

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 25 February 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

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

Councillor Gaul declared an interest in Item 4 (b) as he had received correspondence regarding this application before he became a member of the Angus Licensing Board. He advised that he would not be taking 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 7 January 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 8/16 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) Brechin Golf and Squash Club, Trinity, Brechin

The Board considered an application from Brechin Golf and Squash Club to vary a premises licence in respect of premises at Brechin Golf and Squash Club, Trinity, Brechin to allow them to amend their operating plan to include:-

- (i) an amendment to the name of the premises which would now be known as Brechin Golf Club;
- (ii) the licence being amended from a qualifying club to a full licence. The Premises Manager to be Susan Johnston;
- (iii) seasonal variations to include Hogmanay only;
- (iv) activities such as conference facilities within core hours and fully fitted gym available prior to core hours. Squash court facilities to be deleted from operation plan;
- (v) outdoor drinking facilities which would be provided within 6m by 11m fenced area; and
- (vi) children and young persons from 0 – 17 years be allowed in family area, junior room, dining room and gym. Non-members aged 0-17 to be allowed entry.

Mr Thomson, Captain of the club was present and addressed the Board during which he answered questions.

The Board agreed that the application be approved, subject to Local Children's Conditions and the standard additional conditions in respect of the external drinking area.

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

(b) Ogilvie Bar, 2/4 Roods, Kirriemuir

The Board considered an application from Boo to vary a premises licence in respect of premises at Ogilvy Bar, 2/4 Roods, Kirriemuir to allow them to amend their operating plan to include:-

- (i) the variation of the on sales operating hours for Friday and Saturday from the existing terminal hour of 1am to 2am; and
- (ii) children and young persons aged from 0 to 17 access – Monday – Saturday 11am to 8pm and Sunday 12.30pm to 8pm.

The Board noted that a late letter of objection dated 28 January 2016 had been received outwith the statutory time limit for representations or objections.

After hearing from the Clerk, the letter dated 28 January 2016 was circulated to the Board for consideration.

The Premises Manager addressed the Board during which it was noted that if this application was successful they would be surrendering the licence for Buddies nightclub.

The Board then heard from Mr Gillespie, Licensing Standards Officer who advised the Board that the premises were well run at present. Discussion then took place.

The Board agreed that the application be approved on condition that there be no entry to the premises after 1am.

Councillor Gaul re-joined the meeting at this stage.

5. REVIEW OF MISCELLANEOUS FEES

With reference to Article 13 of the minute of meeting of this Board of 19 February 2015 there was submitted Report No LB9/16 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 2016.

6. GAMBLING ACT 2005 SECTION 349 STATEMENT OF PRINCIPLES

There was submitted Report No LB10/16 by the Clerk seeking authority to proceed to formal consultation regarding the draft Statement of Principles under the Gambling Act 2005 as detailed in the Appendix to the Report.

The Board agreed:-

- (i) to approve the terms of the consultation draft Statement of Principles prepared under Section 349 of the Gambling Act 2005 ("the Gambling Act") and appended to the report;
- (ii) to authorise the Clerk to proceed with formal consultation upon its terms; and
- (iii) that following the 12 week consultation period, the Clerk be authorised to adopt the Policy Statement, subject to minor alterations that were necessary to reflect any legislative/Board policy changes and provided that there were no substantive changes recommended by the consultees. Should any substantive changes be proposed then the matter would be referred back to the Board for consideration.

7. REQUEST TO RELIEVE THE FAILURE TO COMPLY WITH A PROCEDURAL REQUIREMENT – JASMINE HOUSE, ARBROATH

There was submitted Report No LB 11/16 by the Clerk advising of a request for the Board to relieve an applicant of a failure to comply with a procedural requirement which required to be determined by the Board.

Ms McKeown, agent for the applicant addressed the Board during which she explained the circumstances of the transfer in respect of the premises Jasmine House, Montrose Road, Arbroath. The Board then heard from the Licensing Standards Officer.

The Board agreed to relieve the failure to comply with the procedural requirement.

8. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 12/16 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 9 December 2015 to 22 January 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 13/16 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 9 December 2015 to 22 January 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 14/16 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 9 December 2015 to 22 January 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 15/16 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 9 December 2015 to 22 January 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 16/16 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 Turf' N Stuff, (trading as Scotch Whisky Express), Arbroath and Polish Food Shop, 14 West Port, Arbroath be removed from the register.

13. TIMETABLE OF MEETINGS

The Board agreed to approve the following programme of meetings (all at 10am in the Town and County Hall, Forfar):-

Thursday 4 August 2016
Thursday 15 September 2016
Thursday 3 November 2016
Thursday 5 January 2017
Thursday 16 February 2017
Thursday 6 April 2017
Thursday 1 June 2017