

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 6 August 2015 at 10.00am.

Present: Councillors CRAIG FOTHERINGHAM, ALEX KING, BRIAN BOYD, LYNNE DEVINE, DAVID FAIRWEATHER, SHEILA HANDS, 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

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

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Board held on 14 May and 3 June 2015 were approved as correct records and signed by the Convener.

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

There was submitted Report No LB 41/15 by the Clerk on applications received for new licences under the Licensing (Scotland) Act 2005, which required to be determined by the Board as detailed in the Appendix to the Report.

(a) Arbikie Distilling Ltd, Montrose

The Board considered an application from Arbikie Distilling Ltd for the grant of a premises licence (off sales) in respect of premises at Arbikie Distilling Ltd, Inverkeillor, Arbroath.

The applicant was not present.

The Board agreed to grant the application, subject to Statutory Conditions.

(b) A Portuguesa, Brechin

The Board considered an application from Rui Marcelino Loureiro Pires for the grant of a premises licence (off sales) in respect of premises at A Portuguesa, 17 St David Street, Brechin.

A representative for the applicant was present and addressed the Board.

The Board agreed to grant the application, subject to Statutory Conditions.

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

There was submitted Report No LB 42/15 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) Lidl UK GMBH, Forfar

The Board considered an application from Lidl UK GmbH to vary a premises licence in respect of premises at Queenswell Road, Forfar to allow them to:-

- (i) amend the capacity of the alcohol sales area and increase it from 34.47m² to 40.59m²; and

- (ii) amend the layout plan to show an increase in capacity to off sales areas. The increase in the alcohol section to coincide with “theme weeks” i.e. Italian, French etc. Outwith “theme weeks” there would be merchandising of premium international wines.

Mr Hunter, an agent for the applicant addressed the Board and answered questions from members.

The Board agreed to grant the variation application.

(b) Lidl UK GMBH, Montrose

The Board considered an application from Lidl UK GmbH to vary a premises licence in respect of premises at Brechin Road, Montrose to allow them to:-

- (i) amend the capacity of the alcohol sales area and increase it from 44.23m² to 50.35m²; and
- (ii) amend the layout plan to show an increase in capacity to off sales areas. The increase in the alcohol section to coincide with “theme weeks” i.e. Italian, French etc. Outwith “theme weeks” there would be merchandising of premium international wines.

Mr Hunter, an agent for the applicant addressed the Board and answered questions from members.

The Board agreed to grant the variation application.

(c) Lidl UK GMBH, Arbroath

The Board considered an application from Lidl UK GmbH to vary a premises licence in respect of premises at 2 Gravesend, Arbroath to allow them to:-

- (i) amend the capacity of the alcohol sales area and increase it from 42.93m² to 49.05m²;
- (ii) amend the layout plan to show an increase in capacity to off sales areas. The increase in the alcohol section to coincide with “theme weeks” i.e. Italian, French etc. Outwith “theme weeks” there would be merchandising of premium international wines; and
- (iii) to add the provision of recorded (background) music to their activities.

Mr Hunter, an agent for the applicant addressed the Board and answered questions from members.

The Board agreed to grant the variation application.

(d) Lidl UK GMBH, Brechin

The Board considered an application from Lidl UK GmbH to vary a premises licence in respect of premises at Commerce Street, Brechin to allow them to:-

- (i) amend the capacity of the alcohol sales area and increase it from 40.32m² to 46.44m²;
- (ii) amend the layout plan to show an increase in capacity to the off sales areas. The increase in the alcohol section to coincide with “theme weeks” i.e. Italian, French etc. Outwith “theme weeks” there would be merchandising of premium international wines; and
- (iii) to add the provision of recorded (background) music to their activities.

Mr Hunter, an agent for the applicant addressed the Board and answered questions from members.

The Board agreed to grant the variation application.

