

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 7 August 2014 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 FOR ABSENCE

There were no apologies intimated.

## 2. DECLARATIONS OF INTEREST

Councillor Valentine declared an interest in Item 5 (f) as he was familiar with the premises as his band held practices there. He advised that he would be taking part in any discussion and voting.

## 3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Board held on 15 May and 4 June 2014 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 42/14 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) McColl's, Forfar

With reference to Article 4 (a) of the minute of meeting of this Board of 15 May 2014, the Board considered an application from Martin McColl Ltd for the grant of a provisional premises licence (off sales) in respect of premises at McColl's, 90 East High Street, Forfar.

The applicant's agent, Mrs Forrester was present and addressed the Board during which she addressed the issues raised in the letters of objection.

There were no objectors present.

Members then asked various questions of the applicant after which Mrs Forrester summed up.

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 LB43/14 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) Roo's Leap, Montrose

With reference to Article 5 (a) of the minute of meeting of this Board of 15 May 2014, the Board considered an application from the firm of Robert and Thelma Beattie to vary a premises licence in respect of premises at Roo's Leap, 2 Traill Drive, Montrose to allow them to amend their operating plan to include:-

- (i) variation of the terminal hours for on sales in the first floor terrace area on Monday to Sunday to 21.00;

- (ii) children and young persons aged 0 to 17 years to be permitted in the first floor terraced area;
- (iii) amending the capacity of the premises and increase it from 118 persons to 178 persons to include the first floor terraced area;
- (iv) amending the layout plan to include the first floor terraced area; and
- (v) the premises manager's email address.

The Board noted that a noise management plan had been submitted.

Mr Wood, the applicant's agent addressed the Board during which he advised them that his client proposed to erect a canopy to cover the first floor terraced area.

The Board then asked questions of Mr Wood regarding the outside area and discussion took place regarding the capacity of the premises during which some members expressed concern at the capacity increasing from 118 persons to 178 persons.

The Board then heard from Mr Millar, Senior Building Standards Officer and Mr Ball, Service Manager, Regulatory and Protective Services. Mr McDonald, a representative of the Scottish Fire and Rescue Service also addressed the Board.

Mr Wood then summed up.

The Board agreed that the application be granted subject to a L2 fire alarm being installed to the satisfaction of the Scottish Fire and Rescue Service.

**(b) Monifieth Bowling Club**

The Board considered an application from Monifieth Bowling Club to vary a premises licence in respect of premises at 8 Albert Street, Monifieth 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 11:30am to commence at 11:00am; and
- (ii) activities such as gaming.

The applicant was present but did not address the Board.

The Board agreed to grant the variation application.

**(c) 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 amend the capacity of the alcohol sales area and increase it from 30.15m<sup>2</sup> to 34.47m<sup>2</sup> and amend the layout plan to show an increase in capacity to off sales areas.

The Board agreed to grant the variation application.

**(d) 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 amend the capacity of the alcohol sales area and increase it from 39.91m<sup>2</sup> to 44.23m<sup>2</sup> and amend the layout plan to show an increase in capacity to off sales areas.

The Board agreed to grant the variation application.

**(e) 10 Café, Forfar**

The Board considered an application from Caroline Hampton 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 children and young persons aged 5 to 17 years to be permitted in the upstairs bar during private hire functions only.

The Board agreed to grant the variation application subject to the Local Children's conditions.

**(f) Black Abbott, Montrose**

The Board considered an application from Greene King Retailing Ltd to vary a premises licence in respect of premises at Black Abbott, Coronation Way, Montrose to allow them to amend their operating plan to include Children and young persons to be permitted within the Lounge Bar for events such as Christmas Parties, Halloween, entertainment specifically for children, birthdays and anything of a similar nature.

Mr Glass, the applicant's agent was present and addressed the Board during which he confirmed that the request to vary the terminal hours Sunday to Thursday to 01.00am had been withdrawn.

