

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 5 April 2018 at 10.00am.

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

Councillor Moore, Vice Convener, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Craig Fotheringham.

2. DECLARATIONS OF INTEREST

The Board agreed to note that no declarations of interest were made.

3. CLERK TO THE BOARD

The Board noted that due to the retirement of Sheona Hunter on 31 March 2018, David Thompson had assumed the role of Clerk to the Board from 1 April 2018.

4. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Board held on 6 February and 22 February 2018 were approved as correct records and signed by the Convener.

5. NEW PREMISES LICENCE – UNDER THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB 22/18 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) Smugglers Tavern, 65 Ladybridge Street, Arbroath

The Board considered an application from Brian Toner for the grant of a premises licence (on/off sales) in respect of premises at Smugglers Tavern, 65 Ladybridge Street, Arbroath.

Ms McKeown, the applicant's agent, addressed the Board during which she confirmed that her client would be prepared to remove the fully enclosed drinking/smoking area to the rear of the premises should the Board have concerns with the access.

Discussion took place regarding the outside area and questions were asked of the agent in connection with the public access to this area. Ms McKeown confirmed that her client was agreeable to have this area deleted from his application.

The Board agreed to grant the application with the exclusion of the outside area, subject to the Statutory Conditions.

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

There was submitted Report No LB 23/18 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) Co-operative Store, 33 Roods, Kirriemuir

The Board considered an application from Co-operative Group Food Ltd to vary a premises licence in respect of premises at The Co-operative Store, 33 Roods, Kirriemuir to allow them to amend their operating plan to:-

- (i) change the premises name from Co-operative Store to Co-op;

- (ii) provide recorded background music within and outwith core hours. Products other than alcohol will be sold and ancillary consumer services will be provided; and
- (iii) include variation of layout to take account of store refit, resulting in an increase in capacity to 56.581m². The current capacity being 32.25m².

Ms McGuire, the applicant's agent was present and addressed the Board during which she explained the reasons for the variations and answered questions from members.

The Board agreed that the application be granted.

(b) Harbourside Grill, Arbroath

The Board considered an application from Julie Cull, 1 Heather Bank, Friockheim to vary a premises licence (on sales) in respect of premises at Harbourside Grill, Arbroath to allow them to amend their operating plan to:-

- (i) allow the provision of take-away facilities – hot and cold food, tea and coffee and soft drinks to be provided between the hours of 12 noon and 10pm; and
- (ii) change the address for the licence holder and premises manager.

The applicant addressed the Board.

The Board agreed that the application be granted.

7. APPLICATIONS FOR AN OCCASIONAL LICENCE

There was submitted Report No LB 24/16 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, High Street, Montrose

The Board considered an application from Anne Jenkins for Montrose Music Festival Ltd, a voluntary organisation, requesting an occasional licence in respect of the Montrose Music Festival on Montrose High Street, as detailed in Annexe A attached to the Report for Saturday 26 May 2018 – 11am to 6pm and Sunday 27 May 2018 – 1pm to 6pm.

Ms Jenkins, the applicant was present and addressed the Board following which members asked questions of the applicant.

The Board agreed that the application be granted subject to the mandatory and local conditions; the contents of the alcohol Management Plan as detailed in Annex C to the Report; and the following additional conditions:-

- (i) that stewarding be provided to the satisfaction of Police Scotland;
- (ii) that emergency vehicle access be maintained to the satisfaction of Scottish Fire and Rescue Services; and
- (iii) that the capacity of the enclosed licensed area be 600 people and should never be exceeded.

(b) Enclosed Outdoor Area, The Picture House, 12 Hume Street, Montrose

The Board considered an application from Greene King Retailing Ltd requesting an occasional licence in respect of an enclosed outside area at The Picture House, 12 Hume Street, Montrose for the Montrose Music Festival on Saturday 26 May and Sunday 27 May 2018 between the hours 11.00 and 20.00 hours.

Ms Halliday, the applicant's agent addressed the Board.

