

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 5 January 2017 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGY

An apology for absence was intimated on behalf of Councillor Jim Houston.

2. DECLARATIONS OF INTEREST

Councillor Lumgair declared an interest in item 6 (b) (Report No 3/17) as he was a member of Arbroath Bowling Club. He indicated that he would not take part in any discussion and voting and would leave the meeting during consideration of the item.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 3 November 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 1/17 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) Lorne Bar, Arbroath

The Board considered an application from Brian Toner for the grant of a premises licence (on/off sales) in respect of premises at Lorne Bar, 17 Commerce Street, Arbroath.

Ms Anne McKeown, the applicant's agent was present and addressed the Board during which it was noted that the noise management plan had been submitted. Mr Brian Toner Junior was also present.

The Board agreed to grant the application subject to:-

- (i) the description of the premises being a Public House comprising public bar and adjacent lounge;
- (ii) the core times when alcohol would be sold for consumption on the premises being Sunday to Thursday 11am to 12 midnight and Friday and Saturday 11am to 1am and for consumption off the premises being Monday to Sunday 11am to 10pm;
- (iii) seasonal variations;
- (iv) activities to include recorded music and gaming within core hours; and
- (v) the capacity of the premises being 65 (Bar 40 and Lounge 25).

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

There was submitted Report No LB 2/17 by the Clerk on an application received for a provisional premises licence under the Licensing (Scotland) Act 2005, which required to be determined by the Board as detailed in the Appendix to the Report.

(a) Visocchi's, Kirriemuir

The Board considered an application from Scott James Partnership t/a Visocchi's for the grant of a provisional premises licence (on/off sales) in respect of premises at Visocchi's, 37 High Street, Kirriemuir.

The Board noted that 5 letters of objection had been received which had been circulated to members prior to the meeting.

Ms McKeown, the applicant's agent was present and addressed the Board during which she requested that the application be deferred to allow her to contact the applicant to discuss the position.

The Board agreed that the application be deferred to the Board meeting on 23 February 2017.

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

There was submitted Report No LB 3/17 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) 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.

Mr Mitchell and Ms McKeown, the applicants agent was present and addressed the Board during which she confirmed that her client would be happy to rescind the further additional condition attached to the premises licence on 14 March 2012.

Questions were asked of the applicant and the Board then heard from PC Scanlon, Police Scotland and the Licensing Standards Officer who advised that they had no issues with the application.

The Board agreed that the application be granted subject to the additional condition being rescinded.

Having declared an interest at Article 2 above, Councillor Lumgair left the meeting during consideration of the following item.

(b) Arbroath and District Indoor Bowling Club

The Board considered an application from Arbroath and District Bowling Club to vary a premises licence in respect of premises at The Stadium, Cairnie Road, Arbroath to allow them to amend their operating plan to:-

- (i) vary the on sales operating hours on Sunday from the existing hours commencing at 12:30pm to commence at 11am;
- (ii) activities
 - (a) include Club or other Group meetings within and outwith core licensed hours;
 - (b) add recorded music; live performances and gaming to be permitted within core hours;
- (iii) children and Young Persons
 - (a) allow ages of Children and Young Persons to be varied from 8 – 17 years to 0 – 17 years. Baby changing facilities to be provided;

- (b) allow children and young persons access to the bowling green and surrounding area; café dining area; and upstairs lounge/dining area;
- (c) allow children and young persons access to the café facilities during core hours;
- (d) permit children and young persons entry to play bowling or to watch scheduled bowling matches during core hours.
- (e) Allow children and young persons to be permitted on the premises after 9pm to play in or watch a scheduled bowling match and to use the café facilities during the scheduled bowling match. A small number of young bowlers have skills and ability to play in adult games, which can, on occasion, take place after 9pm, finishing no later than 10.30pm.

Mr Watson, a representative from the Club was present and addressed the Board during which he explained his reasons for allowing a small number of children or young person's access after 9pm to watch or play in a scheduled bowling match.

The Board agreed that the application be granted subject to (iii) (b), (c) and (d) above being restricted to 9pm and (iii) (e) above being accompanied by an adult and use of café facilities only between 9pm and 10.30pm.

Councillor Lumgair rejoined the meeting.

(c) The Northern Hotel, Brechin

The Board considered an application from P & J Properties (Scotland) Ltd to vary a premises licence in respect of premises at the Northern Hotel, 2 Clerk Street, Brechin to allow them to amend their operating plan to:-

- (i) vary the premises licence to add Off Sales during the hours Monday to Saturday 11am to 10pm and Sunday 12 noon to 10pm;
- (ii) activities
 - (a) include activities currently within hours only to be varied to also take place outwith core hours – conference facilities; restaurant facilities; bar meals; receptions; club or other group meetings; recorded music; dance facilities and televised sport.

The provision of teas, coffees and breakfasts to commence from 7am. Background music to be provided outwith core hours. Televised sport shall on occasion be screened to patron's outwith core hours.
 - (b) include films within core hours;
 - (c) include gaming within core hours only; and
 - (d) allow the premises to be used as a venue for Brechin Arts Festival.
- (iii) children and Young Persons aged 0 to 17 years
 - (a) allow Children and young Persons aged 0 – 17 years to have access to all public parts of the premises; and
 - (b) allow Children and young Persons aged 0 – 17 years to have access until 9pm without the requirement of taking a meal and to have an additional hour after cessation of serving of food, i.e. Children and Young Persons will be allowed access until 10pm for the enjoyment of taking a meal.

Mr & Mrs Laskowski, the applicants were present along with their agent Mr McLean, who addressed the Board.

The Board agreed that the application be granted subject to the local Children's conditions and more information being submitted regarding the activities in connection with Brechin Arts Festival.

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

There was submitted Report No LB 4/17 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) Panmure Hotel, Monifieth

The Board noted that the application had now been granted under delegated approval.

8. PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005 - LICENCE REVIEW PROPOSAL

There was submitted Report No LB 5/17 by the Clerk advising members of the non-payment of Annual Fees under the Licensing (Scotland) Act 2005 ("the 2005 Act") as detailed in the Appendix to the Report which the Board may wish to consider and take action.

The Board noted the position and agreed to hold a review hearing on Thursday 23 February 2017 in respect of the premises as detailed in the Appendix to the Report.

9. PERSONAL LICENCE – NOTIFICATION OF CONDUCT INCONSISTENT WITH A LICENSING OBJECTIVE

With reference to Article 7 of the minute of meeting of this Board of 15 September 2016, there was submitted Report No LB 6/17 by the Clerk informing the members of correspondence received from the Chief Constable advising that a Personal Licence Holder had acted in a manner which was inconsistent with a licensing objective.

The Board noted that the case was pending and agreed that the matter be noted meantime and that a further report be submitted to the Board once the outcome of the pending case had been dealt with by the Courts.

10. REVIEW OF MISCELLANEOUS FEES

With reference to Article 5 of the minute of meeting of this Board of 25 February 2016 there was submitted Report No LB 7/17 by the Clerk seeking approval to increase certain fees in relation to the processing of certain applications under the Licensing (Scotland) Act 2005. The type of applications where fees required to be fixed and the suggested fees were attached as an Appendix to the Report.

The Board agreed:-

- (i) to approve the revised fee structure contained in Appendix 1; and
- (ii) that the implementation date be 1 April 2017.

11. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 8/17 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 October to 30 November 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

12. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 9/17 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 October to 1 December 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

13. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 10/17 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 October to 30 November 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

14. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 11/17 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 11 October to 30 November 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.