

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 14 May 2015 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGY FOR ABSENCE

An apology for absence was intimated on behalf of Councillor Paul Valentine.

2. DECLARATIONS OF INTEREST

Councillor Boyd declared an interest in Item 4 (c) as the applicant was known to him. He advised that he would be taking part in any discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 2 April 2015 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 25/15 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) Edzell Golf Club, Edzell

The Board considered an application from Edzell Golf Club to vary a premises licence in respect of premises at Edzell Golf Club, High Street, Edzell to allow them to amend their operating plan to include:-

- (i) the variation of opening hours for on sales to operate for full 12 month period as follows:-
Sunday to Thursday 11am to 12 midnight
Friday and Saturday 11am to 1am
- (ii) seasonal variations to include Christmas Eve, Christmas Day and Hogmanay and New Years Day;
- (iii) Activities
 - (a) to allow films within core hours only;
 - (b) to add outdoor drinking facilities within core licensing hours. Outdoor area to include waiter/waitress service; and
- (iv) to amend the layout plan of the premises to include outdoor drinking area.

Mr Turnbull, representative for the Club addressed the Board.

The Board agreed:-

- (i) to grant the application, subject to the following additional conditions:-
 - (a) that patrons will not be permitted to use the external drinking area beyond 9pm; and

- (b) that no music or amplified sound shall be provided anywhere within the licensed premises with the intention of being heard within the external drinking area.

(b) Montrose Mercantile Golf Club, East Links, Montrose

The Board considered an application from Montrose Mercantile Golf Club to vary a premises licence in respect of premises at Montrose Mercantile Golf Club, East Links, 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 allow pre-booked functions and events to take place in the club where all those attending would not be club members. There would not be an open door policy. The door entry system to be controlled by member's cards or by intercom to the bar;
- (ii) Activities
 - (a) to allow restaurant facilities, bar meals, receptions, club or other group meeting and televised sport outwith core hours. These activities are currently within core hours only;
 - (b) to add theatre and films within core hours only; and
- (ii) local condition 2 (a) (v) to permit Children and Young Persons during the hours when the premises are catering for family activities and recreation. Children not to be permitted in any bar area beyond 9pm.

Mr King, representative for the Club addressed the Board.

The Board agreed to grant the variation application.

(c) Caledonia Golf Club, Links Parade, Carnoustie

The Board considered an application from Caledonia Golf Club to vary a premises licence in respect of premises at Caledonia Golf Club, Links Parade, Carnoustie to allow them to amend their operating plan to include:-

- (i) variation of the terminal hours for on sales for Monday and Tuesday from 11pm to 12 midnight;
- (ii) Activities
 - (a) conferences, restaurant facilities and bar meals outwith core hours. Teas, coffees and breakfast meals to be provided; and
 - (b) an outdoor drinking area to incorporate grass area with benches and seats to offer a place to consume food and drink within core hours. No waitress service to be provided.

The applicant had confirmed that no alcohol will be provided outwith core hours.

- (iii) local condition 2 (a) (v) to permit Children and Young Persons during the hours when the premises are catering for family activities and recreation. Children not to be permitted in any bar area beyond 9pm; and
- (iv) amending the layout plan to include outdoor drinking area.

A representative for the Club addressed the Board.

The Board agreed:-

- (i) to grant the application, subject to the following additional conditions:-
 - (a) that patrons will not be permitted to use the external drinking area beyond 9pm; and
 - (b) that no music or amplified sound shall be provided anywhere within this area and its use during live events (if any) at the premises should be restricted.

5. APPLICATION FOR PREMISES LICENCE REVIEW

There was submitted Report No LB26/15 by the Clerk inviting members to determine whether to proceed with a Premises Licence Review in respect of Costcutters, 76 Dundee Road, Forfar.

The Board agreed that a premises licence review in respect of Costcutters, 76 Dundee Road, Forfar be held on Wednesday 3 June 2015.

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

There was submitted Report No LB 27/15 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) The Star Hotel, 7 New Wynd, Montrose

The Board considered an application from David Bray in respect of the Star Hotel, 7 New Wynd, Montrose for an extension of 1 hour to 2am at the end of normal trading on Saturday 23 May 2015 for the Montrose Music Festival.

Mr Bray was present and addressed the Board.

The Board agreed to grant the extension of one hour at the end of trading on Saturday 23 May 2015 but on condition that all live music ceases at 1.30am, last orders are called at 1.45am with the bar being cleared by 2am.

7. PERSONAL LICENCES – NON DELEGATED

There was submitted Report No LB28/15 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.

Adam Mann

The Board considered information received from the Police Scotland in relation to an application for the grant of a personal licence received on 24 February 2015 from Adam Mann.

