

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 8 August 2019 at 10.00am.

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

Councillor FOTHERINGHAM, Convener, in the Chair.

## 1. APOLOGY

An apology for absence was intimated on behalf of Councillor Gavin Nicol.

## 2. DECLARATIONS OF INTEREST

Councillor Durno declared an interest in item 5 (Report No LB 45/19) as she had spoken to the applicant and indicated that she would not take part in any discussions and voting and would leave the meeting during consideration of this item.

## 3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Board held on 16 May, 10 June and 3 July 2019 were approved as correct records and signed by the Convener.

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

There was submitted Report No LB 44/19 by the Clerk on an application received for a new licence under the Licensing (Scotland) Act 2005, which required to be determined by the Board as detailed in the Appendix to the Report.

### (a) Black Thistle Distilleries, Units 8A & 8B, Brechin Business Park, Brechin

The Board considered an application from Black Thistle Distilleries Limited for the grant of a premises licence (off sales) in respect of premises at Units 8A & 8B Brechin Business Park, Brechin.

Ms Stanford, 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) no sales to take place to the public over the counter;
- (b) no deliveries to be permitted to or from the premises between the hours of midnight and 6am; and
- (c) no persons to be permitted within the premises for the purpose of purchasing alcohol.

*Councillor Durno having declared an interest at Article 2 above, left the meeting during consideration of the following item.*

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

There was submitted Report No LB 45/19 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) Grill 21 Mediterranean Restaurant, Coffee and Bar, Arbroath

The Board considered an application from TG 21 Ltd, 268 High Street, Arbroath for the grant of a premises licence (on and off sales) in respect of premises at Grill 21 Mediterranean Restaurant, Coffee and Bar, 264 – 268 High Street, Arbroath.

Ms McKeown, agent for the applicant, addressed the Board during which it was noted that the Building Warrant had now been issued.

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

*Councillor Durno re-joined the meeting at this stage.*

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

There was submitted Report No LB 46/19 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) Arbroath Football Club, Gayfield Park, Dundee Road, Arbroath (Licence no 337)**

The Board considered an application from Arbroath Football Club Limited, Gayfield Park, Dundee Road, Arbroath, DD11 1QB to vary a premises licence (on sales) in respect of premises at Gayfield Park, Dundee Road, Arbroath to allow them to vary their operating plan to:-

- (i) amend description of premises to incorporate a third purpose built function suite incorporating toilet facilities, a kitchen and disabled access. Premises name to be amended from New Grandstand to Arbroath Football Club;
- (ii) amend the opening time on a Sunday from 12 noon to 11am when alcohol would be sold for consumption on the premises;
- (iii) include activities such as:-
  - (a) business breakfasts and conference facilities to be provided from 8am daily. No alcohol to be served outwith core hours; and
  - (b) allowing the third function suite to provide corporate entertaining and pay bar facilities before and after games on match days. Outwith these times, the suite to be used for conferences, business breakfasts, private functions and fund raising events.
- (iv) amend the layout to incorporate the third newly constructed function suite adjacent to the main grandstand incorporating male and female/disabled toilets and a fully equipped kitchen. Disabled access to the new function suite was available by means of a purpose built ramp;
- (v) allow Children and Young Persons to be permitted access to the third function suite in addition to current access to entrance hallways, toilet facilities and hospitality suite; and
- (vi) increase the capacity from 150 to 200 to include the third hospitality suite (capacity 50).

The Board noted that Police Scotland had withdrawn their late letter of representation dated 26 July 2019.

Ms McKeown, agent for the applicant, addressed the Board during which she confirmed that there would be no pay bar facilities on match days and moved to amend the application with regards to (iii) (b) above. Following discussion, she also agreed to amend (i) above, the description of the premises.

The Board agreed that the application be granted subject to:-

- (i) the description of the premises being amended to read as follows:-

The premises comprise 3 purpose built function suites all used for corporate entertaining and hospitality on match days and out with these times for private functions and fundraising events.

