

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 17 May 2018 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

## 1. APOLOGY

An apology for absence was intimated on behalf of Councillor Gavin Nicol.

## 2. DECLARATIONS OF INTEREST

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

## 3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 5 April 2018 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 31/18 by the Clerk on an application received for a new provisional 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) Home Bargains Unit 1, Brechin Road, Montrose

The Board considered an application from T J Morris Ltd for the grant of a provisional premises licence (off sales) in respect of premises at Home Bargains, Unit 1, Brechin Road, Montrose.

The Clerk advised members that a late objection had been received on behalf of NHS Tayside and Angus Alcohol and Drugs Partnership. The Board agreed not to hear the late objection as the applicant had not received adequate notice of its contents.

Mr Crank, addressed the Board on behalf of Home Bargains and advised that these premises, which were due to open on 14 July 2018, would be very similar in layout to the other Home Bargain stores.

The Board agreed that the application be granted.

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

There was submitted Report No LB 32/18 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) The Attic Club, 2A St Malcolm's Wynd, Kirriemuir

The Board considered an application from Craig Milne for the grant of a premises licence (on/off sales) in respect of premises at The Attic Club, Upper floor, 2A St Malcolms Wynd, Kirriemuir.

Mr Milne, the applicant, addressed the Board during which he confirmed that the maximum capacity of the premises would be 199 persons. He then answered questions from members regarding the gaming area.

The Board then heard from Mr Glendinning, an objector who highlighted some issues with the premises.

Constable Reid, Police Scotland advised that they had no issues with the premises.

Various questions were asked of Mr Milne and he then summed up.

The Board agreed that the application be granted subject to the local Children's Conditions.

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

There was submitted Report No LB 33/18 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) Carnoustie Caledonia Golf Club, 7 Links Parade, Carnoustie**

The Board considered an application from Carnoustie Caledonia Golf Club to vary a premises licence in respect of premises at 7 Links Parade, Carnoustie to allow them to amend their operating plan to add core times when alcohol would be sold for consumption off the premises – Monday to Sunday 10am to 10pm.

The Board noted that the request to erect a Marquee within the grassed area at the front of the premises during golfing events had been withdrawn by the applicant.

Ms Laird, the manager was present and addressed the Board.

The Board agreed that the application be granted.

### **(b) LIDL UK GMBH, Queenswell Road, Forfar**

The Board considered an application from Lidl UK GMBH to vary a premises licence (off sales) in respect of premises at Queenswell Road, Forfar to allow them to amend their operating plan to increase the capacity from 40.59m<sup>2</sup> to 46.51m<sup>2</sup> all year round and include an additional increase of 9.54m<sup>2</sup> from 1 December each year to 2 January of the following year.

The Board noted the contents of a letter of objection from NHS Tayside and Angus Alcohol and Drugs Partnership dated 19 March 2018.

Mrs Hood, the applicant's agent addressed the Board during which she addressed the concerns detailed in the letter dated 19 March 2018 from NHS Tayside and Angus Alcohol and Drugs Partnership.

Ms Laura Kerr, Lead Officer, Alcohol & Drugs (Tayside), Angus Health and Social Care Partnership addressed the Board on the contents of the objection letter.

Members asked various questions of Ms Kerr.

Mrs Hood then summed up.

The Board agreed that the application be granted.

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

There was submitted Report No LB 34/18 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) Friockheim Bowling Club, Farnell Road, Friockheim**

The Board considered four applications received from Daniel Ross, Secretary, Friockheim Bowling Club requesting extensions to their normal trading hours on Sunday 3 June, Sunday 1 July, Sunday 26 August and Saturday 1 September 2018 in respect of four bowling competitions, as detailed in the Report.

Mr Lyons, a representative of the Club was present and addressed the Board.

The Board agreed:-

- (i) to grant an extension of 2½ hours at the commencement of trading on Sunday 3 June, Sunday 1 July and Sunday 26 August 2018; and
- (ii) to grant an extension of one hour at the commencement of trading on Saturday 1 September 2018.

**(b) Sharky's 21 George Street, Montrose**

The Board considered an application from Carl Glanville in respect of Sharky's, 21 George Street, Montrose for an extension to their normal trading hours on Friday 25 May, Saturday 26 May and Sunday 27 May 2018 of an additional 30 minutes at the end of normal trading for the Montrose Music Festival.

