

**HayesM**

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**From:** Jim Glendinning <jimglendinning@hotmail.co.uk>  
**Sent:** 04 April 2018 14:33  
**To:** LAWlicensing  
**Subject:** PROPOSED PUBLIC HOUSE, 2A ST MALCOLMS WYND. KIRRIEMUIR

TO WHOM IT MAY CONCERN

I SHOULD LIKE TO GIVE MY STRONG OBJECTIONS TO THE POSSIBILITY OF THE COUNCIL GRANTING ANY SORT OF LICENSING FOR THIS PROPERTY. I UNDERSTAND AN "OCCASIONAL LICENCE" AND SOME SORT OF ENTERTAINMENT LICENCE HAS BEEN APPLIED FOR?? THIS WAS ONLY MADE AWARE TO FOLK THROUGH THE KIRRIE JUNGLE DRUMS, THOUGH A SMALL PIECE OF PAPER WAS RECENTLY NOTICED ON THE FIRE DOOR TO THE PREMISES WHICH IS ATOP A 23 STAIR METAL STAIRCASE, DOWN THE LANE, AND ONLY READABLE IF YOU VENTURE UP SAID STAIRWELL ( AT YOUR PERIL) BUT IN NO WAY IS IT VISIBLE TO ANYONE PASSING BY. THEREFORE IT IS NOT PROPERLY POSTED. NOR WERE THE SURROUNDING BUSINESS/HOMES ADVISED OF ANY SAID PROPOSALS..ALSO THE DATES APPLIED FOR WERE 27/4 - 10/5, AND THIS POSTING WAS DATED 28/3 WHICH WOULD ONLY BE GIVING 4 WEEKS NOTICE WHERE LICENSING STIPULATES 42 DAYS/7 WEEKS NOTICE BEFORE THE EVENT?? ALSO DETAILS OF THE EVENT ARE VAGUE SERVING SEVERAL INTERESTS AND NOT THE ONE EVENT WE WERE UNDER THE IMPRESSION AN "OCCASIONAL LICENCE" WAS TO BE FOR. IF SAY THE EVENT WAS OUR PRESTIGEIOUS BON SCOTT WEEKEND WHICH IS AROUND THE 3RD MAY FOR THREE DAYS, THEN WHY WOULD THERE BE A NEED FOR 14 DAYS LICENCE?? THAT THEN WOULD BE "TRADING"???

AS YOU WILL BE AWARE KIRRIEMUIR HAS A SUFFICIENT, IF NOT NOW OVERPROVISION, AMOUNT OF LICENSED PREMISES IN THE TOWN ITSELF 3 OF WHICH ARE WITHIN 20 YDS THIS BUILDING. ALL OF WHICH OFFER EXACTLY THE SAME SERVICES AS THIS APPLICATION IS WANTING TO DO. THEREFORE IT WOULD NOT BE OFFERING ANYTHING EXTRA OR DIFFERENT TO THE TOWN OTHER THAN UNEMPLOYMENT AND THE RUINATION OF ANOTHER LICENSED BUSINESS. THERE IS NO WHEELCHAIR/DISABLED ACCESS AS THE ENTRANCE IS UP A 20+ STEP STAIRWELL. WHERE IS THE SENSE IN MORE ALCOHOLIC PREMISES WHEN THE EXISTING BUSINESS ARE STRUGGLING. IF IT WAS TAKING OVER ONE OF THE SEVERAL PREMISES THAT ARE ON THE MARKET AT PRESENT THEREFORE KEEPING THAT BUSINESS INTACT FINE, BUT THAT IS NOT THE CASE. IT IS NOT EVEN OFFERING NIGHTLIFE OR LATER FACILITIES THAT WOULD NOT ENCROACH ONTO EXISTING BUSINESS. THE WHOLE SCENARIO IS VERY STRANGE AND FLAWED IF THESE POPUP PUBS CAN JUST APPEAR WITHOUT PROPER ATTENTION TO SURROUNDING HOMES ETC AND NOTIFICATION TO ADVISE, NOT EVERYONE IS CHECKING COUNCIL WEBSITES FOR THE POSSIBILITY OF A BAR APPEARING OUTSIDE THEIR DOOR. THERE SHOULD BE COMPULSORY NOTIFICATION GIVEN FOR ALL SITUATIONS PERTAINING TO SERVICES AFFECTING ITS IMMEDIATE VICINITY, ESPECIALLY WHERE ALCOHOL/LARGE GATHERINGS WOULD BE INVOLVED. THE REQUIRED STATUTORY NOTICES SHOULD BE IN PLACE AND MORE RIGID DETAILING OF APPLICATIONS SHOULD BE IN PLACE BEFORE ANYONE CAN JUST "POPUP A PUB" FOLK SHOULDNT HAVE THE ABILITY TO PICK OUT THE PEAK PERIODS OF AN AREA, MAKE A KILLING AND MOVE ON WHEN THE EXISTING BUSINESS HAVE TO IMPLEMENT ALL THE DOS/DONTS REQUIRED THROUGH THE YEAR GOOD AND BAD..

