting of the Special Angus Licensing Board of 17 June 2016 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 43/16 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) Ashgrove Mini Market/Food Store, Monifieth

The Board considered an application from Wallayz Ltd, 76 – 78 Gray Street, Broughty Ferry for the grant of a provisional premises licence (off sales) in respect of premises at Ashgrove Mini Market/Food Store, 20 Ashgrove, Off Broomhill Drive, Monifieth. It was noted that the confirmation notice had been received.

The Board noted that two letters of objection had been received which had been circulated to members prior to the meeting.

Mr Mohammed Asif and Mr Imran Hussain were present. Mr Asif addressed the Board.

No objectors were present.

The Board agreed to grant the application.

### (b) Maxibell Ltd, 5 Park Avenue, Carnoustie

The Board considered an application from Maxibell Ltd, 1 Long Row, Westhaven, Carnoustie for the grant of a provisional premises licence (on sales) in respect of premises at Maxibell Ltd, 5 Park Avenue, Carnoustie. It was noted that the confirmation notice had been received.

The Board noted that a letter of objection had been received dated 27 June 2016 which had been circulated to members prior to the meeting.

The Board noted that further correspondence had been received dated 18 July 2016 which was outwith the consultation period and had therefore been received late. There was no one present to advise of the reasons why the letters were received late.

Ms McKeown, agent for the applicant and Mr Khorramshahi were present. Ms McKeown addressed the Board during which she made reference to the late representation dated 18 July 2016.

In this regard and in accordance with Regulation 10(3) of the Licensing (Procedure) (Scotland) Regulations 2007, the Board agreed that the late letter of representation be circulated to members.

Following discussion, the Board agreed to grant the application subject to:-

- (i) the provision of conference facilities, restaurant facilities, bar meals, receptions, club or other group meetings, recorded music and live performances as referred to in Section 4 (a) of the Report, that reference to outwith core hours for the purposes of those activities, should be deleted;
- (ii) the provision of outdoor drinking facilities to be provided as referred to in Section 4 (b) of the Report, that reference to outwith core hours, should also be deleted;
- (iii) the capacity of the premises to be restricted to 120;
- (iv) the Local Children's conditions applying;
- (v) prior to the external drinking area being utilised the applicant shall submit a noise management plan, designed to minimise any nuisance to neighbouring residents, for the written approval of the licensing authority.
- (vi) patrons shall not be permitted to use the external drinking area beyond 21.00;
- (vii) no music shall be provided in the external drinking area and its use during live music events (if any) at the premises shall be restricted;
- (viii) no music or amplified sound shall be provided anywhere within the licensed premises with the intention of it being heard within the external drinking area; and
- (ix) that a fence be installed around the external drinking area subject to the satisfaction of the local authority.

**(c) Grewar's Farm Shop, Dronley Farm, Muirhead, Dundee**

The Board considered an application from Grewar's Farm Shop Ltd for the grant of a premises licence (off sales) in respect of premises at Grewar's Farm Shop Ltd, Dronley Farm, Muirhead, Dundee.

Mr Michael Dye was present and addressed the Board.

The Board agreed to grant the application.

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

There was submitted Report No LB 44/16 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) Friockheim Bowling Club, Farnell Road, Friockheim**

The Board considered an application from Friockheim Bowling Club requesting an extension of one additional hour to their normal trading hours on Saturday 13 August 2016 in respect of a corporate day for NEC Contracts Ltd employees and their families with 30 – 40 guests expected, as detailed in the Report.

Mr Cochrane, Secretary of the Club was present and addressed the Board.

Following discussion, the Board agreed to refuse the application as it was outwith the hours allowed by the Board's Statement of Licensing Policy and was inconsistent with Section 68 of the Licensing (Scotland) Act 2005 as the event did not constitute a special event or occasion.

**6. PERSONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 45/16 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 20 April to 14 July 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

**7. OCCASIONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 46/16 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 20 April to 14 July 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

**8. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS**

There was submitted and noted Report No LB 47/16 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 20 April to 14 July 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

**9. EXTENDED HOURS – DELEGATED APPROVALS**

There was submitted and noted Report No LB 48/16 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 20 April to 14 July 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.