

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 2 November 2017 at 10.00am.

Present: Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, COLIN BROWN, BRIAN BOYD, BRENDA DURNO, DAVID FAIRWEATHER, ALEX KING, DAVID LUMGAIR, GAVIN NICOL AND BETH WHITESIDE.

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGIES

No apologies were intimated.

2. DECLARATIONS OF INTEREST

Councillor Fotheringham declared an interest in item 10 (Report No LB 54/17) as in his capacity, as a local member, he had been contacted by the objector but gave no advice. He indicated that he would take part in any discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 14 September 2017 was approved as a correct record and signed by the Convener.

4. PROVISIONAL PREMISES LICENCE – UNDER THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB 48/17 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) Gray Harlings, East Links, Montrose

The Board considered an application from Framework Property Development Limited, 5 Traill Drive, East Links, Montrose, DD10 8SW for the grant of a premises licence (on sales) in respect of premises at 5 Traill Drive, East Links, Carnoustie.

The Board noted that a late objection had been received from the Head of Housing, Regulatory and Protective Services. Mr Easson, Service Manager, Environmental Health advised the Board that the objection had been submitted late due to a staff oversight. The Board agreed that the objection be circulated to members.

Mr Watson, the applicant, addressed the Board after which members asked him various questions.

Dr Purdhoë, an objector then addressed the Board during which he played an audio recording of the extent of the noise. He advised that the anti social behaviour associated with the premises was a serious issue and was affecting his family life.

The Board then heard from PC Reid who advised that since 2001 only one complaint had been logged in 2016 against the premises.

The Board then heard from Mr Easson, Service Manager, Environmental Health who advised of his concerns regarding the issue of outdoor drinking.

Mr Watson then summed up

The Board agreed to grant the provisional application, subject to the Statutory Conditions and the following additional conditions:-

- (i) that the hours of the licence on a Friday and Saturday be 11.00 to 24.00
- (ii) that outdoor drinking be only permitted within the patio area to the east of the premises, the courtyard and gazebo. Alcohol consumption in any other outdoor area on the premises is prohibited;

- (iii) patrons shall not be permitted to use the external drinking areas beyond 21.00;
- (iv) no music shall be provided in the external drinking area; and
- (v) no music or amplified sound being provided anywhere within the licensed premises with the intention of it being heard within the external drinking area.

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

There was submitted Report No LB 49/17 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) 140 EAST END BAR AND NOVA SUITE, BRECHIN

With reference to article 4 (b) of the minute of meeting of this Board of 14 September 2017, the Board considered an application from Douglas Walker to vary a premises licence (on sales) in respect of premises at 140 East End Bar and Nova Suite, 91 Montrose Street, Brechin to allow him to amend the operating plan.

Mr Shaw, a representative for the applicant was present and addressed the Board.

The Clerk reported that the applicant had not completed and returned the noise management plan.

After hearing from Mr Easson, Service Manager, Environmental Health the Board agreed that the application be deferred to the Board meeting on 4 January 2018 to allow the noise management plan to be submitted.

(b) LIDL UK, GMBH, GRAVESEND, ARBROATH

The Board considered an application from Lidl UK, Gmbh, 19 Warple Road, London to vary a premises licence (off sales) in respect of premises at Lidl UK, GMBH, 2 Gravesend, Arbroath to allow them to amend their operating plan to:-

- (i) increase the alcohol display capacity from 47.39m² to 48.88 m² all year round plus an additional increase of 7.12m.² from 1 December each year to 2 January of the following year.

Andrew Hunter, Legal Agent, for the applicant addressed the Board.

Following discussion, the Board agreed that the application be granted.

(c) Gala Club, 131 High Street, Arbroath

The Board considered an application from Gala Leisure Ltd, to vary a premises licence (on sales) in respect of premises at 131 High Street, Arbroath to allow them to amend their operating plan to:-

- (i) vary the On Sales operating hours from 12 noon (12.30pm on a Sunday) to 11am and from 23.00 hours to 01.00 hours – hours requested – Monday to Sunday 11.00 to 01.00
- (ii) to vary off sales hours on a Monday to Sunday 11:00 to 22:00 to enable alcohol such as wine to be provided as prizes for consumption off the premises. Any alcohol taken from the premises shall only be done so in sealed containers;
- (iii) to alter the address of the premises from 131 High Street to 141 High Street; and
- (iv) to add additional activities – gaming out with core hours.

