

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 1 November 2018 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

Prior to the commencement of business, the Convener, on behalf of the members of the Angus Licensing Board, expressed his appreciation of the assistance and advice provided to the Board by Mark Gillespie, LSO and Tina Magson, Solicitor over the past few years, and wished them every success in their new posts.

1. APOLOGY

An apology for absence was intimated on behalf of Councillor David Fairweather.

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 13 September 2018 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 60/18 by the Clerk on an application received for a 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) Pizzeria, Applegate, Arbroath

The Board considered an application from Karen Mitchell for the grant of a new provisional premises licence (on/off sales) in respect of premises at Pizzeria, Applegate, Arbroath.

Ms McKeown, the applicant's agent, addressed the Board during which she confirmed that her client had submitted updated plans and confirmed that they did not wish to licence the outside area.

Discussion took place regarding the provision of a home delivery service and Ms McKeown confirmed that her client would only be provided this service until 12 midnight.

The Board agreed to grant the provisional application, subject to the Statutory Conditions and the local children's conditions.

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

There was submitted Report No LB 61/18 by the Clerk on applications received for new licences under the Licensing (Scotland) Act 2005, which required to be determined by the Board as detailed in the Appendix to the Report.

(a) Blu Pavilion, Links Parade, Carnoustie

The Board considered an application from Blue Vine Limited for the grant of a premises licence (on/off sales) in respect of premises at Blu Pavillion, Links Parade, Carnoustie.

Mrs Hood, the applicant's agent, addressed the Board during which she advised the Board that the reasons for requesting a 10am opening was to allow golfers from the nearby golf course to seek refreshments before commencing their game. She also confirmed that there would be no outdoor drinking facilities.

Discussion took place regarding the local children's conditions and Mrs Hood confirmed that her client wished these to be amended to allow children aged 13 – 15 and young person's access to the premises unaccompanied by an adult until 18.00 for the purpose of consuming a meal or a snack or to access takeaway food/meals/snacks/soft drinks/sweets/ice creams etc.

Councillor Fotheringham seconded by Councillor Boyd, moved that with regards the core times when alcohol would be sold for consumption on the premises be:- Sunday to Thursday 10am to 24.00 and Friday and Saturday 10am to 01.00.

COUNCILLOR MOORE, SECONDED BY COUNCILLOR KING, MOVED AS AN AMENDMENT THAT THE CORE TIMES WHEN ALCOHOL WOULD BE SOLD FOR CONSUMPTION ON THE PREMISES BE:- SUNDAY TO THURSDAY 11AM TO 24.00 AND FRIDAY AND SATURDAY 11AM TO 01.00.

On a vote being taken, the members voted:-

For the motion:-

Councillors Fotheringham, Boyd, Durno and Nicol (4)

For the amendment:-

Councillors Moore, Brown, King, Lumgair and Whiteside (5)

The amendment was declared carried and became the finding of the meeting resulting in the core times when alcohol would be sold for consumption on the premises being Sunday to Thursday 11am to 24.00 and Friday and Saturday 11am to 01.00.

The Board thereafter, agreed that the remaining part of the application be granted subject to the local children's conditions being amended to allow children aged 13 – 15 and young person's access to the premises unaccompanied by an adult until 18.00 for the purpose of consuming a meal or a snack or to access takeaway food/meals/snacks/soft drinks/sweets/ice creams etc.

(b) Lunan House, Lunan Bay, Inverkeilor

The Board considered an application from Lunan Leisure Ltd for the grant of a premises licence (on/off sales) in respect of premises at Lunan House, Lunan Bay, Inverkeilor.

Mr Bremner, the applicant's agent, addressed the Board during which he advised them that he wished to licence the upstairs guest bedrooms so that alcohol could be consumed within them. He also indicated that 60 persons would be the maximum capacity for the premises.

The Board asked various questions of Mr Bremner and Ms Green, the Premises Manager. At this point, the Board agreed on the request of the Clerk to adjourn to allow her to take legal advice in private before resuming the meeting in public.

The Board agreed that the application be granted with a capacity of 60 persons.

