

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 20 February 2020 at 10am.

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

Councillor FOTHERINGHAM, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Brian Boyd and David Fairweather.

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 9 January 2020 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 12/20 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) Bowlers Bar, Walker Place, Arbroath

The Board considered an application from Lisa McAllan for the grant of a premises licence (on/off sales) in respect of premises at Bowlers Bar, Walker Place, Arbroath.

Ms McAllan, the applicant, was present and addressed the Board during which she answered a number of questions in relation to baby changing facilities.

Mr Easson, Service leader, Environmental and Consumer Protection advised the Board that a satisfactory management plan had been received.

The Board agreed that the application be granted subject to Statutory Conditions but that children and young persons be restricted to 5 years – 17 years until satisfactory baby changing facilities were put in place to the satisfaction of the Licensing Standards Officer after which no restriction would take place.

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

There was submitted Report No LB 13/20 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) Kirriemuir Golf Club Ltd, Sheilhill Road, Kirriemuir

The Board considered an application from Kirriemuir Golf Club Ltd to vary a premises licence (on/off sales) in respect of premises at Sheilhill Road, Northmuir, Kirriemuir to allow them to vary their operating plan to:-

- (i) amend the terminal hour on a Thursday from 23.00 to 24.00 when alcohol would be sold for consumption on the premises. The additional hour would help accommodate the pool league;

- (ii) vary the access for children and young persons:-
 - (a) Junior members to be allowed access to premises at all times unaccompanied;
 - (b) Junior golfers who are visiting for golf events to be allowed access unaccompanied; and
 - (c) If not golfing or a junior member, then persons under 18 should be accompanied by an adult.
- (iii) amend the premises manager to Jennifer Brown.

Mr Tucker was present and addressed the Board after which he answered questions from members regarding the junior membership of the club.

The Board agreed that the application be grant as follows:-

- (a) the terminal hour be amended to 24.00;
- (b) Children and young persons be allowed entry to the premises in accordance with the terms of the local conditions relating to children subject to the following terms:-

The licensed premises substantially cater for family activities and recreation involving children and young persons (model local conditions - children 2(a) (v)) and as such children and young persons will be permitted to remain within the licensed premises during the hours when catering for family activities and recreation when accompanied by a responsible adult who is consuming tea, coffee or an alcoholic drink.

Children and young persons aged 6 years and over who are junior golf members who are participating in a golfing event, or junior golfers visiting for golf events will be permitted entry to the licensed premises unaccompanied until 9pm for the purpose of consuming a meal and soft drinks.

If not golfing or a junior member, then persons under 18 should be accompanied by a responsible adult; and

- (c) the Premises Manager to be Jennifer Brown.

(b) Devitos, 11 Millgate, Arbroath

The Board considered an application from KWS Property Ltd to vary a premises licence (on sales) in respect of premises at Devitoes, 11 Millgate, Arbroath to allow them to vary their operating plan to:-

- (i) amend the terminal hour as follows when alcohol would be sold for consumption on the premises:-
 - (a) Monday and Tuesday from 24.00 to 02.00; and
 - (b) Friday and Saturday from 02.00 to 02.30

The Clerk advised that Mrs Hood, the applicant's agent had requested that the application be deferred to allow her to attend the Board.

The Board agreed that the application be deferred to the next meeting of the Angus Licensing Board to allow the applicant's agent to attend.

6. APPLICATION FOR AN OCCASIONAL LICENCE

With reference to Article 6 of the minute of meeting of this Board of 9 January 2020, there was submitted Report No LB 14/20 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

With reference to Article 6 of the minute of meeting of this Board of 9 January 2020, 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 28 February to Thursday 12 March and Friday 13 March to Thursday 26 March 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 previously been granted a total of 27 occasional licences in the last year in respect of her business, which was in excess of Board policy.

Ms Bowles was not present but had submitted a letter which was read out to the Board members advising that the appropriate works had taken place which would now allow her to apply for a full premises licence once the Section 50 certificates were obtained.

The Licencing Standards Officer addressed the Board and Mrs Thom, Building Standards Manager advised that the Section 50 certificates had now been issued.

The Board agreed that the applications be approved.

7. PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005 – REVIEW OF PREMISES LICENCES

With reference to Article 7 of the minute of meeting of this Board of 9 January 2020, there was submitted Report No LB 15/20 by the Clerk presenting five Premises Licences under the Licensing (Scotland) Act 2005 (“the 2005 Act”) which the Board determined to review as detailed in Appendices 1 and 2 to the Report.

The Board noted that despite the Clerk giving repeated notification to the licensee’s that the annual fees were now overdue; the fees detailed in Appendix 1 to the Report remained unpaid in respect of the following premises:-

(a) St James Convenience Store, 35E St James Road, Forfar

There was submitted a report from the Licensing Standards Officer in respect of the premises at St James Convenience Store, 35E St James Road, Forfar.

The Board noted that the premises were now closed however, the annual fee of £280 was still outstanding and agreed to revoke the licence with immediate effect. The outstanding fees to be pursued by the Clerk.

(b) The Panmure Hotel, Tay Street, Monifieth

There was submitted a report from the Licensing Standards Officer in respect of the premises at The Panmure Hotel, Tay Street, Monifieth which had now been converted into flats.

The Board noted that the annual fee of £280 was still outstanding and agreed to revoke the licence with immediate effect. The outstanding fees to be pursued by the Clerk.

The Board noted that the fees detailed in Appendix 2 to the Report had now been paid in respect of the following premises:-

(c) Finavon Hotel, By Forfar

There was submitted a report from the Licensing Standards Officer in respect of the premises at Finavon Hotel, By Forfar.

The Board noted that the annual fee of £280 had now been paid but agreed that the Licenceholder be given a warning of the serious consequences of fees remaining unpaid.

(d) Sunnys Bar and Kitchen, 2 Mattocks Road, Wellbank

There was submitted a report from the Licensing Standards Officer in respect of the premises at Sunnys Bar and Kitchen, 2 Mattocks Road, Wellbank.

The Board noted that the annual fee of £280 had now been paid but agreed that the Licenceholder be given a warning of the serious consequences of fees remaining unpaid.

(e) St. Thomas Bar, 17 James Street, Arbroath

There was submitted a report from the Licensing Standards Officer in respect of the premises at St. Thomas Bar, 17 James Street, Arbroath.

The Board noted that the annual fee of £220 had now been paid but agreed that the Licenceholder be given a warning of the serious consequences of fees remaining unpaid.

8. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 16/20 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 6 December 2019 to 28 January 2020, in accordance with the Scheme of Delegation appended to the Licensing Policy.

9. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 17/20 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 6 December 2019 to 28 January 2020, in accordance with the Scheme of Delegation appended to the Licensing Policy.

10. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 18/20 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 6 December 2019 to 28 January 2020, in accordance with the Scheme of Delegation appended to the Licensing Policy.

11. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 19/20 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 6 December 2019 to 28 January 2020, in accordance with the Scheme of Delegation appended to the Licensing Policy.

12. TIMETABLE OF MEETINGS

The Board agreed to approve the following programme of meetings (all at 10am in the Town and County Hall, Forfar):-

Thursday 13 August 2020
Thursday 17 September 2020
Thursday 26 November 2020 (**following joint forum meeting which commences at 10am**)
Thursday 14 January 2021
Thursday 18 February 2021
Thursday 25 March 2021
Thursday 20 May 2021