

ANGUS LICENSING BOARD

MINUTE of the Special MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Monday 3 December 2019 at 10am.

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

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

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

There was submitted Report No LB 66/19 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) Brechin Castle Centre, Brechin

The Board considered an application from Brechin Castle Centre Ltd, Brechin for the grant of a premises licence (off sales) in respect of premises at Brechin Castle Centre, Haughmuir, Brechin.

Mr Ramsay, a representative for the applicant, was present and addressed the Board.

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

4. PREMISES LICENCE REVIEW PROPOSAL

There was submitted Report No LB 67/19 by the Clerk advising members of an application for a review of a premises licence as detailed in the Appendix to the Report which the Board may wish to consider and take action.

The Board noted that there was an alleged breach of one of the mandatory conditions applicable to the Premises Licence and agreed to hold a review hearing on 9 January 2020 in respect of the premises as detailed in the Appendix to the Report.

5. PREMISES LICENCE REVIEW APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005 – RUPALI PALACE, FORFAR

There was submitted Report No LB 68/19 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 on 23 October 2019 from the Chief Constable, Tayside Division, Police Scotland dated 7 October 2019 in respect of Rupali Palace, 198 East High Street, Forfar, as detailed in Appendix 1 to the Report.

The Board determined that the application was not vexatious or frivolous and that the grounds of review had been disclosed and determined to hold a Premises Licence Review Hearing in respect of the Rupali Palace, Forfar.

Constable Chalmers, Police Scotland addressed the Board on the contents of the Chief Constables letter dated 7 October 2019.

Mr Donaldson, a representative on behalf of LT management advised the Board that they had no involvement in the premises and believed the premises licence had been transferred.

The Board then heard from the Licensing Standards Officer who advised that a transfer application had been received to transfer the premises licence into Mr Zamans name.

Mr Zaman was present but was not required to address the Board for the purposes of providing further information.

The Board then adjourned to take legal advice and consider matters in private before resuming the meeting in public.

The Board then asked various questions of Police Scotland during which it was established that during the visit, there was no evidence of alcohol being sold.

The Board agreed that having fully considered the terms of the Report under Section 36 of the Licensing (Scotland) Act 2005, having heard from Police Scotland and a representative for the licence holder, and having fully considered same, they were satisfied that on the balance of probabilities, there were no grounds for review and accordingly, no order was made.

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

There was submitted Report No LB 69/19 by the Clerk informing the members of correspondence received on 23 October 2019 from the Chief Constable, Police Scotland dated 2 October 2019, advising that a Personal Licence Holder, Mr Zaman had acted in a manner which was inconsistent with a licensing objective.

Constable Chalmers addressed the Board on the contents of the Chief Constables letter dated 2 October 2019.

Mr Zaman then addressed the Board and explained the circumstances of the events detailed in the letter from Police Scotland.

The Board then heard from the Licensing Standards Officer and various questions were asked of the licence holder and Constable Chalmers.

Mr Zaman then summed up.

The Board then adjourned to take legal advice and consider matters in private before resuming the meeting in public.

Questions were then asked of Mr Zaman who confirmed that he attempted to be the Designated Premises Manager of more than one premises and had recently given up one of these positions.

The Board agreed that having fully considered the terms of the Report and having heard from Police Scotland and the licence holder and fully considered same, determined that there had been behaviour, namely that the Personal Licence Holder, Dalroy Zaman, attempted to be the Designated Premises Manager for more than one premises, which is inconsistent with the following licensing objectives:-

- (i) securing public safety; and
- (ii) Preventing crime and disorder

The Board agreed to endorse the Personal Licence of Mr Zaman with immediate effect, which would stay on the licence for a period of 5 years.