

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 22 February 2018 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Beth Whiteside.

2. DECLARATIONS OF INTEREST

Councillor Fotheringham declared an interest in item 5 (Report No LB 15/18) as in his capacity, as a local member, he had been contacted by Mr Byers, an objector but gave no advice. He indicated that he would not take part in any discussion and voting and would leave the meeting during consideration of this item.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 4 January 2018 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 14/18 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) The Stag Hotel, 142 – 144 Castle Street, Forfar

The Board considered an application from Graeme Campbell to vary a premises licence in respect of premises at The Stag, 142 – 144 Castle Street, Forfar to allow them to amend their operating plan to:-

- (i) vary the on/off sales operating hours on Sunday from the existing hours commencing at 12:30pm to commence at 11am;
- (ii) include activities as follows:-

bar meals and recorded music to be provided outwith core licensed hours.

all current activities outwith core licensed hours to commence at 7.30am and continue through core hours but not take place after core hours. Alcohol only to be sold during core hours or extended hours.

include as activities: - dance facilities (within core hours only); theatre (within core hours only); films (within and outwith core hours); indoor and outdoor sports (within core hours); gaming (within core hours); televised sports (within and outwith core hours).

other activities to include comedian, magician, film for conferences and as part of TV offering, occasional race nights, casino nights, poker nights (no under 18s to be permitted in the part of the premises in which gaming activities will take place), food and drink tastings/matchings, cocktail demonstrations, promotions and product launches. Breakfasts, teas, coffees, snacks, ice creams, meals, ancillary take-away food and refreshments;

- (iii) allow children to be allowed access to all public parts of the premises subject to the appropriate local Children's conditions which will apply;
- (iv) include Christmas Eve, Christmas Day, Hogmanay and New Year's Day as seasonal variations in addition to any general extension of hours offered by Angus Licensing Board; and
- (v) change the date of birth in respect of the Premises Manager.

Mrs Hood, agent for the applicant was present and addressed the Board during which she explained the reasons for the variations.

The Board agreed that the application be granted.

(b) Dobbies Garden World, Eathiebeaton Park, Monifieth

The Board considered an application from Dobbies Garden Centres Ltd to vary a premises licence in respect of premises at Dobbies Garden World, Eathiebeaton Park, Monifieth to allow them to amend their operating plan to:-

- (i) vary the hours when alcohol would be sold for consumption off the premises:- Monday to Sunday 10am to 10pm and to include the provision of an off-sales display area within the food hall;
- (ii) include activities as follows: - allow recorded music to be played throughout the premises. Live music to be played in the restaurant on occasions and in connection with any functions/events as required;
- (iii) allow children aged 12 years and over access to the restaurant unaccompanied. Children under 12 years to be accompanied by an adult;
allow young person's unaccompanied access at all times and allow children and young person's entry to all public parts of the premises; and
- (iv) take account of the new layout plan provided.

Ms Simpson, agent for the applicant, was present and addressed the Board during which she explained that the variations requested would help bring this store into line with all the other Dobbie's stores. She also requested that condition 2 (c) of the local Children's conditions be disregarded.

The Board agreed that the application be granted subject to the local Children's conditions but with the deletion of condition 2(c).

(c) Piperdam Golf and Leisure Resort, Piperdam, Fowlis

The Board considered an application from Piperdam Golf and Leisure Resort Ltd to vary a premises licence in respect of premises at Piperdam Golf and Leisure Resort Ltd, Fowlis to allow them to amend their operating plan to:-

- (i) vary parts of the premises to which children and young persons would be allowed entry:- to include the multi-purpose hall and the three party rooms; and
- (ii) amend the capacity of the premises by adding the multi-purpose hall – capacity of 250 persons and the three party rooms to each have a capacity of 86 persons.

Mr Clancy, agent for the applicant, was present and addressed the Board during which he explained that due to an oversight within the application form, his client now wished to increase the capacity of the multi-purpose hall from 250 persons to 450 persons.