The applicant's legal agent, Mr McIver was present and addressed the Board during which he confirmed that his client would be content to amend the hours requested on a Sunday to Thursday from 01.00 to 12 midnight.

The Board agreed to grant the application subject to the hours being amended on a Sunday to Thursday from 01.00 to 12 midnight.

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

There was submitted Report No LB 50/17 by the Clerk on an application received to extend the licensed hours in respect of 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) DeVito's Night Club, 11 Millgate Loan, Arbroath

The Board considered an application from Bellrock Property Ltd requesting an extension of two additional hours to their normal trading hours on:-

Monday 25 December 2017, Tuesday 26 December 2017, Monday 1 January 2018 and Tuesday 2 January 2018, as detailed in the Report.

Mrs Hood, the applicant's agent was present and addressed the Board.

The Board noted that Monday 25 December 2017 and Monday 1 January 2018 were in accordance with the Boards Supplementary Statement of Policy and therefore fell within policy.

The Board agreed that the application be granted for the extended hours 22.30 – 02.00 for Tuesday 26 December 2017 and Tuesday 2 January 2018.

7. NEW PERSONAL LICENCE – NOTICE OF CONVICTION

With reference to Article 6 of the minute of meeting of this Board of 14 September 2017, there was submitted Report No LB 51/17 by the Clerk informing members of correspondence received from the Chief Constable giving notice of a conviction in terms of section 73 (3) (b) of the Act in respect of a new personal licence application received on 14 June 2017 from Chloe McGregor.

The members noted the contents of the correspondence received from the Chief Constable dated 7 July 2017.

Ms McGregor was present and addressed the Board.

PC Reid, Police Scotland then gave details of the conviction.

The Board agreed to grant the application.

8. CURRENT PERSONAL LICENCE – NOTICE OF CONVICTION

With reference to Article 7 of the minute of meeting of this Board of 14 September 2017, there was submitted Report No LB 52/17 by the Clerk informing the members of correspondence received from the Chief Constable advising that the Personal Licence Holder, Carol Read, had acted in a manner which was inconsistent with a licensing objective.

The members noted the contents of the correspondence received from the Chief Constable dated 2 June 2017 and noted that the Licence holder, who had been invited to attend the Board, was not present.

The Board agreed to make an order revoking the licence with immediate effect.

9. REVIEW OF STATEMENT OF LICENSING BOARD POLICY

With reference to Article 6 of the minute of meeting of this Board of 26 September 2013, there was submitted Report No LB 53/17 by the Clerk advising the Board of the requirement to review the Board's Statement of Licensing Policy and approve the review process.

The Board agreed:-

- (i) to note the requirement for the Board to review its Statement of Licensing Policy;
- (ii) to approve the process for carrying out the review; and
- (iii) to identify any particular aspect of the Board's current Statement of Licensing Policy and Supplementary Statement of Licensing Policy that it would, in particular, wish to be considered as part of the review.

10. LICENCE REVIEW UNDER THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB 54/17 by the Clerk advising members of an application for a review of a premises licence.

The Board noted that a Premises Licence Review Application had been received from an adjacent neighbour, Mr Byres in respect of Forbes of Kingennie Country Resort as detailed in Appendix 1 to the Report.

The Board noted that Mr Byers had agreed that the application for a review of the premises be deferred to allow the owners to install some noise prevention measures.

The Board agreed that the application be deferred to the meeting on Thursday 4 January 2018 to allow the noise measures to take place.

11. CHIEF CONSTABLE'S REPORT TO ANGUS LICENSING BOARD

There was submitted and noted Report No LB 55/17 by the Clerk which presented the Chief Constable's Report to the Angus Licensing Board for the period 1 April 2016 to 31 March 2017 attached as an Appendix to the Report.

12. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 56/17 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 18 August 2017 to 11 October 2017, in accordance with the Scheme of Delegation appended to the Licensing Policy.

13. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 57/17 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 18 August 2017 to 11 October 2017, in accordance with the Scheme of Delegation appended to the Licensing Policy.

14. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 58/17 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 18 August 2017 to 11 October 2017, 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 59/17 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 European Food Store, 41 High Street, Arbroath be removed from the register.