

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** hosted at Angus House, Orchardbank Business Park, Forfar and held remotely on Thursday 26 November 2020 at 10.30am.

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.

1. APOLOGIES

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST

Councillor Durno declared a financial interest in item 4 (a) (Report No LB 68/20) as she had correspondence with the company and indicated that she 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 17 September 2020 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 68/20 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.

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

(a) Toll House Spirits, Unit 18, Matthew Kerr Place, Arbroath

The Board considered an application from Toll House Spirits Ltd for the grant of a premises licence (on/off sales) in respect of premises at Toll House Spirits, Unit 18, Matthew Kerr Place, Arbroath.

Mrs Hood, the applicant's agent addressed the Board after which she answered questions from members.

The Licensing Standards Officer also addressed the Board regarding an additional condition in relation to the tasting sessions only.

The Board agreed that the application be granted subject to the following additional condition.

Additional Condition: - "On-sales between 10am – 11am shall be for tasting sessions only".

Councillor Durno was re-admitted to the meeting.

(b) Arbikie Distillery Visitor Centre, Drumbertnot Farm, Lunan, Montrose

The Board considered a provisional application from Arbikie Distilling Ltd for the grant of a premises licence (on/off sales) in respect of premises at Arbikie Distillery Visitor Centre, Drumbertnot Farm, Lunan, Montrose.

Miss McKeown, the applicant's agent addressed the Board after which the Board heard from Mrs Thom, Building Standards Manager who advised that alcohol could not be sold until the Building Warrant was completed.

The Board agreed that the provisional application be granted subject to the following additional condition.

Additional Condition: - "On-sales between 9am – 11am shall be for pre-booked tasting sessions only".

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

There was submitted Report No LB 69/20 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) Airlie Arms Hotel, 4 St. Malcolm's Wynd, Kirriemuir.

The Board considered an application from Mrs Dilys Robertson to vary a premises licence (on/off sales) in respect of premises at Airlie Arms, 4 St Malcolm's Wynd, Kirriemuir to allow them to vary their operating plan to: -

- (i) provide bar meals within and outwith core hours. Breakfasts, teas and cake to be provided prior to 11am;
- (ii) remove gaming from the operating plan as no longer provided in the premises;
- (iii) amend the layout of the outdoor area as delineated on the layout plan; and
- (iv) allow children and young persons access to outdoor area.

Mrs Robertson, the applicant addressed the Board.

The Board then heard from the Licensing Standards Officer.

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

- (i) patrons shall not be permitted to use the external drinking areas beyond 21.00;
- (ii) no music shall be provided in the external drinking area; and
- (iii) no music or amplified sound be provided anywhere within the licensed premises with the intention of it being heard within the external drinking area.

(b) Buzz Bingo, 141 High Street, Arbroath

The Board considered an application from Buzz Holdings Ltd to vary a premises licence (on/off sales) in respect of premises at 141 High Street, Arbroath to allow them to vary their operating plan to permit the provision of restaurant facilities and bar meals outwith core hours.

Mr McIver, the applicant's agent addressed the Board and confirmed that no alcohol would be served beyond core licensed hours.

The Board agreed that the application be granted.

(c) Hospitalfield House, Westway, Arbroath

The Board considered an application from Hospitalfield trading to vary a premises licence (on sales) in respect of premises at Hospitalfield House, Westway, Arbroath to allow them to vary their operating plan to: -

- (i) Premises layout: -
 - (a) extend the boundary in the premises layout to incorporate outside spaces including the walled garden, rear courtyard, the forecourt and an area of the grounds called the paddock.

- (b) include the addition of new cafe building due to be completed in December 2020 which would include a small off sales retail area for locally produced spirits.
- (ii) provide off sales provision between the hours of 10.00 to 22.00 daily.
- (iii) include core times when alcohol would be sold for consumption on the premises.
 - (a) Sunday commencement hour to be amended from 12.30pm to 11am
 - (b) Friday terminal hour to be amended from 24.00 to 01.00.
- (iv) include seasonal variations dates – Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year’s Day.
- (v) Activities: -
 - (a) Accommodation to be added within and outwith core hours.
 - (b) Bar meals, recorded music, films, indoor/outdoor sports to be added within and outwith core hours.
 - (c) Gaming to be added within core hours only.
 - (d) Restaurant facilities, live performances, dance facilities and theatre to be provided outwith core hours. Currently within core hours only.
 - (e) Outdoor drinking facilities for soft drinks to be provided outwith core hours as currently within core hours only.

Additional activities to be included outwith core hours: -

- (a) Breakfasts, teas, coffees, snacks, meals to patrons and guests.
- (b) All forms of artistic expression.
- (c) Hire of premises for conferences, concerts, exhibitions, promotions of food and drink or either, dinners and other social activities.
- (d) Tea room and ancillary shop open to public.
- (e) Erection of marquees etc. in grounds for private and ticketed events.
- (f) Use of grounds for displays of art and other artistic events.
- (g) Gardens to be open for public use.
- (h) Croquet, quoits; petanque etc. to be permitted in grounds.
- (i) Markets both within and outwith the premises.
- (j) Receiving delivery of food and alcohol as required as per Policy on delivery of alcohol.

It was noted that the applicant had given confirmation that no alcohol would be sold or consumed outwith core hours.

- (vi) Children and Young Persons to be permitted in the premises at the discretion of management under the following terms: -
 - (a) Children 0 to 12 years to be accompanied by an adult at all times;
 - (b) Children and Young Persons aged 13 and over to be permitted on the premises unaccompanied from 10am to 7pm for educational and artistic purposes, to enjoy the grounds and to partake of soft drinks and other non-alcoholic refreshments snacks and meals in the cafe; and
 - (c) Children and young persons accompanied by an adult to be permitted to attend private events until the end of the event.

Ms Lucy Byrne, applicant, addressed the Board and members asked her several questions regarding the possibility of noise coming from the premises.

The Board then heard from Craig Easson, Service Leader, Environmental and Consumer Protection who advised that there had never been any noise related issues concerning the premises.

The Board agreed that the application be granted subject to the local children's conditions being agreed with the applicant.

6. REVIEW OF BYELAWS

With reference to Article 9 of the minute of meeting of this Board of 17 September 2020, there was submitted Report No LB 70/20 by the Clerk updating members in relation to the process of reviewing the existing byelaws prohibiting the consumption of alcohol in public places as required by section 202(A) of the Local Government (Scotland) Act 1973.

The Board agreed to: -

- (i) note the minute of the Working Group meeting on 30 October 2020 contained within Appendix 1 of the Report and the Group's proposal to make no material changes to the existing byelaws;
- (ii) note that the proposal to make no material changes to the existing byelaws had been circulated to all elected members and that no adverse comments had been received;
- (iii) approve the draft byelaws contained within Appendix 2 of the Report; and
- (iv) recommend that Angus Council approve the draft byelaws and thereafter, send the draft byelaws to the Scottish Government for final approval.

7. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 71/20 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 4 September 2020 to 6 November 2020, in accordance with the Scheme of Delegation appended to the Licensing Policy.

8. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 72/20 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 4 September 2020 to 6 November 2020, in accordance with the Scheme of Delegation appended to the Licensing Policy.

9. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 73/20 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 4 September 2020 to 6 November 2020 in accordance with the Scheme of Delegation appended to the Licensing Policy.