Discussion took place regarding the request and Mr Murray, Building Standards Manager addressed the Board during which he advised that although he had no issues with the increased capacity, other consultees had not been given the option to respond to this proposal.

In light of the views received, Mr Clancy advised the Board that his client would be happy to proceed with the original application and would submit a further application for the proposed increased capacity at a later date.

The Board agreed that the application be granted.

(d) ROYAL BRITISH LEGION, SCOTLAND, CARNOUSTIE BRANCH, 88 DUNDEE STREET, CARNOUSTIE

The Board considered an application from the Royal British Legion Scotland (Carnoustie Branch) to vary a premises licence (on sales) in respect of premises at 88 Dundee Street, Carnoustie to allow them to amend their operating plan to:-

- (i) vary the core times when alcohol would be sold for consumption on the premises by amending the Sunday opening times from 12.30pm to 11am and amending the terminal hour on a Saturday from 00.30 to 00.45;
- (ii) provide recorded music during core hours;
- (iii) change the licence type from a qualifying club to a full premises licence (including appointment of a premises manager); and
- (iv) permit children into the function room where there were no bar facilities and only from opening time until 9.00pm.

Mr Paton, a representative for the Royal British Legion addressed the Board.

The Board agreed that the application be granted.

Councillor Fotheringham having declared an interest at Article 2 above, left the meeting during consideration of the following item. Councillor Moore, Vice Convener, took the chair for item 5.

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

With reference to Article 6 of the minute of meeting of this Board of 4 January 2018, when it was agreed that Environmental Health conduct further noise nuisance tests and report back, there was submitted Report No LB 15/18 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 Byers in respect of Forbes of Kingennie Country Resort as detailed in Appendix 1 to the Report.

Mr Ball, Head of Housing, Regulatory and Protective Services addressed the Board on the findings of the noise nuisance tests which had taken place on 26 January and 9 February 2018. He advised that the readings were satisfactory and had concluded that any noise coming from the premises were not sufficient to cause a nuisance.

The Board then heard from Mr Byers who advised them that the noise issues coming from the premises had improved due to the new noise prevention measures installed by the owners, which had made a significant difference. However, he requested that the premises keep all windows closed when holding any events that had live music.

Mrs Hood, the agent for Forbes of Kingennie then addressed the Board and confirmed that her clients had installed a number of noise prevention measures to help alleviate any noise issues coming from the premises. She advised that her clients had also installed air conditioning so that the windows of the premises could remain closed to help prevent any noise issues. She also advised that her clients were currently looking at planting trees to the side of Mr Byer's house to help block any noise.

Members asked various questions of Mr Byers and Mrs Hood.

The Board agreed:-

- (i) that the information before the Board did not disclose a ground for review; and
- (ii) to note that the premises licence holders of Forbes of Kingennie, had given an undertaking to keep doors, windows and curtains closed when there were any functions on in the premises that involved live music.

Councillor Fotheringham re-joined the meeting and re-took the chair at this stage.

6. REVIEW OF MISCELLANEOUS FEES

With reference to Article 10 of the minute of meeting of this Board of 5 January 2017 there was submitted Report No LB 16/18 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 2018.

7. PERSONAL LICENCE – NOTICE OF CONVICTION

With reference to Article 9 of the minute of meeting of this Board of 4 January 2018, there was submitted Report No LB 17/18 by the Clerk informing members of correspondence received from the Chief Constable giving notice of a conviction in terms of section 84 (4) (b) of the Act in respect of Paul James, a personal licence holder.

The Board noted that Mr James had surrendered his Personal licence, consequently the Report had been withdrawn.

8. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 18/18 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 December 2017 to 18 January 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.

9. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 19/18 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 December 2017 to 18 January 2018, 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 LB 20/18 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 December 2017 to 18 January 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.

11. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 21/18 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 11 October to 18 January 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.