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

There was submitted Report No LB 62/18 by the Clerk on an application to vary a 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) Northern Hotel, Brechin

The Board considered an application from P & J Properties (Scotland) Ltd to vary a premises licence in respect of premises at Northern Hotel, 2 Clerk Street, Brechin to allow them to amend their operating plan to:-

- (i) include seasonal variations for 24, 25, 26 and 31 December and 1 January; and
- (ii) include fire arms cabinets. Shooting parties to be organised and fire arms cabinets to be fitted in the cellar of the premises which would be double locked. The layout of the premises would be amended to include 3 gun cabinets which would be fitted to a brick wall and concrete floor, with a separate locked ammunition cabinet. Cabinets recommended by Firearms Enquiry office.

Ms Michalowska, premises licence holder was present and addressed the Board during which she explained the reasons for the variations. She also confirmed that the keys to the cellar would solely be the responsibility of the licence holder and would be held in their ownership.

Constable Forsyth, Police Scotland advised the Board that they had no objections to the application.

The Board agreed that the application be granted, subject to the following additional condition:-

Keys to the cellar to be held in the sole custody of the licensee or his/her agent.

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

There was submitted Report No LB 63/18 by the Clerk on an application 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) DeVito's Night Club, 11 Millgate Loan, Arbroath

The Board considered an application from Bellrock Property Ltd requesting an extension to their normal trading hours by requesting a terminal hour of 3am on Wednesday 26 December for a Boxing Day Blues themed event and Monday 31 December for a Hogmanay Beach Party, as detailed in the Report.

Mrs Hood, the applicant's agent, was present and addressed the Board during which she advised them that her client wished to withdraw the application for Monday 31 December, however, they still wished an extension of 1 hour to the terminal hours on Wednesday 26 December to 3am to hold a Boxing Day themed beach party to celebrate the national holiday.

Constable Forsyth, Police Scotland advised the Board that they had no objections to the application. The Board then heard from the LSO officer who advised that the premises were well run and he had no issues with them.

Councillor Whiteside, seconded by Councillor Fotheringham, moved that the application be granted on the grounds that it was a special event due to it being a national holiday.

COUNCILLOR MOORE, SECONDED BY COUNCILLOR KING, MOVED AS AN AMENDMENT THAT THE APPLICATION BE REFUSED AS IT WAS CONTARY TO THE BOARDS STATEMENT OF LICENING POLICY.

On a vote being taken, the members voted:-

For the motion:-

Councillors Fotheringham, Durno and Whiteside (3)

For the amendment:-

Councillors Moore, Boyd, Brown, King, Lumgair and Nicol (6)

The amendment was declared carried and became the finding of the meeting resulting in the application being refused.

8. PERSONAL LICENCE – NOTICE OF CONVICTION

There was submitted Report No LB 64/18 by the Clerk informing members of correspondence received from the Chief Constable giving notice of a conviction in terms of section 84 (4) (b) of the Act in respect of Afzal Ali Rehmat, a personal licence holder.

The members noted the contents of the correspondence received from the Chief Constable, Police Scotland dated 11 October 2018.

Constable Forsyth, Police Scotland gave brief outline details of the conviction.

The Board agreed to hold a hearing on 8 November 2018.

9. GAMBLING ACT 2005 SECTION 349 – STATEMENT OF PRINCIPLES

With reference to Article 7 of the minute of meeting of this Board of 9 August 2018, there was submitted Report No LB 65/18 by the Clerk presenting to the Board the response received during the formal public consultation held between 17 August 2018 and 1 October 2018 in connection with the Statement of Principles (“the Policy Statement”) prepared under section 349 of the Gambling Act 2005

The Board agreed:-

- (i) to consider and note the response received during the public consultation as detailed in Appendix 1 to the Report; and
- (ii) to approve, in the current terms, the draft Statement of Principles (“the Policy Statement”) prepared under section 349 of the Gambling Act 2005 (“the Act”) detailed in Appendix 2 to the Report.

10. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 66/18 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 21 August 2018 to 11 October 2018 in accordance with the Scheme of Delegation appended to the Licensing Policy.

11. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 67/18 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 21 August 2018 to 11 October 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.

12. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 68/18 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 21 August 2018 to 11 October 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.

13. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 69/18 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 21 August 2018 to 11 October 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.

14. CONFIRMATION OF PROVISIONAL PREMISES LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 70/18 by the Clerk advising members of an application for confirmation of provisional premises licences under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 21 August 2018 to 11 October 2018, in accordance with the Scheme of Delegation appended to the Licensing Policy.