THIS IS A HUGE THREAT AND WORRY TO MY BUSINESS AND LIVLIEHOOD AND I FEAR FOR THE FUTURE OF THE LICENSING TRADE IN THIS SPIRALLING OUT OF HAND GRANTING OF "OCCASIONAL LICENSING".

PLEASE RE-THINK GRANTING ANYMORE LICENSING PREMISES IN/AROUND ANGUS FOR SO CALLED "EVENTS" THAT MAY HARM EXISTING BUSINESS, AND PLEASE RE-THINK GRANTING ANYMORE LICENSES FOR THE TOWN OF KIRRIEMUIR UNLESS FOR CHARITABLE GAIN AND ONE OFF FUNCTIONS.

**THANK YOU FOR YOUR ATTENTION.**

**YOURS**

**MR JAMES GLENDINNING.  
PUBLICAN/HOME OWNER  
ROODS. KIRRIEMUIR**

**CandyT**

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**From:** syl glen <businessusage@hotmail.co.uk>  
**Sent:** 09 April 2018 12:46  
**To:** LAWlicensing  
**Subject:** Fw: RE;PROPOSED BUSINESS AT 2A ST MALCOLMS WYND - MR CRAIG MILNE

Please find attached my previous objection to the application for any type of liquor licence full, occasional or temporary in any way shape or form. This further public house facility within the town centre of Kirriemuir will be disastrous for the existing business and near neighbours. It is not what the town needs nor will it offer anything different as to what is on offer at the moment, which in respect is strugglt got to be slightly accepting when the business previously was the nightclub and only open two evenings at the weekend. As we were also working and then only had to persevere for a few hours early hours of the morning the blinds would be down then anyway. The over provision of licencing premise in the town, along with the 2 co-op stores who have off-licence facilities is more than ample in a media covering world of drink related incidents. Surely granting more of the same in such a small area is only fuelling the fire. This is a worry waiting to happen. I therefore ask please for the board to think long and hard over its granting of more licenced facilities in the area of the town.

Yours

MRS SYLVIA GLENDINNING  
ROODS, KIRRIEMUIR

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**From:** syl glen <businessusage@hotmail.co.uk>  
**Sent:** 03 April 2018 13:27:14  
**To:** lawlicensing@angus.gov.uk  
**Subject:** RE;PROPOSED BUSINESS AT 2A ST MALCOLMS WYND - MR CRAIG MILNE

DEAR SIR/MADAM

FURTHER TO MY TELEPHONE CONVERSATION TODAY WITH ANGUS LICENSING OFFICE I NOW PUT MY CONCERNS TO YOU IN WRITING. I HAVE HAD GRAVE CONCERNS AND OBJECTIONS TO THE PROPOSED APPLICATION FOR A NEW PUBLIC HOUSE AT THE ABOVE ADDRESS IN KIRRIEMUIR. I AM A CLOSE NEIGHBOUR OF THIS ESTABLISHMENT BUT ALSO A LOCAL PUBLICAN WHOS BUSINESS WILL BE SORELY AFFECTED WITH THE OPENING OF THIS ESTABLISHMENT. THIS USED TO BE THE LOCAL NIGHTCLUB WHICH DUE TO LACK OF FOOTFALL AND NUMEROUS TROUBLE CLOSED ITS DOORS OVER A YEAR AGO. THE OWNERS, WHO ALSO OWN THE PUBLIC HOUSE NEARBY HAD THEIR LATE LICENCE TRANSFERRED TO THEIR PUBLIC HOUSE AS TO FACILITATE THE EXTRA HOUR FOR ANY PATRONS STILL AROUND THE TOWN WHEN THE OTHER VENUES CLOSED. THEY THEN DECIDED TO LEASE OUT THE BUILDING TO A CHAP WHO DECIDED THAT THE OTHER ESTABLISHMENTS IN THE TOWN WERE DULL/BORING AND HE WOULD BRING SOMETHING BIGGER/BETTER TO LIVEN IT ALL UP???? OVER THE PAST MONTHS WE AND THE OTHER PUBLIC LICENSED PREMISES HAVE MADE NUMEROUS OBJECTIONS TO THIS VENUE RIGHT FROM THE PLANNING STAGES.. AS MOST OF THE CONCERNS WERE IN THE BUSINESS AREA PLANNING ADVISED THAT THEY ONLY WERE CONCERNED WITH THE BUILDING AND ITS WORKS RATHER THAN THE IMPACT ON EXISTING SAME BUSINESS??? WE WERE DIRECTED TO HAVE OUR CONCERNS/OBJECTIONS TO THE ACTUAL LODGING OF A LICENCEING APPLICATION.. WHILE IN THE MEANTIME THE PROPOSED BUSINESS IS WORKING AWAY AND KITTING ITSELF OUT FOR THE POSSIBILITY OF ALL SYSTEMS GO. NOW WE HAVE SAT BACK AWAITING THE EXPECTED PAPERWORK FROM ANGUS COUNCIL ADVISING OF THIS PROPOSED

