

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 9 August 2018 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGIES

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Board held on 4 May, 14 May, 17 May, 11 June and 2 July 2018 were approved as correct records and signed by the Convener

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

There was submitted Report No LB 44/18 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) Former Seaforth Hotel, Dundee Road, Arbroath

The Board considered an application from Marston's Operating Limited for the grant of a provisional premises licence (on and off sales) in respect of premises at Pub Restaurant, Dundee Road, Arbroath (site of former Seaforth Hotel).

Mr Grunert, legal agent, accompanied by the premises manager, addressed the Board during which he confirmed that he wished to amend the application to comply with the model local Children's conditions.

The Convener sought clarification in regards to baby changing facilities. The agent confirmed that baby changing facilities would be available in the premises.

The Board thereafter agreed that the application be granted, subject to the Statutory Conditions and local Children's conditions being applied.

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

There was submitted Report No LB 45/18 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) Piperdam, by Dundee

The Board considered an application from Piperdam Golf and Leisure Resort Limited to vary a premises licence (on and off sales) in respect of premises at Piperdam, Fowls, by Dundee to allow them to vary their operating plan as follows:-

- (i) Shop and reception areas to be added to licensed area;
- (ii) Children and young persons to be allowed entry to the shop and reception area; and
- (iii) Capacity – additional 15 patrons resulting in a total capacity of 1217.

Councillor King highlighted that as there was no name or address details contained within the letter of objection, he requested that this be disregarded. The Convener

advised that if the anonymous objector was prepared to disclose their name and address to the Board the letter of objection would be considered.

The objector was present and intimated her agreement to the disclosure of personal information.

Mr Muir, the applicant's legal agent, also accompanied by the operations manager, addressed the Board during which he responded to some of the concerns raised by the objector.

The Board noted the contents of a letter of objection dated 20 July 2018. The objector disclosed her personal details and thereafter addressed the Board on the contents of her letter of objection.

Members asked questions of Mrs Clink.

Mr Muir then summed up and provided clarity in terms of the licensing hours being requested and confirmed that the hours being applied for were in relation to the standard off sales hours only. He confirmed that the shop would operate mainly during the hours of Monday to Friday 10am to 9pm and Saturday and Sunday 10am to 8pm but sought to retain full off sales hours should these be required in future.

At this point, Mr Muir, on behalf of the applicants, also welcomed and invited Mrs Clink to visit the premises to alley any concerns that she had.

The Board adjourned to take legal advice from the Clerk.

Having heard from a number of members, the Board agreed that the application be granted subject to a minor amendment to the application in relation to capacity in that the operating and layout plans should be amended to indicate the actual square metre capacity area and location of chilled cabinets and not the number of patrons as previously intimated.

6. REVIEW OF STATEMENT OF LICENSING BOARD POLICY

With reference to Article 3 of the minute of meeting of this Board of 11 June 2018, there was submitted Report No LB 46/18 by the Clerk regarding the draft amendments made to the current Statement of Licensing Policy in respect of the review of the current Statement of Licensing Policies following the consultation process.

The Report indicated that Board members had noted and considered the written and oral representations received in response to the public consultation on the review of the Statement of Licensing Policies. The draft Statement of Licensing Policy had now been produced reflecting the amendments previously agreed. The new Statement of Licensing Board Policy would be published as required by legislation but must be published before 4 November 2018.

The Clerk highlighted that there required to be a minor amendment to Section 1.5 (a) and (b) within Appendix 2 to the Report in that the word "draft" should be replaced with "then current".

Having heard from the Convener, the Board agreed:-

- (i) to note and approve the proposed additional amendment to extended hours Application processing to the current Statement of Licensing Policy found at para 6.8 of Appendix 1 to the Report;
- (ii) to note and approve the amendments made by the Board to the current Statement of Licensing Policy at the Special Meeting of the Board on 11 June 2018, as detailed in Appendix 1 to the Report;
- (iii) to authorise the Clerk to update the current Statement of Licensing Policy with the draft Statement of Licensing Policy as detailed in Appendix 2 to the Report; and to amend Section 1.5 (a) and (b) by replacing the word "draft" with "then current"; and
- (iv) to commend all officers involved in the production of the well prepared Report.

