

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 25 September 2014 at 10.00am.

**Present:** Councillors CRAIG FOTHERINGHAM, ALEX KING, BRIAN BOYD, LYNNE DEVINE, DAVID FAIRWEATHER, SHEILA HANDS, JIM HOUSTON, 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 David Lumgair.

## 2. DECLARATIONS OF INTEREST

Councillor Fairweather declared an interest in Item 5 as the applicant was known to him. He advised that he would be taking part in any discussion and voting.

Councillor Houston declared an interest in Item 4 (a) as he had given advice to the proprietor of the establishment. 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 7 August 2014 was approved as a correct record and signed by the Convener subject to the undernoted amendment:-

Councillor Valentine advised that as regards his declaration of interest he had left the meeting for this item 5 (f) and did not take part in any discussion and voting.

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

There was submitted Report No LB 49/14 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) Dalhousie Bar, Brechin

The Board considered an application from Rustic Bars Limited for the grant of a provisional premises licence (off/on sales) in respect of premises at Dalhousie Bar, 1 Market Street, Brechin

The applicant's agent, Mr Middleton was present and addressed the Board during which he confirmed that his client was content with the capacity of the public bar area being 60 and the games room being 34.

Members then asked various questions of the applicant after which Mr Middleton summed up.

The Board agreed to grant the application subject to Local Children's Conditions, a noise management plan being submitted and the access to the beer garden being taken from the games room.

### (b) Brechin Castle Garden Centre

The Board considered an application from Brechin Castle Centre for the grant of a premises licence (off/on sales) in respect of premises at Brechin Castle Garden Centre, Haughmuir, Brechin.

The applicant's agent, Miss Fotheringham was present and addressed the Board during which she confirmed that the off sales area would be fully supervised at all times and that CCTV would operate in this area.

Members then asked various questions of the applicant after which Miss Fotheringham summed up.

The Board agreed to grant the application subject to the Statutory Conditions and subject to the area being monitored by CCTV.

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

There was submitted Report No LB50/14 by the Clerk on an application to vary 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 Pageant, Arbroath**

The Board considered an application from Rosemount Taverns Ltd to vary a premises licence in respect of premises at The Pageant, 10 Kirk Square, Arbroath 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 11:00am; and
- (ii) Thursday terminal hour to be amended from existing 12 midnight to 1am.

The applicant, Mr Dear was present and addressed the Board during which he advised them that he would be providing hot food up to midnight on Thursday evenings.

The Board agreed to grant the variation application subject to the sale of freshly cooked hot food being available up to 12 midnight on Thursday evenings.

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

There was submitted Report No LB51/14 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.

### **Diane Clarke**

The Board considered information received from the Police Scotland in relation to an application for the grant of a personal licence received on 25 July 2014 from Diane Clarke.

The applicant was present and addressed the Board.

Sergeant Bethway, Police Scotland then spoke on the contents of the letter dated 25 July 2014 and gave details of the current conviction detailed in the letter.

The Board agreed that the application be granted.

## **7. ARRANGEMENTS FOR CHRISTMAS AND NEW YEAR**

There was submitted Report No LB 52/14 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 2014/15.

The Board agreed:-

- (i) to note that the Board's Policy permitted on sale premises 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 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 in respect of Christmas and New Year could not be guaranteed unless they were received by the Clerk no later than Friday 28 November 2014;
- (vi) that notwithstanding (i) above, no premises would be allowed to open beyond 2am; 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 2014 outwith the hours specified in Section 6 of the Board's Policy.

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

There was submitted and noted Report No LB53/14 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 5 July 2014 to 27 August 2014, in accordance with the Scheme of Delegation appended to the Licensing Policy.

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

There was submitted and noted Report No LB54/14 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 5 July 2014 to 27 August 2014, in accordance with the Scheme of Delegation appended to the Licensing Policy.

#### **10. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS**

There was submitted and noted Report No LB55/14 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 5 July 2014 to 27 August 2014, in accordance with the Scheme of Delegation appended to the Licensing Policy.

#### **11. CONFIRMATION OF PROVISIONAL PREMISES LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB56/14 by the Clerk advising members of applications for confirmation of provisional premises licences under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 25 April 2014 to 27 August 2014, in accordance with the Scheme of Delegation appended to the Licensing Policy.