

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 19 February 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

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 8 January 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 7/15 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) Presentation Products, Arbroath

The Board considered an application from Presentation Products Ltd, Dundee Road, Arbroath for the grant of a provisional premises licence (off sales) in respect of premises at Presentation Products (Scotland) Ltd, Dundee Street, Arbroath.

Mr Greer, Premises Manager was present and addressed the Board.

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 LB8/15 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) Abbey Bowling Club, Arbroath

The Board considered an application from Abbey Bowling Club to vary a premises licence in respect of premises at Abbey Bowling Club, Walker Place, Arbroath to allow them to amend their operating plan to include:-

- (i) the licence being amended from a qualifying club to a full licence in order to allow private functions including receptions and club and group meetings in accordance with club permissions and to permit non-club members. The premises manager to be Kay Paton;
- (ii) the variation of the premises licence to include off sales Monday to Sunday 11am to 22.00;

- (iii) the variation of the premises licence to include an outdoor drinking area. The applicant has advised that no bar sales in the outdoor area and no glass bottles were to be taking into the outdoor area. The overall capacity of the premises to remain unchanged; and
- (iv) children and young persons aged 0 to 17 years to be permitted entry to outdoor drinking area, in addition to existing areas.

Mr Jim Crighton, President of the Club, addressed the Board.

The Board agreed to grant the variation 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) Busbys (The Yard), Montrose**

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 an extension 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.
- (iv) children and Young Persons aged 0 to 17 years to be permitted entry to the premises. Baby changing facilities to be provided.

The Board noted that a late letter of representation from Police Scotland dated 11 December 2014 had been received outwith the statutory time limit for representations or objections.

After hearing from Sergeant Bethway, Police Scotland who explained the reasons for the letter being received late and noting that the applicant had no objection to the representation being considered the letter dated 11 December 2014 was circulated to the Board for consideration.

Mr Smith and Ms Thomson addressed the Board regarding the contents of the letter from Police Scotland dated 11 December 2014 and advised the members that under the Freedom of Information Act 2000 they had requested further information from Police Scotland regarding the incidents detailed in the letter.

Sergeant Bethway addressed the Board and advised them that a further three incidents had taken place since the letter had been sent.

The Board agreed to defer consideration of this application to allow sufficient time for the information from Police Scotland to be sent to the applicant and Board members for consideration.

## **6. PERSONAL LICENCE REFRESHER TRAINING**

There was submitted Report No LB9/15 by the Clerk advising members of the number of Personal Licence Holders who are licensed by Angus Council and who required to undertake refresher training in accordance with the Licensing (Scotland) Act 2005.

The report advised that Personal Licence Holders were not only obliged to undertake refresher training but they had to exhibit the necessary certificate to the Board within three months of the deadline for undertaking refresher training. Accordingly, prior to 30 November 2014, the Board should have received 578 refresher training certificates from individuals in the event that they wished their personal licence to continue in force.

Despite the efforts undertaken by the Board to inform Personal Licence Holders of the legal obligations incumbent upon them, as at 30 November 2014, the Board had only received 321 notifications that the requisite refresher training had been undertaken. 51 licences were surrendered and three licensees were deceased. Accordingly 203 letters were sent to individuals informing them that their licences had been revoked in accordance with the legislation.

The Board agreed to:-

- (i) note that the first batch of Personal Licence Holders were obliged to undertake refresher training no later than 31 August 2014;
- (ii) note that as at 31 August 2014, 578 Personal Licence Holders should have undertaken refresher training;
- (ii) note that various reminders were sent out to Licence Holders, providing information on the refresher retraining requirements and information was made available to licensees through the Council's web pages, Council press releases and visits by the Council's Licensing Standards Officer;
- (iv) note that a number of Designated Premises Managers do not appear to have completed the requisite refresher training, which may mean that alcohol can no longer be sold from the licensed premises; and
- (v) endorse the action taken by the Clerk in accordance with the provisions of the 2005 Act and approve that such action be repeated in respect of personal licence holders who are obliged to undertake refresher training after 31 August 2014.

## **7. PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005 - LICENCE REVIEW PROPOSAL**

There was submitted Report No LB10/15 by the Clerk advising members of the non payment of Annual Fees under the Licensing (Scotland) Act 2005 ("the 2005 Act") as detailed in the Appendix to the Report which the Board may wish to consider and take action.

The Board noted the position and agreed to hold a review hearing on Thursday 2 April 2015 in respect of the premises as detailed in the Appendix to the Report.

**8. CHIEF CONSTABLES REPORT TO ANGUS LICENSING BOARD**

There was submitted and noted Report No LB11/15 by the Clerk which presented the Chief Constables Report to the Angus Licensing Board for the period 1 April 2013 to 31 March 2014 attached as an Appendix to the Report.

**9. PERSONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB12/15 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 12 December 2014 to 30 January 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 LB13/15 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 12 December 2014 to 30 January 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 LB14/15 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 12 December 2014 to 30 January 2015, in accordance with the Scheme of Delegation appended to the Licensing Policy.

**12. EXTENDED HOURS – DELEGATED APPROVALS**

There was submitted and noted Report No LB15/15 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 12 December 2014 to 30 January 2015, in accordance with the scheme of delegation appended to the Licensing Policy.

**13. REVIEW OF MISCELLANEOUS FEES**

With reference to Article 7 of the minute of meeting of this Board of 20 February 2014 there was submitted Report No LB16/15 by the Clerk seeking approval to increase certain fees in relation to the processing of certain applications under the Licensing (Scotland) Act 2005. The type of applications where fees required to be fixed and the suggested fees were attached as an Appendix to the Report.

The Board agreed:-

- (i) to approve the revised fee structure contained in Appendix 1; and
- (ii) that the implementation date be 1 April 2015.