

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 13 September 2018 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors David Fairweather and 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 9 August 2018 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 55/18 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) Morrison's, Hume Street, Arbroath

The Board considered an application from Wm Morrison Supermarkets PLC to vary a premises licence (off sales) in respect of premises at Morrisons, Hume Street, Arbroath to allow them to vary their operating plan:-

- (i) to provide restaurant facilities within and outwith core licensed hours;
- (ii) to allow products other than alcohol to be sold and ancillary consumer services to be provided during all or part of the period between 6.00am and 12 midnight each day subject to customer demand and other statutory consents where required; and
- (iii) to allow the premises licence holder to offer occasional free samples / tastings of alcohol products to customers over 18 years old within the alcohol display area during core licensed hours.

Ms Johnston, the applicant agent, addressed the Board during which she advised that free samples would only be given occasionally to help showcase local producers.

The Board agreed that the application be granted.

(b) The Meadowbank Inn, Montrose Road, Arbroath

The Board considered an application from Meadowbank Inn (2000) Ltd to vary a premises licence (on/off sales) in respect of premises at Meadowbank Inn, Montrose Road, Arbroath to allow them to vary their operating plan to:-

- (i) amend the premises description by deletion of the words "and adjacent coffee shop";
- (ii) amend Sunday opening times for both On and Off Sales from 12.30pm to 11.00am;

- (iii) amend the layout plan to show the removal of the coffee shop from the licensed premises area; and
- (iv) reduce the capacity from 358 to 270 following the removal of the coffee shop.

Ms McKeown, the applicant's agent, addressed the Board during which she advised that no alcohol had been served within the coffee shop.

The Board agreed that the application be granted.

(c) The Gairie Inn, Kirriemuir

The Board considered an application from Mrs Shirley Jamieson to vary a premises licence (on/off sales) in respect of premises at The Gairie Inn, 1-4 School Wynd, Kirriemuir to allow them to vary their operating plan to:-

- (i) vary the hours for on sales operating hours for Friday and Saturday from the existing terminal hour 01.00 to 02.00;
- (ii) vary the premises licence to add off sales during the hours

Monday to Saturday	11.00 to 19.00
Sunday	12.30 to 19.00
- (iii) include within core hours, bar meals and outdoor drinking facilities. No increase in capacity of premises; and
- (iv) allow children and young persons to be permitted within the premises
 - (a) ages of children and young person's 0 – 17 years. Baby changing facilities are to be provided;
 - (b) children and young persons to be allowed access to the function room; and
 - (c) children and young persons to be allowed access until 19.00 or if attending a function, for the duration of the function.

Mrs Shirley Jamieson, the applicant, addressed the Board on her reasons why she wished to vary her operating plan.

Mr Douglas, an objector, address the Board during which he explained the reasons for him objecting to the proposed 2am opening on a Friday and Saturday.

PC Forbes, Police Scotland, addressed the Board and advised that they had no issues with the premises.

COUNCILLOR KING, SECONDED BY COUNCILLOR MOORE, MOVED THAT (I) AND (IV) BE REFUSED ON THE GROUNDS OF PROTECTING AND IMPROVING PUBLIC HEALTH AND PROTECTING CHILDREN FROM HARM, RESPECTIVELY BUT THAT PARTS (II) AND (III) BE GRANTED.

Councillor Whiteside seconded by Councillor Durno, moved as an amendment, that the application be approved with the exception of (iv) which should be refused on the grounds of protecting children from harm.

On a vote being taken, the members voted:-

For the motion:-

Councillors Fotheringham, Moore, Boyd, King and Lumgair (5)

For the amendment:-

Councillors Brown, Durno and Whiteside (3)

The motion was declared carried and became the finding of the meeting resulting in only parts (ii) and (iii) of the application being granted and subject to the following additional conditions:-

- (i) patrons shall not be permitted to use the external drinking areas beyond 19.00;
- (ii) no music shall be provided in the external drinking area; and
- (iii) no music or amplified sound being provided anywhere within the licensed premises with the intention of it being heard within the external drinking area.

5. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 56/18 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 20 July 2018 to 21 August 2018 in accordance with the Scheme of Delegation appended to the Licensing Policy.

6. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 57/18 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 20 July 2018 to 21 August 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.

7. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 58/18 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 20 July 2018 to 21 August 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.

8. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 59/18 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 20 July 2018 to 21 August 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.