

ANGUS LICENSING BOARD

MINUTE of the Special MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Monday 10 June 2019 at 2pm.

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

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Colin Brown, Brenda Durno, David Fairweather and Gavin Nicol.

2. DECLARATIONS OF INTEREST

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

3. PERSONAL LICENCE – REPORT OF CONDUCT INCONSISTENT WITH A LICENSING OBJECTIVE

There was submitted Report No LB 32/19 by the Clerk informing the members of correspondence received from the Chief Constable, Police Scotland dated 2 May 2019, advising that a Personal Licence Holder, Miss Xue He had acted in a manner which was inconsistent with a licensing objective.

Miss Xue He, premises licence holder was present.

Constable Forbes, Police Scotland addressed the Board and requested that the application for a review of the personal licence be deferred as due to unforeseen circumstances Sergeant MacDonald was unable to attend the Board and present the case.

The Board agreed that the application be deferred at the request of Police Scotland.

4. PREMISES LICENCE REVIEW APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005 – IMPERIAL, 44 – 46 DUNDEE STREET, CARNOUSTIE

There was submitted Report No LB 33/19 by the Clerk advising members of an application for a review of a premises licence.

The Board noted that a Premises Licence Review Application had been received from the Chief Constable, Tayside Division, Police Scotland dated 1 May 2019 in respect of Imperial, 44 – 46 Dundee Street, Carnoustie as detailed in Appendix 1 to the Report.

Miss Xue He, premises licence holder was present.

Constable Forbes, Police Scotland addressed the Board and requested that the application for a review of the premises licence be deferred as due to unforeseen circumstances Sergeant MacDonald was unable to attend the Board and present the case.

The Board agreed that the application be deferred at the request of Police Scotland.

5. PERSONAL LICENCE – REPORT OF CONDUCT INCONSISTENT WITH A LICENSING OBJECTIVE – WENDY THOMSON

There was submitted Report No LB 34/19 by the Clerk informing the members of correspondence received from the Chief Superintendent, Police Scotland dated 21 May 2019, advising that a Personal Licence Holder, Miss Wendy Thomson had acted in a manner which was inconsistent with a licensing objective.

Mrs Hood, the agent for Miss Thomson, was present and addressed the Board during which she requested that the application for a review of the personal licence be deferred to allow her adequate time to consider matters and consult with her client regarding the contents of the letter from Police Scotland dated 21 May 2019.

The Board agreed that the application be deferred at the request of the licence holder's agent.

6. PREMISES LICENCE REVIEW APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005 – BUSBYS, 30 – 36 GEORGE STREET, MONTROSE

There was submitted Report No LB 35/19 by the Clerk advising members of an application for a review of a premises licence.

The Board noted that a Premises Licence Review Application had been received from the Chief Superintendent, Tayside Division, Police Scotland dated 22 May 2019 in respect of Busbys, 30 – 36 George Street, Montrose as detailed in Appendix 1 to the Report.

Mr Paul Gersok, premises licence holder was present.

Constable Forbes, Police Scotland addressed the Board and requested that the application for a review of the premises licence be deferred as due to unforeseen circumstances Sergeant MacDonald was unable to attend the Board and present the case.

The Board agreed that the application be deferred at the request of Police Scotland.

7. RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION – DRAFT REVISED GUIDANCE– LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB 36/19 by the Clerk advising members to consider, and then agree, the terms of a response to the Scottish Governments consultation on its draft guidance for the Licensing (Scotland) Act 2005 ("the Act") as detailed in Appendix 1 to the Report.

The Board agreed:-

- (i) to submit a response to the consultation, and
- (ii) the terms of the proposed draft response as detailed in **Appendix 1** to the Report.

8. PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005 - LICENCE REVIEW PROPOSALS

There was submitted Report No LB 37/19 by the Clerk advising members of the non-payment of Annual Fees under the Licensing (Scotland) Act 2005 ("the 2005 Act") as detailed in the Appendix to the Report which the Board may wish to consider and take action.

The Board noted the position and agreed to hold a review hearing in respect of the premises as detailed in the Appendix to the Report.