The Board agreed to grant the variation application subject to the additional conditions detailed in the report.

**(g) Forbes of Kingennie Country Resort, Kingennie**

The Board considered an application from Michael and Gail Forbes to vary a premises licence in respect of premises at Forbes of Kingennie Country Resort, Kingennie to allow them to amend their operating plan to include:-

- (i) the variation of premises licence to include the ceremony building and attached decking area. Capacity of the ceremony area to be 120. The overall capacity of the premises to remain unchanged at 320; and
- (ii) Children and young persons aged 0 – 17 to be permitted in the ceremony building and attached decking area, in addition to existing areas.

The applicant was present but did not address the Board.

The Board agreed to grant the variation application subject to the Local Children's conditions.

**(h) Lochlands Restaurant, Forfar**

The Board considered an application from Lochlands Rentals Ltd to vary a premises licence in respect of premises at Lochlands Mill, Dundee Road, Forfar to allow them to amend their operating plan to include:-

- (i) the variation of the premises licence to include off sales. Core times when alcohol would be sold for consumption off the premises – Monday to Sunday 11.00 to 22.00; and
- (ii) layout to include additional shelving fitted to bar area for off sales. Off sales alcohol display area 2.22m<sup>2</sup>.

The Board agreed to grant the variation application.

**(i) Kinloch Arms Hotel, 27 – 29 High Street, Carnoustie**

The Board considered an application from GSW Leisure Ltd to vary a premises licence in respect of premises at Kinloch Arms Hotel, 27 – 29 High Street, Carnoustie to allow them to amend their operating plan to include:-

- (i) the variation of their operating hours for Sunday from the existing commencement hours of 12.30pm to 11.00am;

- (ii) Outdoor drinking facilities to be provided within and outwith core hours. The external area may be used outwith core hours for the provision of non-alcoholic refreshments and for use by smokers;
- (iii) the capacity to remain unchanged at 250;
- (iv) Children and young persons aged 0 – 17 to have access throughout the premises; and
- (v) the layout plan to include external area.

The applicant's agent Mr Hunter was present and addressed the Board.

The Board then heard from Mr Ball, Service Manager, Regulatory and Protective Services who advised the Board that a noise management plan had been submitted but had been returned to the applicant for amendment.

Various members asked questions and Mr Hunter then summed up.

The Board agreed that the application be granted, subject to:-

- (i) a noise management plan being submitted to the satisfaction of the Service Manager, Regulatory and Protective Services;
- (ii) the outside drinking facilities closing at 9pm;
- (iii) the outside drinking area having a clearly definable barrier to the satisfaction of the clerk; and
- (iv) local children's conditions.

## **6. PERSONAL LICENCES – NON DELEGATED**

There was submitted Report No LB44/14 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.

### **Sarah McLeish**

The Board considered information received from the Police Scotland in relation to an application for the grant of a personal licence received on 6 May 2014 from Sarah McLeish.

The applicant was present and addressed the Board.

Mr Coleman, Licensing Supervisor, Police Scotland then spoke on the contents of the letter dated 6 May 2014 and gave details of the current conviction detailed in Appendix A.

The Board agreed that the application be granted.

## **7. PERSONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB45/14 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 27 April 2014 to 4 July 2014, in accordance with the scheme of delegation appended to the Licensing Policy.

## **8. OCCASIONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB46/14 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 27 April 2014 to 4 July 2014, in accordance with the scheme of delegation appended to the Licensing Policy.

**9. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS**

There was submitted and noted Report No LB47/14 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 25 April 2014 to 4 July 2014, in accordance with the scheme of delegation appended to the Licensing Policy.

**10. EXTENDED HOURS – DELEGATED APPROVALS**

There was submitted and noted Report No LB48/14 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 April 2014 to 4 July 2014, in accordance with the scheme of delegation appended to the Licensing Policy.

7 august 2014