(e) Sharkys, Montrose

The Board considered an application from Greene King Brewing Retailing Ltd to vary a premises licence in respect of premises at Sharkys, 21 George Street, Montrose to allow them to amend their layout plan to include the extension to the outdoor drinking area.

Mr McGowan's, an agent for the applicant addressed the Board and advised that his clients were happy with the outside area being closed at 21.00 hours.

Following some questions from members, the Board agreed to grant the variation application subject to:-

- (i) Patrons not being permitted to use the external drinking area beyond 21.00;
- (ii) no music or amplified sound being provided anywhere within the licensed premises with the intention of it being heard within the external drinking area; and
- (iii) no increase in capacity of the premises.

(f) Royal Montrose Mercantile Golf Club, Traill Drive, Montrose

The Board considered an application from Royal Montrose Mercantile Golf Club to vary a premises licence in respect of premises at Royal Montrose Mercantile Golf Club, Traill Drive, Montrose to allow them to amend their operating plan to include:-

- (i) the licence being amended from a qualifying club to a full licence to enable persons who do not meet the criteria, to be allowed access to the Club, with the Clubs permission, for family parties, funeral wakes, business and social seminars and other similar social activities;
- (ii) activities to allow conference facilities within and outwith core hours: receptions outwith core hours (previously within core hours); theatre within core hours only. Gaming no longer required. Additional activities to include keep fit;
- (iii) an increase of sixteen persons within the Millennium Lounge. Total capacity for internal area to be 131 persons;
- (iv) the amendment of the premises licence layout to include external areas of front garden; east side garden and rear garden areas with a total capacity of 66 persons; and
- (v) to allow Children and Young persons to be permitted from 0 to 17 years to additional licenced areas.

Mr Cummings, a representative for the Club, addressed the Board.

The Board agreed to grant the variation application subject to:-

- (i) the Local Children's conditions applying;
- (ii) patrons not being permitted to use the external drinking area beyond 21.00; and
- (iii) no music or amplified sound being provided anywhere within the licensed premises with the intention of it being heard within the external drinking area.

(g) Aboukir Hotel, 38 Ireland Street, Carnoustie

The Board considered an application from Aboukir Hotel Ltd to vary a premises licence in respect of premises at 38 Ireland Street, Carnoustie to allow them to amend their operating plan to include:-

- (i) variation of On Sales operating hours for Sunday from the existing commencement hour of 12.30 to 11.00;
- (ii) variation of the operating plan to include Off Sales for the hours 11.00 to 22.00 daily;
- (iii) Activities:-
 - (a) to add dance facilities, theatre and films within core licensed hours;
 - (b) conferences, restaurant, bar meals, receptions, club meetings, recorded music, films and televised sport to be provided outwith core licensed hours. These activities were currently within core licensed hours only. Breakfasts teas, coffees and snacks to be sold from 7.00 am to persons not resident on the premises; and
 - (c) karaoke, croquet, auctions, comedy nights, plays, garden fetes, external children's play area and various activities to take place.
- (iv) Children and Young Persons
 - (a) both resident and non resident children and young persons to be permitted in the public parts of the premises accompanied by a responsible adult;
 - (b) non resident children to be permitted in the premises until 21.00. Resident children to be permitted on the premises at all times. Young persons to be permitted in the premises unaccompanied until 21.00 and accompanied by a responsible person thereafter;
 - (c) both children and young persons to be permitted access to the premises to attend a pre-booked private function or a ticketed function until the termination of the function; and
 - (d) Children and young persons to be permitted to all public parts of the premises with the exception of the bar area. Access is currently restricted to bar/lounge area, restaurant and letting bedrooms.
- (v) the amendment of the Layout Plan to include additional areas for children and young persons.

Mrs Hood, the agent for the applicant, addressed the Board after which the Board then asked questions of Mr Ball, Service Manager, Regulatory and Protective Services regarding the external area.

