

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 12 May 2016 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

## 1. APOLOGIES

No apologies were intimated.

## 2. DECLARATIONS OF INTEREST

Councillor Valentine declared an interest in Items 5 (a), (b) and (c) and item 6 (d) as he was participating in the forthcoming Montrose Music Festival. He advised that he would not be taking part in any discussion and voting and would leave the meeting during consideration of these items.

## 3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 31 March 2016 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 30/16 by the Clerk on an application to vary a 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) Panmure Hotel, Tay Street/Princess Street, Monifieth

The Board considered an application from Panmure Hotel, Monifieth Ltd to vary a premises licence in respect of premises at Panmure Hotel, Tay Street/Princess Street, Monifieth to allow them to amend their operating plan to include:-

- (i) an increase in the function room capacity from 220 to 250 persons. The increase was required to cover for events where a dance floor was not required and a further 3 tables of 10 people per table can be placed;
- (ii) outdoor drinking facilities for a capacity of 50 persons. No increase in total capacity of premises.

The Managing Director, Mr Duffy was present and addressed the Board after which it was noted that a noise management plan had been submitted.

The Board agreed that the application be granted.

## 5. APPLICATION FOR AN OCCASIONAL LICENCE

There was submitted Report No LB 31/16 by the Clerk on an applications received for occasional licences under the Licensing (Scotland) Act 2005 which required to be determined by the Board, as detailed in the Appendix to the Report.

*Councillor Valentine having declared an interest at Article 2 above, left the meeting during consideration of items 5 (a), (b) and (c).*

### (a) Enclosed Outdoor Area, The Picture House, 12 Hume Street, Montrose

The Board noted that the application from Greene King Retailing Ltd requesting an occasional licence in respect of an enclosed outside area at The Picture House, 12

Hume Street, Montrose for the Montrose Music Festival on Saturday 28 May and Sunday 29 May 2016 had now been granted under delegated powers.

**(b) Enclosed Outdoor Area, Harry's Bar, 2 Hume Street, Montrose**

The Board noted that the application from Henry Cruickshank requesting an occasional licence in respect of an enclosed outside area at Harry's Bar, 2 Hume Street, Montrose for the Montrose Music Festival on Saturday 28 May and Sunday 29 May 2016 had now been withdrawn by the applicant.

**(c) Enclosed outdoor Area, Market Arms, 95 High Street, Montrose**

The Board considered an application from William Dorward, requesting an occasional licence in respect of an external area of Montrose High Street, opposite Market Arms, Montrose, 95 High Street, Montrose as detailed in the plan attached to the report for Saturday 28 May and Sunday 29 May 2016 in connection with Montrose Music Festival. The hours requested when alcohol would be sold for consumption were between 11am and 7pm.

Mrs Hood, agent for the applicant addressed the Board and answered questions from Board members.

The Board agreed that the application be granted subject to the contents of the Alcohol Management Plan.

*Councillor Valentine re-joined the meeting.*

**(d) Rosely Hotel, Forfar Road, Arbroath**

The Board considered an application from Annamaria Palmieri requesting an occasional licence in respect of a wedding marquee in the grounds of Rosely Hotel, Forfar Road, Arbroath on Saturday 16 July 2016. The hours requested when alcohol would be sold for consumption were between 1pm and 1am.

The applicant was present and addressed the Board.

The Board then heard from the Licensing Standards Officer who advised that he would be agreeable if the event ceased at 12 midnight.

The Board agreed that the application be granted, subject to the event ceasing at 12 midnight.

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

There was submitted Report No LB 32/16 by the Clerk on applications 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 three applications from Friockheim Bowling Club requesting extensions of one additional hour to their normal trading hours on Sunday 5 June, Sunday 3 July and Sunday 28 August 2016 in respect of bowling competitions, as detailed in the Report.

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

The Board agreed to grant the extension of one hour at the commencement of trading on 5 June, 3 July and 28 August 2016.

**(b) The Vault, 2 Reform Street, Monifieth**

The Board considered a letter of representation from Police Scotland in relation to an application from Sheena Cochrane in respect of The Vault, 2 Reform Street, Monifieth, for an extension of one hour to their normal trading hours on Saturday 23

July 2016 from 10am to 11am to allow patrons to congregate within the premises prior to being collected for a journey to the Rewind Music Festival.

Mrs Cochrane addressed the Board and advised that the application had been granted in previous years.

Constable Forbes, Police Scotland addressed the Board on the letter dated 13 April 2016 from Police Scotland and advised that this event did not constitute a special event or occasion.

Councillor Fairweather, seconded by Councillor Fotheringham, moved that the application be granted for one additional opening hour from 10am to 11am on Saturday 23 May 2016.

COUNCILLOR GAUL, SECONDED BY COUNCILLOR KING, MOVED AS AN AMENDMENT, THAT THE BOARD REFUSE THE APPLICATION AS IT WAS OUTWITH THE HOURS ALLOWED BY THE BOARDS STATEMENT OF LICENSING POLICY BUT TO ALLOW THE PREMISES TO OPEN TO SELL NON ALCOHOLIC DRINKS AND FOOD.