The applicant was not present.

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

8. APPLICATIONS FOR OCCASIONAL LICENCES

There was submitted Report No LB29/15 by the Clerk on applications received for occasional licences under the Licensing (Scotland) Act 2005 which required to be determined by the Board, as detailed in the Appendix to the Report.

(a) Montrose Music Festival

The Board considered an application from Claire Carle for Montrose Music Festival Ltd requesting an occasional licence in respect of an external area of Montrose High Street, as detailed in the plan attached to the Report for Saturday 23 May and Sunday 24 May 2015.

The Board noted that the licensed hours requested when alcohol would be sold for consumption on the premises was between 11.00 to 20.00 hours on Saturday 23 May and between 13.00 and 18.00 hours on Sunday 24 May 2015. The Board noted that the area requested was part of a byelaw area where the consumption of alcohol was prohibited unless an occasional licence was in operation.

Mr Paton, a representative was present and addressed the Board.

Members of the Board asked various questions and Sergeant Bethway, Police Scotland advised that they had no objections to the application.

The Board agreed that the application be granted subject to the contents of the Alcohol Management Plan.

Councillor King asked that his dissent be recorded from the foregoing decision.

(b) Market Arms, Montrose – External Area – Montrose High Street

The Board considered an application from Sharon Dorward, a personal licence holder requesting an occasional licence in respect of an external area of Montrose High Street, opposite Market Arms, Montrose, 95 High Street, Montrose as detailed in the plan attached to the report for Saturday 23 May and Sunday 24 May 2015 in connection with Montrose Music Festival. The hours requested when alcohol would be sold for consumption were between 11am and 7pm.

Mrs Hood, agent for the applicant addressed the Board and Mr Dorward who was also present answered questions from Board members and advised them that the area was too small and busy for the provision of waiter service to the outdoor area.

The Board agreed that the application be granted subject to the contents of the Alcohol Management Plan.

Councillor King asked that his dissent be recorded from the foregoing decision.

9. REQUEST TO RELIEVE THE FAILURE TO COMPLY WITH A PROCEDURAL REQUIREMENT – CATH RENNIES

There was submitted Report No LB 30/15 by the Clerk advising the Board of a request for the Board to relieve an applicant of a failure to comply with a procedural requirement which required to be determined by the Board.

Mrs Hood, the licence holders agent addressed the Board during which she explained the circumstances of the transfer in respect of premises at Cath Rennies, 2 Mattocks Road, Wellbank.

The Board agreed to relieve the failure to comply with the procedural requirement.

10. REQUEST TO RELIEVE FAILURE TO COMPLY WITH RULES AND OTHER REQUIREMENTS – THE SWAN RESTAURANT, KIRRIEMUIR.

With reference to Article 8 (e) of the minute of meeting of this Board of 2 April 2015, there was submitted Report No LB 31/15 by the Clerk advising the Board to consider representations from the holder of a Premises Licence which the Board had revoked at the meeting on 2 April 2015.

Ms McKeown, the licence holders agent addressed the Board during which it was noted the outstanding annual fees had now been paid in full.

The Board agreed to revoke its decision of 2 April 2015 and reinstate the Premises Licence for The Swan Restaurant, Kirriemuir.

11. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB32/15 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 14 March 2015 to 27 April 2015, 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 33/15 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 14 March 2015 to 27 April 2015, 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 34/15 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 14 March 2015 to 27 April 2015, 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 35/15 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 31 January 2015 to 27 April 2015, 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 36/15 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 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 Strathmore Bar, 88-92 West High Street, Forfar be removed from the register.

The Board considered the following item as an urgent item as there was no further Board meeting to consider the application before the date of the event.

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

There was submitted an application received to extend the licensed hours in respect of Sharkys Bar, 21 George Street, Montrose under the Licensing (Scotland) Act 2005, which required to be determined by the Board, as detailed in the application circulated to Board members.

(a) Sharkys Bar, Montrose

The Board considered an application from Carl Glanville in respect of Sharkys Bar, 21 George Street, Montrose for an extension of 1 hour to 2am at the end of normal trading on Saturday 23 May and Sunday 24 May 2015 for the Montrose Music Festival.

The Board agreed to grant the extension of one hour at the end of trading on Saturday 23 May and Sunday 24 May but on condition that all live music ceases at 1.30am, last orders being called at 1.45am and the bar being cleared by 2am.

17. VALEDICTORY

The Convener advised members that this was the last meeting of the Board that Iain Johnstone, would attend as he was retiring from his post of Licensing Standards Officer at the end of May. The Members wished him a long and happy retirement and thanked him for all the work that he had carried out in connection with licencing duties.

14 may 2015.