APPLICATION ONLY TO BECOME AWARE OF THE LODGING OF NOT ONE BUT TWO??? APPLICATIONS FOR OCCASIONAL LICENCES TO RUN CONTINUOUSLY OVER A 4/5 WEEK PERIOD???? THIS IS INCREDULOUS , SO WHILE THE OTHER LICENSED PREMISES ARE STRUGGLING AND BENDING OVER BACKWARDS TO HAVE ALL PAPERWORK/LICENCES/PROPER USAGES IN PLACE ALONG COMES THE SAME BUSINESS WITHOUT NEEDING TO ADVISE A SOUL AND CAN SET UP SHOP AND TRADE AWAY???? THERE IS NO NEED FOR NOTIFICATIONS, NO NEED FOR CERTIFICATES FOR FIRE SAFETY/HEALTH/INSURANCES WHATEVER THERE SHOULD BE TO ESTABLISH THEM FOR TRADING IN THIS WAY??? SO THE FACT THAT IN THESE TIMES OF HIGH REGARD TO HEALTH/WELFARE, CURTAILMENT OF ALCOHOL ABUSING AND BOOZE CULTURE, ANGUS COUNCIL SEE FIT TO GRANT MORE LICENCES WILLYNILLY TO A PREMISE WITHIN 5 FEET OF THREE ESTABLISHED LICENSED PREMISES IN A SMALL TOWN WITH FIVE MORE ESTABLISHED LICENSED PREMISES.. OVERPROVISION IS WELL RIFE IN KIRRIEMUIR. IT IS NOT THAT THE EXISTING PREMISES DO NOT PROVIDE FOR THE TOWN IT IS THE TOWN DOES NOT PROVIDE FOR THE EXISTING PREMISES.. MAYBE IT IS THAT THE CULTURE OF KIRRIEMUIR IS NOW IN MORE RESERVED SOCIALISING RATHER THAN IN TOO MUCH LATE NIGHT REVELRY... BUT THAT SAID THE IMPACT OF ANOTHER SAME SERVICE ESTABLISHMENT BENEFITS NO-ONE.. AND WITH THIS BUILDING ON MY DOORSTEP IT WILL GREATLY IMPACT MY ABILITY TO MAKE A BASIC LIVING AND THAT OF MY TWO EMPLOYEES. AND THAT SIR/MADAM IS GREATLY A WORRY TO ME.. THIS IS NOT ABOUT IMPACTING ON NEW BUSINESS THIS IS ABOUT DRASTICALLY AFFECTING THE EXISTING BUSINESS TO THE THREAT OF CLOSURE. IF THIS PREMISES IS ALLOWED TO CONTINUE IT WILL HAVE A DRASTIC EFFECT ON THE TOWN. I WISH I COULD AT THIS MOMENT BE MORE ELOQUENT AND BUSINESSLIKE IN MY KNOWLEDGE AND SPEAK OF LICENSING LAWS ITS OBJECTIVES AND POLICIES, BUT AT THIS MOMENT I AM JUST A VERY CONCERNED MOTHER/GRANDMOTHER /WIFE WHO IS STRUGGLING AT PRESENT TO KEEP BUSINESS AND FAMILY ABOVE THE BREADLINE.. THIS APPLICATION IF ALLOWED TO GO AHEAD WILL BE VERY AFFECTING IN ITS ENTIRETY. BUT THAT SAID TO ALLOW EVEN ITS ABILITY TO HAVE GRANTED THIS FARCE OF AN OCCASIONAL ?? LICENSE WHICH IN EFFECT WILL ALLOW IT REALLY TO TRADE AS A BUSINESS OVER A PERIOD, WHICH IS POSSIBLY ONE OF KIRRIEMUIRS BUSIEST TIMES IN THE WHOLE YEAR IS A TRAVESTY. PLEASE PLEASE DO NOT ALLOW THIS BUSINESS TO OPEN OR TRADE. IT IS ANOTHER PUBLIC HOUSE GIVING THE EXACT SAME SERVICE AS EVERY OTHER ESTABLISHMENT STRUGGLING IN THE TOWN, NOTHING MORE. THIS CANNOT BE ALLOWED TO HAPPEN AND I WILL OBJECT WITH EVERY OUNCE OF STRENGTH THAT I HAVE AND TO THE HIGHEST COUNCIL IN THE COUNTRY BEFORE I WILL SEE IT OPEN. I LOOK FORWARD TO YOUR EARLIEST CONSIDERATION AND CONTACT.

