

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 31 March 2016 at 10.00am.

Present: Councillors CRAIG FOTHERINGHAM, ALEX KING, BRIAN BOYD, LYNNE DEVINE, DAVID FAIRWEATHER, BOB SPINK AND PAUL VALENTINE.

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Iain Gaul, Jim Houston and David Lumgair.

2. DECLARATIONS OF INTEREST

Councillor Fairweather declared an interest in Item 5 (b) as he had been contacted by the applicant (for procedural advice) whom he passed on to the Licensing Standards Officer. 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 25 February 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 17/16 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) Peel Farm

The Board considered an application from Kim Gall, 26 Morrison Street, Kirriemuir for the grant of a premises licence (off sales) in respect of premises at Peel Farm, Courtyard, Lintrathen. It was noted that the confirmation notice had been received.

Ms Gall was present and addressed the Board.

The Board agreed to grant the application.

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

There was submitted Report No LB 18/16 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) Bar 10, Forfar

The Board considered an application from Caroline Hampton, 97a Glamis Road, Forfar to vary a premises licence in respect of premises at 10 Café Bar, 12 – 14 Castle Street, Forfar to allow them to amend their operating plan to include:-

- (i) young persons aged 16 and 17 years to have access to the premises for the purpose of being employed as a glass collector/dishwasher from 8pm until the terminal hour.

The Premises Manager was present and addressed the Board after which she answered questions from members.

The Board agreed that the application be granted.

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

(b) Buick Social Club, Arbroath

The Board considered an application from Brian Toner, 11 Monkbarns Drive, Arbroath to vary a premises licence in respect of premises at Buick Social Club, Lochlands Street, Arbroath to allow them to amend their operating plan to include:-

- (i) the description of the premises being amended from British Legion Members Club for ex service men and women. The description to be varied to public house;
- (ii) activities such as televised sport within and outwith core hours, add receptions and meetings within core hours;
- (iii) the withdrawal of restaurant facilities, bar meals, masonic lodge meetings, area and country sports meetings, pipe band practice, dance classes and indoor/outdoor sports;
- (iv) a new outdoor drinking facility to be provided within 1.89m fenced area for a capacity of 40. No increase in total capacity of premises of 140; and
- (v) children and young persons to be permitted within the beer garden area in addition to the main hall, lounge and entrance hallways.

The Board noted that four letters of objection had been received which had been circulated to members prior to the meeting.

Mr Toner addressed the Board after which he answered questions from members regarding the outdoor drinking area.

The Board then heard from Sergeant Bethway, Police Scotland who advised them that five live music noise complaints had been received in connection with the premises.

The Board then heard from Stewart Ball, Head of Regulatory and Protective Services who advised that a noise management plan had been received.

The Board then heard from Ms Teviotdale, an objector who advised the members that her garden was adjacent to the outdoor area and was concerned that the premises could be very noisy.

Discussion then took place and the applicant summed up.

The Board agreed that the application be granted but with the deletion of the outdoor drinking area which could be used for smoking purposes only.

Councillor Fairweather re-joined the meeting at this stage.

6. APPLICATION FOR AN OCCASIONAL LICENCE – FESTIVAL OF HOUSE

There was submitted Report No LB19/16 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.

Enclosed Area at Panmure Estate, Carnoustie

The Board considered an application from Stuart Hutton requesting an occasional licence for an outdoor music concert at Festival of House, to be held at Panmure Estate, Nr Pitlivie on Thursday 9, Friday 10 and Saturday 11 June 2016.

The Board noted that the licensed hours requested when alcohol would be sold for consumption on the premises was between 17.00 and 12 midnight on Thursday 9 June and 12 noon to 00.45 on Friday 10 June and Saturday 11 June.

An amended Alcohol Management Plan was circulated to members.

Mrs Hood, the applicant's agent was present and addressed the Board.

The Board then heard from Mr Gillespie, Licensing Standards Officer and Sergeant Bethway, Police Scotland during which it was noted that the plans of this event were not in final form.

The Board agreed that the application be deferred to allow an unaccompanied site visit to take place.

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

There was submitted Report No LB 20/16 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) The Crown Inn, 49 – 51 High Street, Monifieth

The Board considered 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 9am to 10.45am on Saturday 16 April 2016 before a period of trading beginning 11am to allow patrons to congregate within the premises prior to being collected for a journey to Hampden Park for the Scottish Cup Semi-Final.

The Board noted that the application had been withdrawn by the applicant.

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

The Board considered 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 9am to 10.15am on Saturday 4 June 2016 before a period of trading beginning 11am to allow patrons to congregate within the premises prior to being collected for a journey to Edinburgh Airport.

A letter of objection from Police Scotland dated 17 March 2016 was circulated to members prior to the meeting.

Ms Auld, Premises Manager addressed the Board.

The Board agreed that the application be refused as it was out with the hours allowed by the Boards Statement of Licensing Policy but that the premises could open for breakfast but no alcohol be sold.

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

The Board considered 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 9.30am 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 objection from Police Scotland dated 17 March 2016 was circulated to members prior to the meeting.

Ms Auld, Premises Manager addressed the Board.

The Board agreed that the application be refused as it was out with the hours allowed by the Boards Statement of Licensing Policy but that the premises could open for breakfast but no alcohol be sold.

8. PERSONAL LICENCES – NON DELEGATED

There was submitted Report No LB21/16 by the Clerk on an application received for a personal licence under the Licensing (Scotland) Act 2005, which required to be determined by the Board as detailed in the Appendix to the Report.

Melissa McGarvey

The Board considered a letter of representation received from the Police Scotland in relation to an application for the grant of a personal licence received on 24 February 2016 from Melissa McGarvey.

The applicant was present and addressed the Board.

Sergeant Bethway, Police Scotland then spoke on the contents of the letter dated 10 March 2016 and gave details of the conviction detailed in the letter.

The Board agreed that the application be granted.

9. PERSONAL LICENCES – NOTIFICATION OF CONVICTION

There was submitted Report No LB 22/15 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

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.

The Board agreed that the application be deferred to allow the licence holder to attend.

(b) Personal Licence Holder – Gail Smith

The Board considered a letter dated 15 March 2016 from Police Scotland in respect of Gail Smith, a personal licence holder.

The applicant was not present.

The Board agreed that the application be deferred to allow the licence holder to attend.

10. PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005 - LICENCE REVIEW PROPOSAL

There was submitted Report No LB 23/16 by the Clerk advising members of the non-payment of Annual Fees under the Licensing (Scotland) Act 2005 (“the 2005 Act”) as detailed in the Appendix to the Report which the Board may wish to consider and take action.

The Board noted the position and agreed to hold a review hearing on Thursday 12 May 2016 in respect of the premises as detailed in the Appendix to the Report.

11. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 24/16 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 25 January to 14 March 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

12. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 25/16 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 25 January to 14 March 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

13. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 26/16 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 25 January to 14 March 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

14. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 27/16 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 25 January to 14 March 2016, in accordance with the Scheme of Delegation appended to the Licensing Policy.

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

There was submitted Report No LB 28/16 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 Buddies Nightclub, Upper Floor, St Malcolm's Wynd, Kirriemuir and Ship Inn, 19/23 Marketgate, Arbroath be removed from the register.