

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** hosted at Angus House, Orchardbank Business Park, Forfar and held remotely on Thursday 4 June 2020 at 10am.

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

Councillor FOTHERINGHAM, Convener, in the Chair.

Before the meeting commenced the Convener, on behalf of the Board thanked the licensing team for their hard work during the last few weeks in circumstances which had been made very difficult due to the Coronavirus pandemic. He advised that as Convener of the Board he had received correspondence from agents praising the swift and prompt response they had received from the licensing team.

The Board agreed that the meeting be not recorded but that the press be allowed access to the meeting.

## 1. APOLOGIES

There were no apologies intimated.

## 2. DECLARATIONS OF INTEREST

Councillor Boyd declared an interest in item 4 (c) (Report No LB 20/20) 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. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 20 February 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 20/20 by the Clerk on applications received for new licences under the Licensing (Scotland) Act 2005, which required to be determined by the Board as detailed in the Appendix to the Report.

### (a) Peggy Scotts, By Brechin

The Board considered an application from Angus Brewing Ltd (trading at Peggy Scotts) for the grant of a premises licence (off sales) in respect of premises at Peggy Scotts Restaurant, A90 Northbound, Finavon, Forfar.

Mr Johnston addressed the Board during which he answered a number of questions from members.

The Board agreed that the application be granted.

### (b) Kescoweth High Trees at Cockhill, Renmure, Arbroath

The Board considered an application from Gail Hockin for the grant of a premises licence (on/off sales) in respect of premises at Kescoweth, High Trees at Cockhill, Renmure, Arbroath.

Ms Buchanan, the applicant's agent addressed the Board after which she answered several questions from members.

The Board agreed that the application be granted.

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

**(c) The Gather, 25 – 27 Dundee Street, Carnoustie**

With reference to Article 6 (a) of the minute of meeting of this Board of 20 February 2020, the Board considered an application from Bethany Bowles for the grant of a premises licence in respect of The Gather Kitchen and Deli Ltd, 25 – 27 Dundee Street, Carnoustie.

Ms Bowles addressed the Board following which Mrs Thom, Building Standards Manager confirmed that the Section 50 certificates had now been issued.

The Board agreed that the application be granted.

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

*Councillor Brown left the meeting at this stage.*

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

With reference to Article 5(b) of the minute of meeting of this Board of 20 February 2020, there was submitted Report No LB 21/20 by the Clerk on an application to vary a 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) 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 Devitos, 11 Millgate, Arbroath to allow them to vary their operating plan to: -

amend the terminal hours 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 a late letter of objection had been received on 3 June 2020 from Police Scotland in respect of Devito's and advised that in terms of Regulation 10 of the Licensing Procedure (Scotland) Regulations 2007, the Board required to determine whether it was in the interests of justice to accept the late letter of objection.

The Board then heard from PC Chalmers who gave a brief summary of the objection and advised that on preparing for the Board further information had come to light in respect of the premises therefore, Police Scotland wished to submit a late objection to the additional hours requested.

Mrs Hood, the applicant's agent then addressed the Board and confirmed that she had received a copy of the late objection. She questioned the lateness of the letter as the period for objections closed on 11 January 2020 and urged the Board members to dismiss the late objection.

COUNCILLOR FOTHERINGHAM, SECONDED BY COUNCILLOR FAIRWEATHER, MOVED THAT IN THE INTEREST OF JUSTICE, THE LATE OBJECTION RECEIVED FROM POLICE SCOTLAND DATED 3 JUNE 2020 SHOULD NOT BE ACCEPTED AS IT SHOULD HAVE BE SUBMITTED WITHIN THE ADEQUATE TIMESCALES.

Councillor King, seconded by Councillor Moore, moved as an amendment, that the late letter of objection from Police Scotland dated 3 June 2020 be accepted

On a vote being taken, the members voted: -

For the motion: -

Councillors Fotheringham, Boyd, Fairweather, Lumgair and Nicol (5)

For the amendment: -

Councillors Moore, Durno, King and Whiteside (4)

The motion was declared carried and became the finding of the meeting resulting in the late objection from Police Scotland not being circulated.

Mrs Hood, the applicant agent then addressed the Board and advised that the additional hours were for special events only.

The Board then heard from Mr Easson, Service Leader, Environmental and Consumer Protection who advised that a satisfactory noise management plan had been submitted.

The Board then heard from the Licensing Standards Officer.

The Board agreed that the application be granted.

Councillor King requested that his dissent be recorded from the foregoing decision.