YOURS SINCERELY,,

MRS SYLVIA GLENDINNING

12 ROODS, KIRRIEMUIR.

**From:** syl.glen  
**To:** LAW/licensing  
**Subject:** LICENSING OBJECTIONS TO 2A ST MALCOLMS WYND. KIRRIEMUIR  
**Date:** 03 April 2018 14:52:36

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DEAR SIR/MADAM

FURTHER TO MY PREVIOUS EMAIL REGARDING THE ABOVE, I SHOULD LIKE TO ADD THE FOLLOWING INFORMATION. I AM STILL VERY MUCH CONFUSED WITH THE CRITERIA REQUIRED FOR THE APPLICATION OF OCCASIONAL LICENCES.. I CANNOT UNDERSTAND WHY THERE IS NO REQUIREMENT TO THE APPLICANT TO POST NOTIFICATIONS, OR FOR SURROUNDING BUSINESS/HOMES TO BE ADVISED FOR UP AND COMING APPLICATIONS, IN AN APPROPRIATE TIMESCALE FOR THEM TO MAKE OBJECTIONS/CONCERNS??? REGARDING THIS PERSONS APPLICATION THE COUNCIL WEBSITE GIVES INFO TO THE FACT THAT A REQUIREMENT OF 7 WEEKS IS NEEDED BEFOREHAND WHEREAS THERE IS A POSSIBILITY THAT THIS APPLICATION HAS GIVEN ONLY 4/5 WEEKS NOTICE???? IT SEEMINGLY HAS REQUESTED SOME SORT OF ENTERTAINMENT LICENCING ABILITY WHICH I WOULD HAVE ASSUMED NEEDED THE REQUIRED NOTIFICATION SENT TO BUSINESS/HOMES WITHIN A CERTAIN VICINITY AND ALSO POSTED IN AN AREA WHERE IT CAN BE NOTED BY THE PUBLIC AND COMMENTED ON??? THIS HAS NOT BEEN DONE. THERE HAS BEEN NO DETAILS MADE PUBLIC AS TO WHO HAS THE REQUIRED LICENSING PAPERWORK/CERTIFICATES TO ALLOW THE OPENING/WORKING ON PREMISES TO SELL ALCOHOL??? THERE IS A SUBSTANTIAL AMOUNT OF CONCERN THAT THE REQUIRED LICENSING CONDITIONS ARE NOT BEING MET AND NO-ONE SEEMS TO BE ABLE TO ADVISE WHAT DETAILS THIS APPLICATION HAS TO ALLOW IT "IN ANY WAY" TO CONTINUE WITH ANY ALCOHOL RELATED BUSINESS. I WOULD APPRECIATE, AS PREVIOUSLY REQUESTED, A VERY EARLY CONTACT REGARDING THIS SITUATION.

YOURS SINCERELY,

MRS SYLVIA GLENDINNING  
07989887593

**From:** F. WILSON  
**To:** LAWlicensing  
**Subject:** The Attic Club, 2A St Malcom's Wynd, Kirriemuir: Occasional Licence  
**Date:** 03 April 2018 23:36:34

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Dear Ms Hunter,

Further to our recent exchange of letters, I wish to restate my objection to whatever 'is rumoured' to be taking place at the above named outlet, apparently with licensing court approval!

eg. The rumour is that an occasional licence is to be granted for a period of four weeks, which take in Bon Fest, plus key dates in the Scottish and English sporting calendars, with admission fees charged and the provision of food and drink for commercial gain! This in competition with readily available existing fully licensed premises offering similar services and provision of food, drink entertainment and sports coverage!