The Board agreed that the application be granted subject to the mandatory and local conditions; the contents of the Alcohol Management Plan as detailed in Appendix B to the Report; and the following additional conditions. -

- (i) stewarding to be provided to the satisfaction of Police Scotland;
- (ii) emergency vehicle access to be maintained to the satisfaction of emergency services;
- (iii) safe pedestrian passage to be maintained; kerbside ramps to be provided to facilitate prams and wheelchairs; and
- (iv) that the capacity of the enclosed licensed area be 120 people and should never be exceeded.

(c) Fenced outdoor Area, Market Arms, 95 High Street, Montrose

The Board considered an application from William Dorward, requesting an occasional licence in respect of an enclosed outside area adjacent to the Market Arms, 95 High Street, Montrose as detailed in the plan attached to the Report for Saturday 26 May and Sunday 27 May 2018 in connection with Montrose Music Festival. The hours requested when alcohol would be sold for consumption on the premises were between 11am and 6pm.

Mrs Hood, the applicant's agent addressed the Board and answered questions from Board members regarding the proposed barrier adjacent to the pedestrian walkway.

Councillor King expressed concern that this proposed barrier would prevent free access to the walkway and could result in pedestrians and disabled people having to find an alternative route.

Mrs Hood summed up and advised the Board that Police Scotland had requested this barrier however, the Stewards would be content to move it to allow any disabled person access.

The Board then heard from PC Reid, Police Scotland who advised that this barrier would help provide tighter controls on alcohol being consumed on the street.

Councillor Moore, seconded by Councillor King moved that the application be approved but that the proposed barrier be removed as it would prevent free access to the pedestrian walkway.

COUNCLLOR FAIRWEATHER, SECONDED BY COUNCLLOR BROWN, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE APPROVED AND THE BARRIER ADJACENT TO THE PEDESTRIAN WALK WAY REMAIN.

On a vote being taken, the members voted:-

For the motion:-

Councillors Moore and King (2)

For the amendment:-

Councillors Boyd, Brown, Durno, Fairweather, Lumgair, Nicol and Whiteside (7)

The amendment was declared carried and became the finding of the meeting resulting in the application being granted, subject to the mandatory and local conditions; the barrier being retained; and subject to the following additional conditions:-

- (i) stewarding to be provided to the satisfaction of Police Scotland;
- (ii) enclosed licensed area capacity of 100 people never to be exceeded;
- (iii) safe pedestrian passage to be maintained between the Market Arms and the licensed area; and

(iv) all drinks to be decanted into plastic containers at the point of sale.

(d) Star Hotel, 7 New Wynd, Montrose

The Board considered an application from David Bray, requesting an occasional licence in respect of an enclosed outside area at The Star Hotel, New Wynd, Montrose as detailed in the plan attached to the Report for Saturday 26 May and Sunday 27 May 2018 in connection with Montrose Music Festival. The hours requested when alcohol would be sold for consumption on the premises were between 11am and 8pm on Saturday 26 May and 11am and 6pm on Sunday 27 May 2018.

Mr Bray was present and addressed the Board.

The Board agreed that the application be granted, subject to the mandatory and local conditions and following additional conditions:-

- (i) stewarding to be provided to the satisfaction of Police Scotland;
- (ii) enclosed licensed area capacity of 32 people never to be exceeded; and
- (iii) all drinks to be decanted into plastic containers at the point of sale.

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

There was submitted Report No LB 25/18 by the Clerk on applications 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) 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 one hour to 2am at the end of normal trading on Friday 25 May and Saturday 26 May 2018 for the Montrose Music Festival.

Mr Bray was present and addressed the Board.

The Board agreed to grant an extension of 45 minutes at the end of trading on Friday 25 May and Saturday 26 May 2018 but on condition that all live music ceases at 1.30am and that SIA badged stewards remain present until the premises are cleared.

9. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 26/18 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 18 January to 7 March 2018 in accordance with the Scheme of Delegation appended to the Licensing Policy.

10. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 27/18 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 18 January to 7 March 2018, 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 LB 28/18 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 18 January to 7 March 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.