7. GAMBLING ACT 2005 SECTION 349 – STATEMENT OF PRINCIPLES

There was submitted Report No LB 47/18 by the Clerk presenting a consultation draft Statement of Principles under the Gambling Act 2005 and seeking authority from the Board to proceed to formal consultation on its terms.

The Report indicated that Section 349 of the Act required the Board to prepare a Statement of the Principles (“the Policy Statement”) that they proposed to apply in the exercise of their functions under the Act and to publish that Policy Statement. The current Policy Statement required to be reviewed in terms of the Act. The consultation draft Policy Statement sought to retain relevant existing policies and practices of the Board while providing additional guidance on the way in which the Board would carry out its functions under the Act.

The Board agreed:-

- (i) to approve the terms of the consultation draft Statement of Principles (“the Policy Statement”) prepared under Section 349 of the Gambling Act 2005 (“the Act”) as detailed in Appendix 1 to the Report;
- (ii) to authorise the Clerk to proceed with formal consultation on its terms; and
- (iii) that following the 4 week consultation period, authorise the Clerk to adopt the Policy Statement, subject to minor alterations as are necessary to reflect any legislative/Board policy changes and provided no substantive changes were recommended by the consultees; and that should any substantive changes be proposed then the matter would be referred back to the Board.

8. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 48/18 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 25 April 2018 to 20 July 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 49/18 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 25 April 2018 to 20 July 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 50/18 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 25 April 2018 to 20 July 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 51/18 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 25 April 2018 to 20 July 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.

12. ANNUAL FUNCTIONS REPORT – SECTION 9A OF THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB 52/18 by the Clerk advising the Board of the new statutory requirement to produce an Annual Functions Report and presenting the first Annual Functions Report to the Board.

The Report indicated that on 20 December 2017, Section 56 of the Air Weapons and Licensing (Scotland) Act 2015 amended Section 9 of the Licensing (Scotland) Act 2005 and inserted a new Section 9A which obliged all Licensing Board to produce an Annual Functions Report no later than 3 months after the end of each financial year ending on 31 March.

Following discussion and having heard from some members who considered that the information was already available in the public domain and also questioned the purpose of the Report but thereafter highlighted as it was necessary to comply with the new statutory requirement, the Board agreed:-

- (i) to note the new statutory requirement on the Board to produce an Annual Functions Report; and
- (ii) to note the terms of the first Annual Functions Report of Angus Licensing Board for the period 1 April 2017 to 31 March 2018 as detailed in Appendix 1 to the Report.

13. ANNUAL FINANCIAL REPORT

With reference to Article 5 of the minute of special meeting of this Board of 8 November 2017, there was submitted Report No LB 53/18 by the Clerk presenting the Annual Financial Report of the Angus Licensing Board to Board members.

The Annual Financial Report for the period 1 April 2017 to 31 March 2018 was attached as Appendix 1 to the Report and highlighted that the expenditure exceeded income by £8,755. Most fees in respect of alcohol licensing were fixed by the Scottish Government and that a copy of the Annual Financial Report would be forwarded to the Scottish Government to assist them in reviewing the fees fixed by them (and which had not been altered since they were fixed when the Licensing (Scotland) Act 2005 was enacted).

Councillor King highlighted that it would be beneficial for future reports to include previous year figures for comparison purposes but indicated that it was clear from the figures provided that there was an underlying requirement to increase fees to meet the expenditure incurred.

The Board agreed to note and approve the Annual Financial Report of the Angus Licensing Board for the period 1 April 2017 to 31 March 2018 as detailed in Appendix 1 to the Report.

14. CHIEF CONSTABLE'S REPORT TO ANGUS LICENSING BOARD

With reference to Article 11 of the minute of meeting of this Board of 2 November 2017, there was submitted Report No LB 54/18 by the Clerk presenting the Chief Constable's Report to the Board for the period 1 April 2017 to 31 March 2018.

Following discussion and having heard from some members who considered that the Report should cover the Angus area only and not all of Scotland and that the report format should be reviewed to include the use of bullet points and short key messages.

The Board agreed:-

- (i) to note the terms of the Chief Constable's Report to the Board for the period 1 April 2017 to 31 March 2018; and
- (ii) to request the Clerk to write to Police Scotland to advise that future reports should reflect the Angus area only and not all of Scotland and that the format should be reviewed to include the use of bullet points and short key messages.