The Board agreed to grant the variation application, subject to:-

- (i) Local Children's Conditions applying;
- (ii) Patrons not being permitted to use the external drinking area beyond 21.00; and
- (iii) no music or amplified sound being provided anywhere within the licensed premises with the intention of it being heard within outside area.

6. TRANSFER OF PREMISES LICENCE UNDER SECTION 33 (1)

There was submitted Report No LB 44/15 by the Clerk on an application for a Transfer of a Premises Licence under Section 33 (1) of the Licensing (Scotland) Act 2005 which required to be determined by the Board.

The Board considered the contents of a letter dated 15 July 2015 from Police Scotland in connection with an application from Tracey Telfer, trading as TED Enterprises for the transfer of a Premises Licence in respect of The Victoria Bar, 55/57 Dundee Loan, Forfar.

Ms McKeown, the applicant's agent addressed the Board during which she explained the circumstances of the events detailed in the letter from Police Scotland dated 15 July 2015.

After hearing from PC Simpson, Police Scotland, the Board agreed to grant the application.

7. ARRANGEMENTS FOR CHRISTMAS AND NEW YEAR

There was submitted Report No LB 45/15 by the Clerk advising members of the Board's Policy in relation to the extension of hours of Licensed Premises at Christmas and New Year under the Licensing (Scotland) Act 2005 and approve arrangements for Christmas and New Year 2015/16.

The Board agreed:-

- (i) to note that the Board's Policy permitted on sale premises, including Occasional Licences, one additional hour at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Years' Day;
- (ii) to note that the Premises Licence of those premises licence holders who included these additional hours in their operating plan would make reference to these additional hours;
- (iii) to note that those premises licence holders who did not include these additional hours in their operating plan would require making an application for Extended Hours;
- (iv) to note that the Board had delegated powers to the Clerk to approve applications for Extended Hours or Occasional Licences where no objections or representations had been received, nor a notice recommending refusal from the Chief Constable or any report from the Licensing Standards Officer recommending refusal where the application related to hours within Section 6 of the Board's policy;
- (v) to note that the processing of applications for Extended Hours or Occasional Licences in respect of Christmas and New Year could not be guaranteed unless they were received by the Clerk no later than Friday 27 November 2015;
- (vi) that notwithstanding (i) above, no premises would be allowed to open beyond 2.00 am; and
- (vii) that, aside from Christmas Eve, Christmas Day, Hogmanay and New Years' Day, no premises would be allowed to open during the month of December 2015 outwith the hours specified in Section 6 of the Board's Policy.

8. CHIEF CONSTABLE'S REPORT TO ANGUS LICENSING BOARD

There was submitted and noted Report No LB 46/15 by the Clerk which presented the Chief Constables Report to the Angus Licensing Board for the period 1 April 2014 to 31 March 2015 attached as an Appendix to the Report.

9. POLICY ON INTENTIONAL BALLOON AND CHINESE/SKY LANTERN RELEASES

There was submitted Report No LB 47/15 by the Clerk which set out the hazards posed by the intentional release of helium filled latex balloons and Chinese/sky lanterns and the growing evidence of the damage they caused. The Report also recommended that the Board impose a standard condition on the grant of Occasional Licences and Occasional Extensions of Licensed Hours prohibiting the intentional release of helium filled latex balloons and Chinese/sky lanterns at events in respect of which the licence/extension was granted.

The Board agreed to impose a standard condition on the grant of Occasional Licences and Occasional Extensions of Licensed Hours prohibiting the intentional release of helium filled latex balloons and Chinese/sky lanterns at events in respect of which the licence/extension was granted.

10. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 48/15 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 28 April to 9 July 2015, in accordance with the Scheme of Delegation appended to the Licensing Policy.

11. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 49/15 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 28 April to 9 July 2015, in accordance with the Scheme of Delegation appended to the Licensing Policy.

12. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 50/15 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 28 April to 9 July 2015, in accordance with the Scheme of Delegation appended to the Licensing Policy.

6 august 2015.