

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 2 April 2015 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Sheila Hands and Paul Valentine.

2. DECLARATIONS OF INTEREST

The Board agreed to note that there were no declarations of interest.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 19 February 2015 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 17/15 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) Glencadam Distillery, Brechin

The Board considered an application from Angus Dundee distillers PLC for the grant of a premises licence (off sales) in respect of premises at Glencadam Distillery, Smithfield Road, Brechin.

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 LB18/15 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) Home Bargains, Unit A, Myre Road, Forfar

The Board considered an application from T J Morris Ltd T/A Home Bargains to vary a premises licence in respect of premises at Home Bargains, Unit A, Myre Road, Forfar to allow them to amend their operating plan to include:-

- (i) the capacity of the alcohol sales area to be increased from 25.44m² to 41.55 m² ;
- (ii) the layout plan being amended to show the increase in capacity to the off sales areas.

Mr Crank, the agent for the applicant, addressed the Board after which the Board then asked questions of Mr Len Murray, Building Standards Manager.

The Board agreed to grant the variation application.

(b) Busbys (The Yard), Montrose

With reference to Article 5 b of the minute of meeting of this Board of 19 February 2015, the Board considered an application by Mr Paul Gersok to vary a premises licence in respect of premises at 30 – 36 George Street, Montrose to allow them to amend their operating plan to include:-

- (i) the variation of opening hours for on sales on Sunday from the existing hours commencing at 12:30pm to commence at 12 noon;
- (ii) seasonal variations extensions to 2am for all functions and Christmas parties throughout December. The premises currently have seasonal variations for Christmas Eve and Hogmanay;
- (iii) Activities
 - (a) to include Conferences, Receptions, Club and other Group meetings outwith core licensed hours. These activities are currently within core licensed hours only;
 - (b) to add Restaurant facilities within and outwith core licensing hours
 - (i) sale of food for conferences and functions 9am to 11pm
 - (ii) sale of food during and at the end of night club service with the option to sit in or take away food on Thursday, Friday, Saturday and Sunday until 3am or 3.30am.
 - (iii) quiet background music not exceeding 85dB between the hours of 2am and 3am or 3.30am dependent on what is permitted. No alcohol to be sold after 2am; and
- (iv) children and Young Persons aged 0 to 17 years to be permitted entry to the premises. Baby changing facilities to be provided.

There was circulated to the Board for consideration a letter dated 2 March 2015 from Police Scotland.

Mr Smith and Ms Thomson addressed the Board regarding the contents of the letter from Police Scotland dated 2 March 2015 and advised the members that they had been refused certain information from Police Scotland under the Freedom of Information Act 2000 due to Data Protection. They then addressed the incidents detailed in the letter.

Sergeant Bethway addressed the Board and advised them that as far as Police Scotland was concerned this was a true reflection of the incidents recorded.

Mr Smith then summed up on behalf of the applicant and discussion took place during which the clerk advised the members that they could not disregard the information submitted.

The Board agreed:-

- (i) to grant the variation of opening hours for on sales on Sunday from the existing hours commencing at 12:30pm to commence at 12 noon;
- (ii) to refuse to grant an extension to 2am for all functions and Christmas parties throughout December however, it was agreed to grant seasonal variations for Christmas Day and New Years day;

- (iii) Activities
 - (a) to include Conferences, Receptions, Club and other Group meetings outwith core licensed hours:
 - (b) to add Restaurant facilities within and outwith core licensing hours
 - (i) sale of food for conferences and functions 9am to 11pm;
 - (ii) sale of food for Patrons only during and at the end of night club service with the option to sit on Friday and Saturday only until 3am. No take away service permitted to Patrons or members of the public;
 - (iii) quiet background music not exceeding 85dB between the hours of 2am and 3am dependent on what is permitted. No alcohol to be sold after 2am; and
 - (iv) that children and Young Persons aged 0 to 17 years be permitted entry to the premises subject to baby changing facilities being provided.