The first function suite with kitchen and adjacent toilet facilities is located on the first floor of the main grandstand at Gayfield Park.

The second function suite with adjacent toilet facilities is also located on the first floor and the third function suite is adjacent to the main stand with male/female disabled toilet and fully equipped kitchen. Disabled access is available by means of a purpose built ramp.

- (ii) no pay bar facilities before and after games on match days; and
- (iii) the premises name being amended from New Grandstand to Arbroath Football Club.

**(b) The Foundry Bar, 5/7 East Mary Street, Arbroath (Licence no 39)**

The Board considered an application from Christine Iveson, 5/7 East Mary Street, Arbroath, DD11 1PR to vary a premises licence (on sales) in respect of premises at The Foundry Bar, 5/7 East Mary Street, Arbroath.

Ms McKeown, agent for the applicant, addressed the Board during which she advised that her client wished to amend the application and remove the following requests from the application:-

- (i) delete restaurant and bar meals within core hours; and
- (ii) delete request for Children and Young persons to have access to all public areas.

The Board then considered the following variations to allow them to amend their operating plan to:-

- (i) amend The Snug and divide it into two to create a kitchen with a separate doorway entering from the hallway; and
- (iii) reduce the capacity from 100 to 90.

The Board agreed that the application be granted, subject to the undernoted condition regarding Children and Young Persons applied by the Angus Licensing Board on 5 November 2015 remaining on the licence.

Additional Condition:-

Notwithstanding the Board's Model Local Children's Conditions - Children and Young Persons will only be permitted into the premises where the primary purpose of allowing them access is to attend a pre-booked private function or a ticketed function until the termination of the function provided that food is provided by external caterers to the private function or ticketed function.

**(c) Arbroath Artisan Golf Club, The Club House, Elliot, By Arbroath (Licence no 328)**

The Board considered an application from Arbroath Artisan Golf Club to vary a premises licence (on sales) in respect of premises at The Club House, Elliot, By Arbroath to allow them to vary their operating plan to include outdoor drinking facilities with a capacity of 24 within core hours only. The total capacity of the premises to remain at 166. Children and Young persons to have access to the outdoor area.

Mr Tollerton addressed the Board on behalf of the Club.

The Board agreed that the application be approved, subject to the following additional conditions:-

- (i) patrons shall not be permitted to use the external drinking areas beyond 21.00;
- (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.

## **7. NEW PERSONAL LICENCE – NOTICE OF CONVICTION**

With reference to Article 4 of the minute of meeting of this Board of 3 July 2019, there was submitted Report No LB 47/19 by the Clerk informing members of correspondence received from the Chief Constable giving notice of a conviction in terms of section 73(3) (b) of the Licensing (Scotland) Act 2005 (“the 2005 Act”) in respect of a new application for a personal licence from Ashleigh Ross.

The Board noted that the licence holder was not present and agreed to defer consideration of the matter to allow Ms Ross to attend.

## **8. CHIEF CONSTABLE’S REPORT TO ANGUS LICENSING BOARD**

There was submitted and noted Report No LB 48/19 by the Clerk which presented the Chief Constable’s Report to the Angus Licensing Board for the period 1 April 2018 to 31 March 2019 attached as an Appendix to the Report.

## **9. PERSONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 49/19 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 23 April 2019 to 17 July 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 50/19 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 23 April 2019 to 17 July 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 51/19 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 23 April 2019 to 17 July 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.

## **12. EXTENDED HOURS – DELEGATED APPROVALS**

There was submitted and noted Report No LB 52/19 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 12 March 2019 to 17 July 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.

## **13. PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005 – LICENCES SURRENDERED**

There was submitted Report No LB 53/19 by the Clerk presenting information on premises licences which the licence holders had surrendered, as detailed in the Appendix to the Report.

The Board agreed to note that the premises licences detailed in the Appendix to the Report had been surrendered and had ceased to have effect in terms of the 2005 Act and that the licences for Gather, 49 High Street Carnoustie and Guthrie Brothers Craigo Ltd, 108-120 Northesk Road, Montrose had been removed from the register.