

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** hosted at Angus House, Orchardbank Business Park, Forfar and held remotely on Thursday 18 February 2021 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.

1. APOLOGIES

There were no apologies for absence intimated.

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 14 January 2021 was approved as correct record 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 6/21 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) Golf Inn, 15 – 17 Mill Street, Montrose

The Board considered an application from The Golfy Ltd to vary a premises licence (on/off sales) in respect of premises at the Golf Inn, 15 – 17 Mill Street, Montrose to allow them to vary their operating plan to: -

- (i) amend the opening time on a Sunday from 12.30pm to 11am when alcohol would be sold for consumption on the premises;
- (ii) include the addition of bar meals and snacks to be served within core hours; and
- (iii) amend the layout plan to incorporate a gallery kitchen in part of the cellar.

Mr Young, the applicant, addressed the Board.

The Board agreed that the application be granted.

(b) South Esk Inn, 35 Wharf Street, Montrose

The Board considered an application from Graham Douglas to vary a premises licence (on/off sales) in respect of premises at the South Esk Inn, 35 Wharf Street, Montrose to allow them to vary their operating plan to: -

- (i) amend the opening time on a Sunday from 12.30pm to 11am when alcohol would be sold for consumption on the premises;
- (ii) include the addition of bar meals consisting of light meals such as soup and sandwich, pies and beans, meat and cheese platters and buffet to be served within core hours;
- (iii) include children and young persons: -
 - (a) add children and young persons;

- (b) allow children and young persons to enter the lounge bar to have a meal accompanied by an adult and seated at all times;
 - (c) include children and young persons entry to the premises aged 5-17 year olds;
 - (d) allow children and young persons to enter the premises between 12 noon to 20.00 hours; and
 - (e) allow children and young person's entry to parts of premises which would include - lounge, lobby and toilets.
- (iv) include seasonal variations and add Christmas Eve, Boxing Day and New Year's Day.

Ms Douglas addressed the Board on behalf of the applicant.

The Board agreed that the application be granted.

(c) The Anchor Bar, 70 Ferry Street, Montrose

The Board considered an application from David Donald to vary a premises licence (on/off sales) in respect of premises at the Anchor Bar, 70 Ferry Street, Montrose to allow them to vary their operating plan to: -

- (i) include activities such as outdoor drinking facilities within core hours; and
- (ii) amend the layout plan to include proposed beer garden and designated smoking shelter.

Mr Donald, the applicant, addressed the Board.

The Board noted that a noise management plan had been submitted and approved in relation to the outdoor drinking area.

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.

(d) Aldi Stores Ltd, Western Road, Montrose

The Board considered an application from Aldi Stores Ltd to vary a premises licence (off sales) in respect of premises at Aldi Stores Ltd, Western Road, Montrose to allow them to vary their operating plan to include a click and collect service and online sales within and outwith core hours which would also include home delivery service.

Mr McDougall, the applicant's agent, addressed the Board.

The Board then heard from the Licensing Standards Officer.

The Board agreed that the application be granted.

(e) The Roo's Leap, 2 Traill Drive, Montrose

The Board considered an application from Roo's Leap (Montrose) Ltd to vary a premises licence (on/off sales) in respect of premises at the Roo's Leap, 2 Traill Drive, Montrose to allow them to vary their operating plan to: -

- (i) amend the terminal hours opening times for on sales from 11am to 9am Monday to Sunday;
- (ii) Activities:-

- (a) include bar meals, receptions, club and other group meetings and live performances to be allowed within and outwith core licensed hours.
- (b) include restaurant facilities, televised sport and outdoor drinking to take place outwith core licensed hours (currently within core hours only).
- (c) include gaming within core hours.
- (iii) include the following activities/services within the public parts of the premises: -
 - (a) restaurant – breakfasts and other food and non-alcoholic beverages may be provided prior to 09.00 Mondays to Sunday.
 - (b) receptions/Clubs or other group meetings – may provide this facility to include as required food and non-alcoholic beverages prior to 09.00 Monday to Sunday.
 - (c) recorded music/live performances/televised sport – may be provided prior to 09.00 Mondays to Sunday.
 - (d) outdoor drinking facilities – may be provided prior to 09.00 Monday to Sunday.
- (iv) include other activities such as: -
 - (a) wine, spirit and beer tastings to take place during core licensed hours;
 - (b) food tasting events, charity events, quiz nights, product launches/promotions both during and outwith core licensed hours; and
 - (c) takeaway facilities prior to and during core licensed hours for persons attending the premises and telephone/online orders for collection/delivery.

Ms Birrell, the applicant's agent, addressed the Board during which she confirmed that her client would only sell alcohol within the hours of 9am to 11am on condition that food was provided.

Discussion took place and members asked a number of questions in relation to the requested 9am – 11am opening hours.

The Board agreed that the application be granted on condition: -

- (i) That between the hours of 9am and 11am alcoholic drinks can only be served with the purchase of food; and
- (ii) no music or amplified sound be provided anywhere within the licensed premises with the intention of it being heard within the external drinking area.

5. COVID-19

With reference to Article 10 of the minute of meeting of the Board of 17 September 2020, there was submitted Report No LB 7/21 by the Clerk advising the Board Members of the work undertaken remotely by officers as a result of the COVID-19 Pandemic and outlining the legislative changes and resultant impact on Board Business brought about by the Coronavirus (Scotland) Act 2020.

The Board agreed: -

- (i) to note the work undertaken remotely by officers since September 2020; and
- (ii) to note the legislative changes and resultant impact on Board Business brought about by the introduction of the Coronavirus (Scotland) Act 2020.

6. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 8/21 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 18 December 2020 to 26 January 2021 in accordance with the Scheme of Delegation appended to the Licensing Policy.

7. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 9/21 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 18 December 2020 to 26 January 2021, in accordance with the Scheme of Delegation appended to the Licensing Policy.

8. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 10/21 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 18 December 2020 to 26 January 2021 in accordance with the Scheme of Delegation appended to the Licensing Policy.

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

There was submitted Report No LB 11/21 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 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 licences for the Old Bolag Bar, 1 Church Street, Brechin; EL Tajin, 41 Market Street, Montrose and Colliston Inn, Colliston, By Arbroath be removed from the register.