6. REVIEW OF PREMISES LICENCE

There was submitted Report No LB9/15 by the Clerk inviting members to determine whether to proceed with a Premises Licence Review in respect of De Vito's, 11 Millgate, Arbroath.

After hearing from Mrs Janet Hood, the agent for the applicant the Board agreed not to proceed with a Premises Licence Review in respect of De Vito's, 11 Millgate, Arbroath.

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

There was submitted Report No LB20/15 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 7 June, Sunday 5 July and Sunday 30 August 2015 in respect of bowling competitions, as detailed in the Report.

The applicant was present.

The Board agreed to grant the extension of one hour at the commencement of trading on 7 June, 5 July and 30 August 2015.

(b) 19th Hole

The Board considered an application from Greene King Brewing and Retailing Ltd in respect of the 19th Hole, 8 Ferrier Street, Carnoustie, for an extension to 3.30am on Sunday 3 May 2015, at the end of a period of trading beginning Saturday 2 May 2015 in respect of a championship boxing match being shown on TV.

Mrs Janet Hood, agent for the applicant addressed the Board and advised that the event would be available to ticket holders only and no objections had been received from adjoining neighbours.

Questions were asked of Mrs Hood and discussion took place.

Mrs Hood then summed up.

COUNCILLOR FOTHERINGHAM SECONDED BY COUNCILLOR FAIRWEATHER MOVED THAT THE APPLICATION BE GRANTED FOR THE ADDITIONAL OPENING HOURS TO 3.30AM ON SUNDAY 3 MAY 2015.

Councillor King seconded by Councillor Spink moved as an amendment that the Board refuse the application.

On a vote being taken the members voted:-

For the motion:-

Councillors Fotheringham, Boyd, Devine, Fairweather, Houston and Lumgair. (6)

For the amendment:-

Councillors King and Spink (2).

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

8. REVIEW OF PREMISES LICENCES.

With reference to Article 8 of the minute of meeting of this Board of 19 February 2015, there was submitted Report No LB21/15 by the Clerk presenting Premises Licences 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 licensees that the annual fees were due in respect of the premises, as detailed in Appendix 1 to the Report, the fees remained unpaid.

(a) The Victoria Bar, 55/57 Dundee Loan, Forfar

There was submitted a report from the Licensing Standards Officer. The Board noted that the outstanding fee had now been paid.

(b) The Lorne Bar, 17 Commerce Street, Arbroath

There was submitted a report from the Licensing Standards Officer. The Board noted that the outstanding fee had now been paid.

(c) The Red Lion Inn, 55/77 Montrose Street, Brechin

There was submitted a report from the Licensing Standards Officer advising the Board that The Red Lion Inn, Brechin had ceased trading and had surrendered their premises licence.

(d) Cath Rennies, 2 Mattocks Road, Wellbank

There was submitted a report from the Licensing Standards Officer advising the Board that although Cath Rennies had ceased trading the outstanding fees had now been paid.

(e) The Swan Indian Restaurant, St Malcolm Wynd, Kirriemuir

There was submitted a report from the Licensing Standards Officer advising the Board that The Swan were still trading and had not paid their fees due.

There were no representatives present.

The Board was satisfied that the grounds for review was established and agreed that it was necessary or appropriate to revoke the licence for The Swan Indian Restaurant, Kirriemuir for the purposes of the licensing objective of preventing crime and disorder.

(f) The White Eagle, 94 Castle Street, Forfar

There was submitted a report from the Licensing Standards Officer advising the Board that The White Eagle, Forfar no longer sold alcohol and had surrendered their premises licence.

9. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB22/15 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 31 January 2015 to 13 March 2015, 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 23/15 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 31 January 2015 to 13 March 2015, 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 24/15 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 31 January 2015 to 13 March 2015, in accordance with the Scheme of Delegation appended to the Licensing Policy.