

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 6 November 2014 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

## 1. APOLOGY FOR ABSENCE

An apology for absence was intimated on behalf of Councillor Sheila Hands.

## 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 25 September 2014 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB57/14 by the Clerk on an application received to extend the licensed hours in respect of a 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) Busby's, 30 – 36 George Street, Montrose

The Board considered an application from Paul Gersok in respect of Busby's, 30 – 36 George Street, Montrose requesting an extension to 2am at the end of trading on the following days:-

Monday 1, 8, 15, 22, 29 December 2014;  
Tuesday 2, 9, 16, 23, 30 December 2014; and  
Wednesday 3, 10, 17, 24, 31 December 2014

The Clerk advised that correspondence had been received from the applicant indicated that he wished to withdraw the request for the additional hours on the Monday and Tuesday dates however, he still wished to apply for an extension of one hour for the Wednesday dates.

It was noted that Section 6 of the Licensing Board's Statement of Licensing Policy permitted on sales premises an extension of one additional hour at the end of trading on 24 and 31 December.

The applicant was present and addressed the Board.

The Board also considered the contents of a letter received on 15 October 2014 from the Divisional Commander, Tayside Division of Police Scotland.

The Board agreed to refuse the extension to 2am at the end of trading on Wednesday 3, 10 and 17 December.

## 5. PERSONAL LICENCE – NOTIFICATION OF CONVICTION

There was submitted Report No LB58/14 by the Clerk advising the Board of the notification of a conviction received in respect of a Personal Licence holder, the confirmation of the conviction from the Divisional Commander, Tayside Division of Police Scotland and the recommendation in respect of that conviction, and asking the Board to consider and determine what Order, if any, required to be made in respect of a Personal Licence.

It was noted that Mr Kerin was not present.

The Board agreed to defer consideration of the notification to the meeting of the Board on 8 January 2015 to allow Mr Kerin to attend.

**6. PERSONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB59/14 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 August 2014 to 16 October 2014, in accordance with the Scheme of Delegation appended to the Licensing Policy.

**7. OCCASIONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB60/14 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 August 2014 to 16 October 2014, 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 LB61/14 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 August 2014 to 16 October 2014, in accordance with the Scheme of Delegation appended to the Licensing Policy.

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

There was submitted and noted Report No LB62/14 by the Clerk presenting information on a premises licence which the licence holder had surrendered, as detailed in the Appendix to the Report.

The Board agreed to note that the premises licence as 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 Carnoustie Rugby Club, Links Parade, Carnoustie would be removed from the register.

**10. CONFIRMATION OF PROVISIONAL PREMISES LICENCE – DELEGATED APPROVALS**

There was submitted and noted Report No LB63/14 by the Clerk advising members of an application for confirmation of provisional premises licences under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 28 August 2014 to 16 October 2014, in accordance with the Scheme of Delegation appended to the Licensing Policy.

*Following the close of the meeting, the Board members were advised that Mr Kerin was now present and he along with others had encountered difficulties in gaining access to the building. The members of the Board therefore agreed to re-convene the meeting at 10.45am to allow them to consider his case.*

**11. PERSONAL LICENCES – NOTIFICATION OF CONVICTION**

With reference to Article 5 above, there was submitted Report No LB58/14 by the Clerk advising the Board of the notification of a conviction received in respect of a Personal Licence holder, 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.

As Mr Kerin was now present he addressed the Board.

Sergeant Bethway, Police Scotland, then spoke on the contents of the letter dated 3 October 2014 and gave details of the current conviction detailed in the letter.

Mr Kerin then summed up.

The Board agreed to endorse Mr Kerin's Personal Licence.