

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 23 February 2017 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

Prior to commencement of the meeting, the Convener, on behalf of the Board, paid tribute to Iain Johnstone, former Licensing Standards Officer with Angus Council, who had sadly passed away. The Board asked that their condolences be passed on to his family.

1. APOLOGIES

No apologies were intimated.

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 5 January 2017 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 12/17 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

With reference to Article 5 (a) of the minute of meeting of this Board of 5 January 2017, the Board considered an application from Scott James Partnership t/a Visocchi's for the grant of a provisional premises licence (on 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. No objectors were present.

The applicant was not present and the Board expressed their discontent that he had not attended.

The Clerk advised the Board that the applicant had confirmed in writing that he wished to amend his application as follows:-

- (i) amend the off sales times to 4pm to 11pm daily;
- (ii) remove the off sales;
- (iii) remove live performances from the activities;
- (iv) provide alcohol via a table service only;
- (v) no drinking to be permitted at bar/service area; and
- (vi) alcohol only to be served with food.

Councillor Fotheringham, seconded by Councillor Gaul, moved that the application be refused as the granting of this application was inconsistent with one or more of the licensing objectives.

COUNCILLOR FAIRWEATHER, SECONDED BY COUNCILLOR DEVINE, MOVED AS AN AMENDMENT, THAT THE APPLICATION AS AMENDED BY THE APPLICANT BE CONSIDERED BY THE BOARD.

On a vote being taken the members voted:-

For the motion:-

Councillors Fotheringham, Boyd, Gaul and Valentine (4)

For the amendment:-

Councillors King, Devine, Fairweather, Houston and Lumgair (5).

The amendment was declared carried and became the finding of the meeting. The Board then considered the amended application as follows:-

- (a) Core times when alcohol will be sold for consumption on the premises is 16.00 to 23.00 hours daily;
- (b) the description of premises to be – Café/Restaurant facility offering a wide range of catering from light snacks and ice creams through to full meals, with emphasis on restaurant side of business in evenings with an extended menu;
- (c) Seasonal Variation extension of hours permitted by Angus Licensing Board Policy;
- (d) Activities to be provided –
 - (i) Within core hours – bar meals, receptions, club or other group meetings, recorded music and televised sport;
 - (ii) Within and outwith core hours - restaurant facilities;
 - (iii) Breakfasts, teas, coffees, soft drinks and light snacks from 9am daily;No alcohol to be provided outwith core licensing hours.
- (e) total capacity of premises to be 60 persons (including 50 within public area of premises highlighted on layout plan 2 attached to the report); and
- (f) Children and Young Persons – aged 0 to 17 years to be permitted entry/access to:-
 - (i) shop take away area between the hours of 09.00 and 16.00 daily;
 - (ii) licensed dining area unaccompanied outwith core hours only between 09.00 and 15.00; and
 - (iii) licensed dining area during core hours and only in accordance with the Model Local Conditions pertaining to children.

Following discussion, the Board agreed that the application be granted, subject to the standard conditions and the following additional conditions:-

- (i) that alcohol be provided via a table service only;
- (ii) that no drinking be permitted at bar/service area; and
- (iii) that a barrier be provided to separate the bar area and restaurant area.

5. REVIEW OF PREMISES LICENCES.

With reference to Article 8 of the minute of meeting of this Board of 5 January 2017, there was submitted Report No LB 13/17 by the Clerk presenting two 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 for The Albert Bar, Montrose however, the fees had been paid for Casa Bianca, 41 Market Street, Montrose.

(a) The Albert Bar, 48 Market Street, Montrose

There was submitted a report from the Licensing Standards Officer regarding The Albert Bar, 48 Market Street, Montrose.

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.

6. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 14/17 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 1 December 2016 to 23 January 2017, 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 15/17 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 December 2016 to 23 January 2017, 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 16/17 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 1 December 2016 to 23 January 2017, 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 17/17 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 1 December 2016 to 23 January 2017, in accordance with the Scheme of Delegation appended to the Licensing Policy.

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

There was submitted Report No LB 18/17 by the Clerk presenting information on one 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 licence for Shotz Carnoustie, 88 – 90 Dundee Street, Carnoustie be removed from the register.