

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 12 September 2019 at 10.00am.

Present: Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, BRIAN BOYD, COLIN BROWN BEM, 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

Councillor Moore declared an interest in item 4 (b) (Report No LB 54/19) as the applicant was a neighbour. He indicated that he would not take part in any discussion and voting and would leave the meeting during consideration of this item.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 8 August 2019 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 54/19 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) Corn Exchange Arbroath (Licence no 337)

The Board considered an application from J D Wetherspoon (Scot) Ltd, Wetherspoon House, Central Park, Reeds Crescent, Watford, WD24 4QL to vary a premises licence (on and off sales) in respect of premises at Corn Exchange, Olympia Buildings, Market Place, Arbroath to allow them to vary their operating plan to increase the external area to allow an additional four tables and two chairs at each table.

The Clerk advised the Board that as the footprint of the external area had not increased this application had now been granted under delegated powers.

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

(b) Forresterseat Restaurant, Arbroath Road, Forfar (Licence no 183)

The Board considered an application from Laird Brothers Ltd, Old Brechin Road, Lunanhead, Forfar, DD8 3NQ to vary a premises licence (on/off sales) in respect of premises at Forresterseat Restaurant, Arbroath Road, Forfar to allow them to vary their operating plan to:-

- (i) amend the premises name from Foresterseat Restaurant to Sinclair's Kitchen;
- (ii) amend the premises description to - Rural Scottish themed restaurant serving lunches, evening meals, and coffee and cakes throughout the day;
- (iii) amend the opening time on a Sunday from 12.30pm to 12 noon when alcohol would be sold for consumption **on** the premises;
- (iv) include the following activities:-

- (a) Conference facilities, bar meals and live performances to be provided within core hours; and
- (b) Outdoor Drinking Facilities to be provided within core hours;
- (v) include an additional area to be licensed to include a shop with an alcohol display area of 3.5m x 2.5m;
- (vi) amend the layout to incorporate an additional shop area and outdoor drinking area;
- (vii) allow Children and Young Persons to be permitted access to all parts of the premises;
- (viii) include a capacity of 50 for the outdoor drinking area. The total capacity of the premises to remain at 100. (Restaurant area – 50; Cafe area – 30; Shop area – 20).

Mr Sinclair, the applicant, addressed the Board during which he answered a number of questions from members.

The Board then heard from Mr Coleman, Licensing Standards Officer and Mrs Thom, Building Standards Officer.

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

- (i) an updated layout plan being submitted to the Clerk within 7 days;
- (ii) the Local Children's Conditions being applied;
- (iii) patrons not being permitted to use the external drinking area beyond 21.00;
- (iv) no music being provided in the external drinking area; and
- (v) no music or amplified sound being provided anywhere within the licensed premises with the intention of it being heard within the external drinking area.

Councillor Moore re-joined the meeting at this stage.

5. NEW PERSONAL LICENCE – NOTICE OF CONVICTION

With reference to Article 7 of the minute of meeting of this Board of 8 August 2019, there was submitted Report No LB 55/19 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 members noted the contents of the correspondence received from Police Scotland dated 16 May 2019 and it was noted that Ms Ross had confirmed the conviction.

Constable Reid, Police Scotland then gave full details of the conviction.

Ms Ross was present and addressed the Board.

The Board agreed that the application be granted but that Ms Ross be given a warning of the possible consequences of any future adverse reports.

6. ANNUAL FUNCTIONS REPORT – SECTION 9A OF THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB 56/19 by the Clerk presenting the Second Annual Functions Report to the Board.

The Report indicated that on 20 December 2017, Section 56 of the Air Weapons and Licensing (Scotland) Act 2015 had amended Section 9 of the Licensing (Scotland) Act 2005 and inserted a new Section 9A which obliged all Licensing Boards to produce an Annual

Functions Report no later than 3 months after the end of each financial year ending on 31 March.

The Board agreed to note the terms of the second Annual Functions Report of Angus Licensing Board for the period 1 April 2018 to 31 March 2019 as detailed in Appendix 1 to the Report.

7. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 57/19 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 17 July 2019 to 23 August 2019 in accordance with the Scheme of Delegation appended to the Licensing Policy.

8. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 58/19 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 17 July 2019 to 23 August 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.

9. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 59/19 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 18 July 2019 to 23 August 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.