On a vote being taken the members voted:-

For the motion:-

Councillors Fotheringham, Fairweather and Lumgair. (3)

For the amendment:-

Councillors King, Boyd, Devine, Gaul, Houston, Spink and Valentine (7).

The amendment was declared carried and became the finding of the meeting.

**(c) The Crown Inn, 49 – 51 High Street, Monifieth**

The Board considered a letter of representation from Police Scotland in relation to an application from Tassie and Boath, 26 Baldovan Road, Downfield, Dundee in respect of The Crown Inn, 49-51 High Street, Monifieth for an extension from 10.00am to 11.00am on Saturday 23 July 2016 before a period of trading beginning 11am to allow patrons to congregate within the premises prior to being collected for a journey to the Rewind Music Festival.

A letter of support dated 8 April 2016 was also circulated to members prior to the meeting.

The applicant was present and addressed the Board.

Constable Forbes, Police Scotland addressed the Board on the letter dated 13 April 2016 from Police Scotland and advised that this event did not constitute a special event or occasion.

Councillor Fairweather, seconded by Councillor Fotheringham, moved that the application be granted for one additional opening hour from 10am to 11am on Saturday 23 May 2016.

COUNCILLOR GAUL, SECONDED BY COUNCILLOR KING, MOVED AS AN AMENDMENT, THAT THE BOARD REFUSE THE APPLICATION AS IT WAS OUTWITH THE HOURS ALLOWED BY THE BOARDS STATEMENT OF LICENSING POLICY BUT ALLOW THE PREMISES TO OPEN TO SELL NON ALCOHOLIC DRINKS AND FOOD.

On a vote being taken the members voted:-

For the motion:-

Councillors Fotheringham, Fairweather and Lumgair. (3)

For the amendment:-

Councillors King, Boyd, Devine, Gaul, Houston, Spink and Valentine (7).

The amendment was declared carried and became the finding of the meeting.

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

**(d) Sharky's 21 George Street, Montrose**

The Board considered an application from Greene King Brewing and Retailing Ltd in respect of Sharky's 21 George Street, Montrose for an extension to their normal trading hours on Friday 28 May, Saturday 29 May and Sunday 30 May 2016 of 45 minutes to 01.45 at the end of normal trading for the Montrose Music Festival.

The applicant was present and addressed the Board.

The Board agreed to grant the extension of 45 minutes at the end of trading on Friday 28 May, Saturday 29 May and Sunday 30 May 2016 but on condition that all live music ceases at 1.30am.

*Councillor Valentine re-joined the meeting at this stage.*

**7. PERSONAL LICENCES – NOTIFICATION OF CONVICTION**

There was submitted Report No LB 33/16 by the Clerk advising the Board of the notification of a conviction received in respect of a Personal Licence holder(s), 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.

**(a) Personal Licence Holder – Barbara Meechan**

With reference to Article 9 of the minute of meeting of this Board of 31 March 2016, the Board considered a letter dated 15 March 2016 from Police Scotland in respect of Barbara Meechan, a personal licence holder.

The applicant was not present and the Board agreed that the matter be dealt with in her absence.

Constable Forbes, Police Scotland addressed the Board on the letter dated 15 March 2016 from Police Scotland and gave details of the conviction.

The Board agreed that the Ms Meechan's personal licence be suspended for 3 months with immediate effect.

**(b) Personal Licence Holder – Gail Smith**

With reference to Article 9 of the minute of meeting of this Board of 31 March 2016, the Board considered a letter dated 15 March 2016 from Police Scotland in respect of Gail Smith, a personal licence holder.

The applicant was present and addressed the Board.

Constable Forbes, Police Scotland addressed the Board on the letter dated 15 March 2016 from Police Scotland and gave details of the conviction.

The Board agreed that Ms Smith's personal licence be endorsed with 3 points.

## **8. REVIEW OF PREMISES LICENCES.**

With reference to Article 10 of the minute of meeting of this Board of 31 March 2016, there was submitted Report No LB 34/15 by the Clerk presenting a Premises Licence under the Licensing (Scotland) Act 2005 ("the 2005 Act") which the Board required to review.

The Board noted that despite the Clerk giving notification to the licensee that the annual fees was due in respect of the premises, as detailed in Appendix 1 to the Report, the fees remained unpaid.

### **(a) The Lorne Bar, 17 Commerce Street, Arbroath**

There was submitted a report from the Licensing Standards Officer regarding The Lorne Bar, 17 Commerce Street, Arbroath.

The Board noted that the fee was still outstanding and agreed to revoke the licence with immediate effect. The outstanding fee to be pursued by the Clerk.

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

There was submitted and noted Report No LB 35/16 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 15 March to 20 April 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 36/16 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 15 March to 20 April 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 37/16 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 15 March to 20 April 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

## **12. PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005 – LICENCES SURRENDERED**

There was submitted Report No LB 38/16 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 Seaview Hotel, 29 Ireland Street, Carnoustie and Franco's Café Ltd, 1b High Street, Carnoustie be removed from the register.

## **13. CONFIRMATION OF PROVISIONAL PREMISES LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB39/16 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 25 January to 20 April 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.