

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 15 September 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 4 August 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 49/16 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) Panzerotti Café and Bakery, Craig O Loch Road, Forfar

The Board considered an application from Il Ponte Foods Ltd for the grant of a premises licence (on/off sales) in respect of premises at Panzerotti Café and Bakery, Craig O Loch Road, Forfar.

The applicant was present and addressed the Board.

The Board agreed to grant the application subject to:-

- (i) Children and young persons aged 0 – 17 years being allowed entry during core licensing hours accompanied by a responsible adult;
- (ii) Children and young persons between 6 – 17 years would be allowed access;
 - (a) to the shop takeaway area during opening time unaccompanied;
 - (b) to the dining area before 12.00 unaccompanied; and
 - (c) to the dining area during on sales hours if accompanied by an adult; and
- (ii) local children's conditions being apply, in accordance with the activity or service provided on the premises.

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

There was submitted Report No LB 50/16 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) The Star Hotel, 7 New Wynd, Montrose

The Board considered an application from David Bray to vary a premises licence in respect of premises at The Star Hotel, 7 New Wynd, Montrose to allow him to amend his operating plan to include:-

- (i) the variation of the On Sales operating hours for Sunday to Thursday from the existing terminal hour 24.00 to 01.00;

- (ii) the variation of layout which included the refurbishment of bedrooms on the second floor as per layout plan;
- (iii) seasonal variations to include Christmas Eve, Christmas Day, Hogmanay and New Years day; and
- (iv) other activities to include breakfast in restaurant outwith core hours and to provide bar meals within core hours.

Mr Bray was present and addressed the Board.

The Board noted that an objection had been received however, the objector was not present.

Sergeant Bethway addressed the Board on the contents of the letter from Police Scotland dated 19 August 2016 and advised that they had no objections to the application.

The Board then heard from the Licensing Standards Officer after which the applicant summed up.

Councillor Fairweather, seconded by Councillor Houston, moved that the Board grant the variation of the on sales operating hours for Thursday and Sunday only from the existing terminal hour 24.00 to 01.00

COUNCILLOR FOTHERINGHAM, SECONDED BY COUNCILLOR GAUL, MOVED THAT THE BOARD REFUSE THE VARIATION OF THE ON SALES HOURS FOR SUNDAY TO THURSDAY FROM THE EXISTING TERMINAL HOUR 24.00 TO 01.00 AS IT WAS OUTWITH BOARD POLICY.

On a vote being taken, the members voted:-

For the motion:

Councillors Boyd, Devine, Fairweather and Houston (4).

For the amendment:

Councillors Fotheringham, King, Gaul and Valentine (4).

There being an equality of votes, the Convener voted in favour of the amendment resulting in part (i) of the application being refused.

The Board thereafter agreed that parts (ii), (iii) and (iv) be granted.

6. APPLICATION FOR AN OCCASIONAL LICENCE

There was submitted Report No LB 51/16 by the Clerk on an application received for an occasional licence under the Licensing (Scotland) Act 2005 which required to be determined by the Board, as detailed in the Appendix to the Report.

(a) Grey Harlings Guest House, 5 Trail Drive, Montrose

The Board considered an objection in connection with an application from Barry Grant, requesting an occasional licence in respect of a wedding and reception to be held at Grey Harlings Guest house, 5 Trail Drive, Montrose on Saturday 24 September. The hours requested when alcohol would be sold for consumption on the premises were between 16.00 to 00.30 hours.

The Licensing Standards Officer reported that the applicant now wished to hold the event inside the premises instead of a marquee and the live music would cease at 10pm with background music being played after that.

Mr Watson, premises owner and Mr Grant, applicant addressed the Board and answered questions from members.

Mrs Prudhoe, the objector was present and addressed the Board on her concerns.

After hearing from Police Scotland, the Environmental Health Representative and the Licensing Standards Officer who all advised that they had no issues with the premises, Mr Grant was given the opportunity to sum up.

The Board agreed that the application be granted.

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

There was submitted Report No LB52/16 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.

8. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 53/16 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 July 2016 to 10 August 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

9. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 54/16 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 July 2016 to 10 August 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

10. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 55/16 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 July 2016 to 10 August 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

11. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 56/16 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 15 July 2016 to 10 August 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.