The Board agreed to grant an extension of 30 minutes at the end of trading on Friday 25 May, Saturday 26 May and Sunday 27 May 2018.

**8. APPLICATION FOR AN OCCASIONAL LICENCE**

There was submitted Report No LB 35/18 by the Clerk on an application received for an occasional 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 Open, Carnoustie Golf Club, Links Parade, Carnoustie.**

The Board considered an application from Ian Randall (Beverage Manager, Sodexo) requesting an occasional licence in respect of the 147<sup>th</sup> Open Golf Championships 2018 held at Carnoustie Golf Club, Links Parade, Carnoustie, as detailed in Annexe A attached to the Report, from Saturday 14 July to Tuesday 24 July 2018 for the hours:-

- (i) 10.00 to 00.00 for on sales; and
- (ii) 10.00 to 22.00 for off sales.

Ms Penny Lambert, addressed the Board on behalf of the applicant and answered questions.

The Board agreed that the application be approved, subject to the following additional conditions:-

- (i) Glassware to be used within marquees and on the decked areas connected to the marquees only. Glassware not to be used on the grassed areas.
- (ii) Disapply Local Condition D (ii).
- (iii) On sales hours to commence at 10am.
- (iv) Children to be permitted into bar areas under the supervision of a parent or other adult but children will not be permitted within 1.5m of a bar area.
- (v) Alcohol Management Plan for The Open 2018 to be an additional condition of the licence.
- (vi) Licensed area defined as per drawing titled Overall Alcohol Licence Boundary.
- (vii) Stewarding to be provided to the satisfaction of Police Scotland.
- (viii) Emergency vehicle access to be maintained to the satisfaction of Scottish Fire and Rescue Service.
- (ix) No children will be permitted in any facility selling alcohol beyond 9pm.

- (x) A complete list of all Personal Licence Holders working at the event shall be provided to the Clerk to the Angus Licensing Board at least 7 days before the event.
- (xi) The licence holder shall comply with any order or instruction given by any police officer in connection with any emergency or disturbance (including an order or instruction to close the premises or part thereof for a limited period) or on any occasion when such police officer in his or her discretion may consider it necessary, having regard to the licensing objectives, to give that order or instruction.
- (xii) Given the size and nature of the event and the possibility of weather or unforeseen circumstances necessitating changes to the way the event is operated, delegate authority to the Clerk to agree variations to the licence granted (including the Alcohol Management Plan and additional days if required) to ensure the effective and efficient operation of the Event. Such delegation would not include variations:-
  - (i) to the opening hours of the facilities selling alcohol;
  - (ii) the conditions under which children are permitted entry to facilities selling alcohol;
  - (iii) the requirement to use plastic vessels for the consumption of alcohol out with the facilities selling alcohol; and
  - (iv) which do not promote the licensing objectives.

**9. REQUEST TO RELIEVE THE FAILURE TO COMPLY WITH A PROCEDURAL REQUIREMENT – FINAVON HOTEL, BY FORFAR.**

There was submitted Report No LB 36/18 by the Clerk advising of a request for the Board to relieve an applicant of a failure to comply with a procedural requirement which required to be determined by the Board.

Mr Matthews, agent for the applicant addressed the Board during which he explained the circumstances of the transfer in respect of the premises Finavon Hotel, by Forfar. The Board then heard from the Licensing Standards Officer.

The Board agreed to relieve the failure to comply with the procedural requirement.

**10. REVIEW OF STATEMENT OF LICENSING BOARD POLICY**

With reference to Article 9 of the minute of meeting of this Board of 2 November 2017, there was submitted Report No LB 37/18 by the Clerk advising members of the responses to the consultation exercise undertaken between 17 January 2018 and 16 March 2018 and for members to consider same in connection with the review of the Statement of Licensing Board Policies.

The Board agreed that this matter be deferred to a special meeting of Angus Licensing Board to allow a fuller discussion to take place.

**11. PERSONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 38/18 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 7 March 2018 to 24 April 2018 in accordance with the Scheme of Delegation appended to the Licensing Policy.

**12. OCCASIONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 39/18 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 7 March 2018 to 24 April 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.

**13. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS**

There was submitted and noted Report No LB 40/18 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 7 March 2018 to 24 April 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.

**14. EXTENDED HOURS – DELEGATED APPROVALS**

There was submitted and noted Report No LB 41/18 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 7 March 2018 to 24 April 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.