

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** hosted at Angus House, Orchardbank Business Park, Forfar and held remotely on Thursday 16 July 2020 at 2pm.

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

Councillor FOTHERINGHAM, Convener, in the Chair.

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

## 1. APOLOGY

An apology for absence was intimated on behalf of Councillor Brian Boyd.

## 2. DECLARATION OF INTEREST

Councillor Fairweather declared an interest in items 6 & 7 (Report No's LB 38/20 and LB 39/20 as he had received communications from the licence holder to which he made no comment. He indicated that he would take part in any discussion and voting.

## 3. PERSONAL LICENCE HOLDER – REPORT OF CONDUCT INCONSISTENT WITH A LICENSING OBJECTIVE – EDWARD INNES

There was submitted Report No LB 35/20 by the Clerk informing the members of correspondence received from the Chief Superintendent, Tayside Division, Police Scotland dated 27 May 2020, advising that a Personal Licence Holder, Edward Innes had acted in a manner which was inconsistent with three of the licensing objectives.

The Board noted that the personal licence holder had advised that he could not attend the Board meeting and had not had sight of the report or correspondence in connection with the matter.

The Board agreed that the matter be deferred to the meeting on 13 August 2020 to allow him adequate time to prepare for the hearing.

## 4. PREMISES LICENCE REVIEW APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005 – DALHOUSIE HOTEL, 47 HIGH STREET, CARNOUSTIE

There was submitted Report No LB 36/20 by the Clerk advising members of an application for a review of a premises licence under Section 36 of the Licensing (Scotland) Act 2005 ("the 2005 Act") which required to be considered by the Board.

The Board noted that a Premises Licence Review Application had been received from the Chief Superintendent, Tayside Division, Police Scotland dated 28 March 2020 in respect of Dalhousie Hotel, 47 High Street, Carnoustie, as detailed in Appendix 1 to the Report.

The Clerk advised that the premises licence holder had surrendered her licence to the Board therefore there was no licence to review.

The Board noted the position.

## 5. PERSONAL LICENCE HOLDER – REPORT OF CONDUCT INCONSISTENT WITH A LICENSING OBJECTIVE – DOUGLAS PIGGOT

There was submitted Report No LB 37/20 by the Clerk informing the members of correspondence received from the Chief Superintendent, Tayside Division, Police Scotland, dated 28 April 2020, advising that a Personal Licence Holder, Douglas Piggot had acted in a manner which was inconsistent with two of the licensing objectives.

The Clerk advised that the Personal licence holder of the Dalhousie Hotel had surrendered his licence to the Board therefore there was no licence to review.

The Board noted the position.

Before considering the following items, the Convener on behalf of the Board expressed their sincere condolences to the family on their tragic loss.

**6. PREMISES LICENCE REVIEW APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005 – PARTY TIME, 1 CULLODEN ROAD, ARBROATH**

There was submitted Report No LB 38/20 by the Clerk advising members of an application for a review of a premises licence under Section 36 of the Licensing (Scotland) Act 2005 (“the 2005 Act”) which required to be considered by the Board.

The Board noted that a Premises Licence Review Application had been received from the Chief Superintendent, Tayside Division, Police Scotland, dated 8 May 2020 in respect of Party Time, 1 Culloden Road, Arbroath, as detailed in Appendix 1 to the Report.

The Convener advised the Board that they required to consider, in the first instance, in terms of section 36(6) of the Act, whether to proceed with the hearing with regards to the statutory tests which were set out in the Report. The Convener also advised the Board that before moving to hold a hearing, the Board had to determine whether the application before them was vexatious or frivolous or that it disclosed any matter relevant to any ground for review.

Mrs Hood, the applicant’s agent addressed the Board on behalf of her client who was present and explained the circumstances of the events detailed in the letter from Police Scotland dated 8 May 2020 and requested that the Board reject the premises licence review.

Constable Jamieson, Police Scotland addressed the Board on the contents of the Chief Superintendents letter dated 8 May 2020.

Much discussion took place, and members asked various questions of Mrs Hood, agent and Constable Jamieson, Police Scotland.

Mrs Hood then summed up and Police Scotland were also given the opportunity to sum up.

The Board, having fully considered the terms of the Premises Licence Review Application submitted by Police Scotland determined that the review application did not disclose any matter relevant to any ground for review and agreed in terms of Section 36,(6) of the Licensing Scotland Act 2005, to reject the premises licence review application.

**7. PERSONAL LICENCE HOLDER – REPORT OF CONDUCT INCONSISTENT WITH A LICENSING OBJECTIVE – MOHAMMED NASEEM**

There was submitted Report No LB 39/20 by the Clerk informing the members of correspondence received from the Chief Superintendent, Tayside Division, Police Scotland, dated 20 May 2020, advising that a Personal Licence Holder, Mohammed Naseem had acted in a manner which was inconsistent with two of the licensing objectives, namely Preventing Crime and Disorder and Protecting and Improving Public Health.

Mrs Hood, the applicant’s agent addressed the Board on behalf of her client who was present and explained the circumstances of the events detailed in the letter from Police Scotland dated 20 May 2020 and requested that the Board reject the personal licence review application.

Police Scotland were given the opportunity to address the Board and advised that they had nothing further to add to the letter previously submitted.

The Board determined that the personal licence holder had not acted in a manner which was inconsistent with any of the licensing objectives and that there had been no behaviour that had a direct and material link brought about through the sale of alcohol and were therefore satisfied that it was not necessary for the purposes of any of the licensing objectives to make any order.