

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 9 January 2020 at 10am.

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

Councillor FOTHERINGHAM, Convener, in the Chair.

1. APOLOGY

An apology for absence was intimated on behalf of Councillor David Fairweather.

2. DECLARATIONS OF INTEREST

Councillor Boyd declared an interest in item 6 (Report No LB 3/20) as the applicant was known to him. He indicated that he would not take part in any discussion 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 31 October 2019 and 3 December 2019 were approved as correct records and signed by the Convener.

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

There was submitted Report No LB 1/20 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) Caledonian Bar, 26 Ferry Street, Montrose

The Board considered an application from Angela Guthrie to vary a premises licence (on/off sales) in respect of premises at Caledonian Bar, 26 Ferry Street, Montrose to allow her to vary their operating plan to include bar meals within core hours.

The applicant was present and addressed the Board.

The Board agreed that the application be granted.

(b) Corner Bar, 2 Howard Street, Arbroath

The Board considered an application from William Coates to vary a premises licence (on/off sales) in respect of premises at Corner Bar, 2 Howard Street, Arbroath to allow him to vary their operating plan to:-

- (i) amend the opening time on a Sunday from 12.30pm to 11.00am when alcohol would be sold for consumption on/off the premises;
- (ii) provide bar meals within core hours;
- (iii) provide outdoor drinking facilities within core hours; and
- (iv) permit children and young person's access to the lounge area, aged 5 – 17 years and in accordance with the model local children's conditions.

Mrs Coates was present and addressed the Board after which she answered questions from members.

The Board then heard from Mr Coleman, Licensing Standards Officer who advised that the applicant was happy to accept additional conditions in connection with the outdoor area.

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

- (i) patrons shall not be permitted to use the external drinking areas beyond 20.00;
- (ii) the maximum number of patrons using the external drinking area at any given time be 12;
- (iii) no music shall be provided in the external drinking area;
- (iv) no music or amplified sound be provided anywhere within the licensed premises with the intention of it being heard within the external drinking area;
- (v) that patrons using the external drinking area must be seated; and
- (vi) that the use of glass in the external drinking area be prohibited and drinks are decanted into plastic containers.

5. REQUEST TO RELIEVE THE FAILURE TO COMPLY WITH A PROCEDURAL REQUIREMENT – CAFÉ BYZANTIUM, MONIKIE PARK, MONIKIE.

There was submitted Report No LB 2/20 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 reasons behind the failure to seek a transfer application in respect of the premises Café Byzantium, Monikie Park, Monikie within the statutory time limit of 28 days.

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

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

6. APPLICATION FOR AN OCCASIONAL LICENCE

There was submitted Report No LB 3/20 by the Clerk on an application received for an occasional licence under the Licensing (Scotland) Act 2005 which required to be determined by the Board, as detailed in the Appendix to the Report.

(a) The Gather, 25 – 27 Dundee Street, Carnoustie

The Board considered an application from Bethany Bowles requesting an occasional licence in respect of her greengrocer and deli business at The Gather, 25 – 27 Dundee Street, Carnoustie from Friday 17 January to Thursday 30 January 2020 with off-sales from 10am-6pm each day as detailed in the Appendix attached to the Report.

The Report advised that the applicant had already been granted a total of 24 occasional licences in the last year in respect of her business which was in excess of Board policy.

Ms Bowles was present and addressed the Board during which she explained the reasons behind all the occasional licence applications. She advised that the premises would close on 3 February 2020 to allow the appropriate works to take place which would then allow her to apply for a full premises licence once the Section 50 certificates were obtained.

The Licencing Standards Officer addressed the Board and various questions were asked of Mrs Thom, Building Standards Manager.

The Board agreed that the application be approved but warned the applicant that the granting of occasional licences for this premises could not continue.

Councillor Boyd re-joined the meeting at this stage.

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

There was submitted Report No LB 4/20 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 received an update from the Licensing Standards Officer on each premises.

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

8. CONSULTATION ON LICENSING NO LONGER ACCEPTING CASH AS A METHOD OF PAYMENT

With reference to Article 5 of the minute of meeting of this Committee of 31 October 2019, there was submitted Report No LB 5/20 by the Clerk asking the Board to consider commencing a public consultation on phasing out cash as a means of paying for all licensing fees. Graphs illustrating the various statistics were attached as Appendices 1 – 4 to the Report and the proposed consultation paper was noted in Appendix 5 to the Report.

The Board agreed:-

- (i) to commence a public consultation on phasing out cash as a means of paying for all licensing fees; and
- (ii) to note that a further Report would be submitted to the Angus Licensing Board on 9 April 2020 advising of the outcome of the consultation.

9. REVIEW OF PREMISES LICENCE – SHOTZ POOL AND SNOOKER CLUB, 2 – 4 JOHN STREET WEST, ARBROATH

With reference to Article 4 of the minute of meeting of this Board of 3 December 2019, there was submitted Report No LB 6/20 by the Clerk regarding an application for the review of a premises licence in respect of Shotz Pool and Snooker Club, 2 – 4 John Street West, Arbroath.

The Board considered the contents of the Report from the Licencing Standards Officer, attached as Appendix 2 to the Report and noted that following a telephone call on 28 October 2019 from a Licensing Standards Officer, Dundee City Council it was noted that the Personal Licence for Ryan Fleming, Designated Premises Manager of Shotz Pool and Snooker Club, Arbroath had been revoked for failure to complete refresher training.

Mr Coleman, Licensing Standards Officer addressed the Board and gave an update as to the current situation with the premises.

Ryan Fleming and Marc Fleming were both present. Ryan Fleming addressed the Board and explained the position in relation to the premises and advised that he had now obtained his personal licence. Various questions were asked by members.

The Board agreed that having fully considered the terms of the Report and having heard from the Licensing Standards Officer and Ryan Fleming and fully considered same determined that there had been a breach of the conditions to which the premises licence was subject in that the Designated Premises Manager, Ryan Fleming did not hold a personal licence for some 18 months. It was noted that in this instance, the premises licence holder was Shotz Pool and Snooker Ltd, of whom the named connected persons were Ryan Fleming and Marc Fleming.

The Board agreed to issue a written warning to both Ryan and Marc Fleming in respect of the above.

10. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 7/20 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 5 October 2019 to 4 December 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.

11. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 8/20 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 7 October 2019 to 4 December 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.

12. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 9/20 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 7 October 2019 to 4 December 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.

13. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 10/20 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 7 October 2019 to 5 December 2019, in accordance with the Scheme of Delegation appended to the Licensing Policy.

14. PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005 – LICENCE SURRENDERED

There was submitted Report No LB 11/20 by the Clerk presenting information on three premises licences which the licence holders had surrendered, as detailed in the Appendix to the Report.

The Board agreed to note that the three 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 following licences be removed from the register:-

Licence no 90 - Edzell Tweed Warehouse, 1 Dunlappie Road, Edzell, Craigton
Licence no 150 - Coach Inn, Monikie; and
Licence no 363 - Montrose Roseleas Junior Football Club, Broomfield Park, Broomfield Road, Montrose.