

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 16 May 2019 at 10.00am.

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

Councillor Fotheringham, Convener, in the Chair.

Prior to the commencement of business, the Convener, on behalf of the Board welcomed Daniel Coleman, Licensing Standards Officer and Lynsey Kimmitt, Solicitor, to their first meeting of the Angus Licensing Board.

## 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors David Fairweather and Beth Whiteside.

## 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 4 April 2019 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 24/19 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) Pro-Gifts, 7 Inverarity Crescent, Hillside, Montrose

The Board considered an application from Pro-Gifts Ltd for the grant of a premises licence (off sales) in respect of premises at Pro-Gifts, 7 Inverarity Crescent, Hillside, Montrose.

Mr McDonald, the applicant, was present and addressed the Board.

The Board agreed that the application be granted subject to the Statutory Conditions and the following additional conditions:-

- (a) that no persons be permitted within the premises for the purpose of purchasing alcohol; and
- (b) that the eight conditions relating to the Section 50 planning certificate be included in the operating plan for the premises licence.

### (b) Redcastle Brewery, Drummygar Mains, Carmyllie, By Arbroath

With reference to Article 4 (b) of the minute of meeting of this Board of 4 April 2019, the Board considered an application from Redcastle Farms Ltd for the grant of a premises licence (off sales) in respect of premises at Redcastle Brewery, Drummygar Mains, Carmyllie, By Arbroath.

Mrs Hood, the applicant's agent, was present and addressed the Board during which she answered a number of questions from members in relation to the tasting area and display cabinet which would contain the alcohol.

The Board agreed that the application be granted subject to Statutory Conditions.

**(c) Gin Experience Visitor Centre shop, Kirkwynd, Glamis**

The Board considered an application from the Gin Bothy Ltd for the grant of a premises licence (off sales) in respect of premises at Kirkwynd, Glamis.

Mrs Hood, the applicant's agent, was present and addressed the Board during which she confirmed that this application was solely for the retail shop only and that a further application would follow for the Visitor Centre.

The Board agreed that the application be granted subject to Statutory Conditions.

*Councillor Brown joined the meeting at this stage.*

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

There was submitted Report No LB 25/19 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) Shell Forfar, Queenswell Road, Forfar**

The Board considered an application from Shell UK Oil Products Ltd for the grant of a premises licence (off sales) in respect of premises at Shell Forfar, Queenswell Road, Forfar.

Mr Hunter, agent for the applicant, was present and addressed the Board during which he circulated to members the findings of a survey which had recently taken place to ascertain the needs of their customers and from this survey there had been collated sufficient evidence to prove that persons resident in the locality were, or were likely to become, reliant to a significant extent on the premises as the principal source of petrol or derv; or groceries.

The members of the Board asked a number of questions of Mr Hunter with regards to the sale of alcohol and took into consideration the findings contained within the survey.

COUNCILLOR FOTHERINGHAM, SECONDED BY COUNCILLOR MOORE, MOVED THAT THE APPLICATION BE GRANTED AS SUFFICIENT EVIDENCE HAD BEEN PROVIDED TO SATISFY THE "EXCLUDED PREMISES" TEST AND A DEMAND HAD BEEN DEMONSTRATED.

Councillor King, seconded by Councillor Boyd, moved as an amendment, that the application be refused on the grounds that the premises were "excluded premises" and insufficient evidence had been provided to prove otherwise.

On a vote being taken, the members voted:-

For the motion:-

Councillors Fotheringham, Moore, Durno and Nicol (4)

For the amendment:-

Councillors Boyd, Brown, King and Lumgair (4)

There being an equality of votes the Convener exercised his casting vote in favour of the motion which was declared carried and became the finding of the meeting resulting in the provisional premises licence application being granted subject to the Statutory Conditions.

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

There was submitted Report No LB 26/19 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 2 June, Sunday 7 July, Sunday 25 August and Saturday 31 August 2019 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 2 June, Sunday 7 July and Sunday 25 August 2019; and
- (ii) to grant an extension of one hour at the commencement of trading on Saturday 31 August 2019.

**7. REQUEST TO RELIEVE THE FAILURE TO COMPLY WITH A PROCEDURAL REQUIREMENT – SHIMLA, SWAN STREET, BRECHIN.**

There was submitted Report No LB 27/19 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.

The members noted the circumstances of the transfer in respect of the premises Shimla, Swan Street, Brechin and agreed to relieve the failure to comply with the procedural requirement.

**8. REQUEST TO RELIEVE THE FAILURE TO COMPLY WITH A PROCEDURAL REQUIREMENT – THE FOUNDRY BAR, ARBROATH.**

There was submitted Report No LB 28/19 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.

Ms McKeown, agent for the applicant, addressed the Board during which she explained the circumstances of the transfer in respect of the premises The Foundry Bar, Arbroath which was presently closed.

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

**9. PERSONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 29/19 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 12 March 2019 to 22 April 2019 in accordance with the Scheme of Delegation appended to the Licensing Policy.

**10. OCCASIONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 30/19 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 12 March 2019 to 22 April 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.

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

There was submitted and noted Report No LB 31/19 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 12 March 2019 to 22 April 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.