This would not be my understanding of an 'approved occasional licence' as one might expect in the case of a private function (not open to the general public), or, the situation in the Town Hall and the Bon Fest main event where there are no readily available alternative facilities beyond those provided by the 'occasional licence' within the venue itself

On your advice I checked the declaration of intent which an applicant is obliged to post on the subject premises, I found it difficult to access, having to move a door to locate it, and difficult to interpret and understand what exactly was being applied for:

Apart from the 'official' printed wording the only lines completed with explanation were

Venue - The Attic Club

Applied for: Entertainment Licence

Applicant Craig Milne (signed)

Date posted 27/3/18

There was no indication that I could see that would allow an interpretation or judgement as to what, if anything might be a threat to my licence in terms of possible overprovision, or indeed, understand what was actually being planned and during what period.

If this casual attention to the detail of a statutory notice is any indication of the duty requirement of a potential licensee then I fear for the interpretation and implementation of the five principles and objectives of a liquor licence that the rest of us are obliged to honour and implement. I am also appalled by the possibility that opportunists might cherry pick the most profitable trading periods through an occasional licence without the burdens of a full licence that have to be addressed through the lean months

I hereby oppose and object to the granting of any form of liquor licence at these premises at this time

Your sincerely

Edward D Wilson (Proprietor and Licensee - Three Bellies Brae.

**Thrums Hotel  
25 Bank Street  
Kirriemuir  
DD8 4BE**

Head of Licensing  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
4<sup>th</sup> April 2018

Dear Sir/Madam

**Application for Premises Licence, 2A St Malcolm's Wynd, Kirriemuir DD8 4HB**

We refer to the aforementioned licence application currently pending consideration by Angus Council. The application appears to be for an "occasional licence" covering a period between 27<sup>th</sup> April to 10<sup>th</sup> May 2018, the license type is a "premises licence", this current application is clearly a precursor to a full licence application and as such I would take this opportunity to express my serious concern with regard to an additional licence being granted within Kirriemuir at this time.

As you will be aware Section 4 of the 2005 Licensing Act 20065 provides a number of licensing objectives, one of these is "preventing public nuisance". I would submit that granting a further licence within this area of Kirriemuir, in very close proximity to existing residential properties and to the hotel rooms available within the Airlie Arms Hotel, will result in an intensification of public house activity within the area the consequence of which will be an unacceptable increase in noise and general anti-social activity to the detriment of existing local residents.

In addition, Section 7 of the Act requires the licensing policy to include a statement regarding over provision of licensed premises in any locality. The Licensing statement of Angus Council confirms that

"it has not been possible to identify any locality where data supports a robust and compelling argument that the prevalence of licensed premises has reached, or is close to reaching, overprovision. Therefore, there is no presumption against the granting of new licences within any locality within Angus. However, the Board recognises that each application for a premises licence requires to be determined on its own merits and the Board may still refuse an application if it is satisfied, from evidence presented to it, that there would be an overprovision of licensed premises in that locality if the application were to be granted"

In the current circumstances, I would submit that Kirriemuir currently has 13 licensed premises, 8 of which are located within the compact town centre. The current population of Kirriemuir is around

6000; therefore, it is fair and reasonable to conclude that overall there is an over provision of licensed premises within Kirriemuir. Further, I would submit that within the town centre of Kirriemuir 7 pubs exist and, within the particular area of the proposed new license, there are existing 3 pubs, The Roods Bar, Ogilvy Arms and Airlie Arms. As such I would submit that there is a clear overprovision of public houses within Kirriemuir town centre and no further licence should be granted at this time.

Further, and on a personal note, with over 25 years' operating a pub within Kirriemuir, it is clear that ALL the existing pubs in Kirriemuir are struggling to remain in business. It is a well-established fact that trading levels in small rural towns have dropped significantly over recent years. This is no doubt due to changing government policy, social media and a change in people's attitudes. All small rural towns have seen pubs close, to allow a new license at this time will, without question, lead to the closure of an existing business.

I would be grateful if you would take these comments into consideration in the determination of the current application and refuse to grant the licence as there is a clear over provision of public houses within Kirriemuir town centre and the granting of a further licence will, in my opinion, undoubtedly lead to the closure of another business. Further, the opening of a further pub within this small section of the town centre will result in further and unacceptable disturbance to the immediate residents

Yours Faithfully

Dave Clark

CC. Cllr. Proctor

Cllr. Macmillan-Douglas

Cllr. Bell