

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 5 November 2015 at 10.00am.

Present: Councillors CRAIG FOTHERINGHAM, ALEX KING, LYNNE DEVINE, DAVID FAIRWEATHER, SHEILA HANDS, JIM HOUSTON, DAVID LUMGAIR AND PAUL VALENTINE.

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Brian Boyd and Bob Spink.

2. DECLARATIONS OF INTEREST

Councillor Fairweather declared an interest in Item 4(e) as he had been contacted by the applicant but did not give him any advice. He advised that he would be taking part in any discussion and voting.

Councillor Valentine declared an interest in Item 5 (b) as he knew the applicant and his agent. He advised that he would not be taking part in any discussion and voting and would leave the meeting during consideration of this item.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 17 September 2015 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 57/15 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) MOR Brewing Ltd, Kellas

The Board considered an application from MoR Brewing Ltd for the grant of a premises licence (off sales) in respect of premises at MoR Brewing Ltd, Old Mill, Kellas.

The applicant was present and addressed the Board

The Board agreed to grant the application, subject to Statutory Conditions.

(b) Gather, 49 High Street, Carnoustie

The Board considered an application from Bethany Bowles for the grant of a premises licence (off sales) in respect of premises at Gather, 49 High Street, Carnoustie.

The applicant was present and addressed the Board during which she confirmed that she wished to withdraw the request for the small alcohol tasting events. She also advised that only one window would be used to display alcohol.

The Board agreed to grant the amended application, subject to Statutory Conditions.

(c) European Food Store, 41 High Street, Arbroath

The Board considered an application from Marta Masowa for the grant of a premises licence (off sales) in respect of premises at 19b Market Place, Arbroath and noted that 6 letters of objections had been received.

The applicant was present and addressed the Board. It was noted that no objectors were present.

After hearing from Sergeant Bethway, the Board agreed to grant the application, subject to Statutory Conditions.

(d) STROMA BISTRO & BAR (FORMERLY QUAY RESTAURANT) 1 – 4 WHARF STREET, MONTROSE

The Board considered an application from Sarras Cuisine Ltd for the grant of a premises licence (on/off sales) in respect of premises at 1 – 4 Wharf Street, Montrose.

The applicant was present and addressed the Board.

Mr Ball, Service Manager, Regulatory and Protective Services addressed the Board regarding the noise issues.

The Board agreed to grant the application subject to the Statutory Conditions, Local Children's Conditions and on condition that the applicant submitted a satisfactory Noise Management Plan before any music was played within the premises.

(e) PANMURE HALL, 19 HILL STREET, ARBROATH

The Board considered an application from Lodge Panmure 299 for the grant of a premises licence (on sales) in respect of premises at Lodge Panmure 99, 19 Hill Street, Arbroath.

The applicant was present and addressed the Board during which he advised that the bar in the upper lodge room and the bar in the lower lodge club room would not be open at that same time.

The Board agreed to grant the application, subject to Statutory Conditions.

5. PREMISES LICENCES – REQUEST TO VARY PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB58/15 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) Foundry Bar, Arbroath

With reference to Article 4 (b) of the minute of meeting of this Board of 17 September 2015, the Board considered an application from Lawrence Brown to vary a premises licence in respect of premises at 5 – 7 East Mary Street, Arbroath to allow him to amend his operating plan to include:-

- (i) Children and young persons being permitted from 0 – 17 years within the Lounge and Beer Garden areas. It was noted that the applicant had confirmed that no food would be provided on the premises; and
- (ii) an increase in the capacity – internal area from 70 to 100 (Lounge – 60, Bar – 20 and Snug – 20). The external area capacity being 25 persons (no increase to total capacity of 100).

The applicant was present and addressed the Board during which he advised that his premises had no kitchen facilities and he purchased food in as and when required for events.

Various questions were asked of the applicant.

The Board agreed that the application be approved subject to Local Children's Conditions and on condition that Children and young persons would only be permitted into the premises where the primary purpose of allowing them access was to attend a pre-booked private function or a ticketed function until the termination of the function provided that food was provided by external caterers to the private function or ticketed function.

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

(b) Esk Hotel, 24 Brownlow Place, Ferryden, Montrose.

The Board considered an application from Rory Thomson to vary a premises licence in respect of premises at Esk Hotel, 24 Brownlow Place, Ferryden, Montrose to allow him to amend his operating plan to include:-

- (i) variation of the On/Off Sales operating hours for Sunday from the existing commencement hour of 12.30pm to 11.0am;
- (ii) seasonal variation dates to include Christmas Day and New Year's Day (the premises currently having seasonal variation dates for Christmas Eve and Hogmanay only);
- (iii) recorded Music, Live Performances, Indoor/Outdoor Sports, Gaming and Televised Sport within core licensed hours and other activities to include charitable and fund raising events; and
- (iv) Children and Young persons being permitted from 0 to 17 years within the Lounge area.

The applicant was present and a letter from the applicant's agent was circulated to the members regarding concerns about noise.

Mr Ball, Service Manager, Regulatory and Protective Services addressed the Board on the noise concerns.

The Board agreed to grant the application subject to the Statutory Conditions, Local Children's Conditions and on condition that the applicant submitted a satisfactory Noise Management Plan before any music was played within the premises.

Councillor Valentine re-joined the meeting at this stage.

6. PERSONAL LICENCE – NOTIFICATION OF CONVICTION

There was submitted Report No LB59/15 by the Clerk advising the Board of the notification of a conviction received in respect of a Personal Licence holder, the confirmation of the conviction from the Divisional Commander, Tayside Division of Police Scotland and the recommendation in respect of that conviction, and consider and determine what Order, if any, required to be made in respect of a Personal Licence.

Simon Walters

The Board considered a letter dated 19 October 2015 received from the Police Scotland in relation to Simon Walters, Personal Licence Holder.

Mr Walters was present and addressed the Board.

Sergeant Bethway, Police Scotland then spoke on the contents of the letter dated 19 October 2015 and gave details of the conviction detailed in the appendix. Members then asked various questions.

The Board agreed that Mr Walter's Personal Licence be endorsed.

7. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 60/15 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 1 September 2015 to 15 October 2015, in accordance with the Scheme of Delegation appended to the Licensing Policy.

8. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 61/15 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 1 September 2015 to 15 October 2015, in accordance with the Scheme of Delegation appended to the Licensing Policy.

9. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 62/15 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 1 September 2015 to 15 October 2015, in accordance with the Scheme of Delegation appended to the Licensing Policy.

5 november 2015.