

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held remotely on Thursday 20 May 2021 at 10am.

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

Councillor FOTHERINGHAM, Convener, in the Chair.

1. APOLOGIES

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST

Councillors Fotheringham and Fairweather each declared a non-financial interest in item 6 (a) (Report No LB 24/21) as on occasions they frequented this licensing establishment. Both members indicated that they would take part in any discussion and voting.

Councillor Boyd declared an interest in item 6 (c) (Report No LB 24/21) 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 25 March 2021 was approved as a correct record and signed by the Convener.

4. MEMBERSHIP OF THE ANGUS LICENSING BOARD

With reference to Article 6 of the minute of meeting of Angus Council of 13 May 2021 when changes were made to the membership of the Civic Licensing Committee and Angus Licensing Board to comply with the principles of political balance, the Board noted that Councillor Nicol was no longer a member of Angus Licensing Board following the Board's membership being reduced to 9.

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

There was submitted Report No LB 23/21 by the Clerk on an application received for a new 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) The Wee Bear Café, Bridgend of Lintrathen, Kirriemuir

The Board considered an application from Gareth Finn for the grant of a premises licence (on/off sales) in respect of premises at The Wee Bear Café, Bridgend of Lintrathen, Kirriemuir.

Mrs Hood, the applicant's agent addressed the Board and advised that her client wished to apply for on sales and off sales to proceed at 10am which she acknowledged was outwith Board Policy however, this request was purely for the purposes of serving champagne breakfasts.

Members asked a number of questions in relation to the application.

The Board agreed that the application be granted subject to the Statutory Conditions and the following additional condition: -

- (i) That between the hours of 10am and 11am alcoholic drinks can only be served with the purchase of food.

Councillor Brown joined the meeting at this stage.

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

There was submitted Report No LB 24/21 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) 10 Café Bar, 12 – 14 Castle Street, Forfar

The Board considered an application from Caroline Hampton to vary a premises licence (on/off sales) in respect of premises at 10 Café Bar, 12 – 14 Castle Street, Forfar to allow them to vary their operating plan to: -

- (i) amend the terminal hour on Friday and Saturday from 1am to 2am when alcohol would be sold for consumption on the premises.

The Board noted the contents of an objection received from Chief Superintendent, Andrew Todd, Tayside Division, Police Scotland dated 16 March 2021.

Mr Hampton was present and addressed the Board following which members asked him questions.

PC Yvonne Mas, Police Scotland then addressed the Board and spoke on the contents of the letter from Police Scotland dated 16 March 2021.

Much discussion took place and Councillor King expressed his concerns as the application was against Board policy and was inconsistent with the licensing objectives.

Mr Hampton then summed up.

The Board agreed that the application be granted subject to the following additional conditions: -

- (i) that there be no admission to the premises after 12.45am;
- (ii) that when live or recorded music is being played, the decibel level is to be agreed in advance by Environmental Health Officers to a satisfactory level; and
- (iii) that when the premises are fully occupied more persons remain seated than standing.

In accordance with the provisions of Standing Order 16(11)(ii) Councillor King requested that his dissent be recorded in relation to the foregoing decision.

(b) The Corn Exchange, Olympia Buildings, Market Place, Arbroath

The Board considered an application from J.D. Wetherspoon (Scotland) Limited, Central Park, Reeds Crescent, Watford, WD24 4QL to vary a premises licence (on/off sales) in respect of premises at The Corn Exchange, Olympia Buildings, Market Place, Arbroath to allow them to vary their operating plan to: -

- (i) amend their layout plan to: -
 - (a) add a row of 4 tables and chairs to the existing pavement café area to the front of the premises; and
 - (b) add an external customer area to the side of the premises consisting of 8 picnic tables; and
- (ii) increase the occupancy from 662 to 710 persons.

The Board noted the contents of a representation received from Chief Superintendent, Andrew Todd, Tayside Division, Police Scotland dated 24 March 2021.

Mr McIver, the applicant's agent addressed the Board and confirmed that the conditions detailed in the letter from Police Scotland dated 24 March 2021 were acceptable to his client.

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;
- (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; and
- (iv) an accurate and appropriate counting method must be put in place to collate attendee numbers within the outside area at any particular time.

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

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

The Board considered an application from Bethany Bowles to vary a premises licence (off sales) in respect of premises at The Gather, 25 – 27 Dundee Street, Carnoustie to allow them to vary their operating plan to: -

- (i) add on sales to current licence with opening times
Tuesday – Sunday 10.00 to 17.00
- (ii) add capacity of 44 persons for on sales;
- (iii) add activities such as recorded music within core hours; and
- (iv) include Children and Young Persons: -
 - (a) All children under 13 years old to be accompanied by an adult. Children aged 13-15 years old and young persons aged 16-17 years old to be permitted access to the restaurant unaccompanied for the purpose of partaking of a meal or snack;
 - (b) aged birth to 17 years;
 - (c) during Tuesday to Sunday 10.00 to 17.00; and
 - (d) within all public parts of premises.

The Board noted the contents of a representation received from Police Scotland dated 25 March 2021.

Ms Bowles addressed the Board.

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

- (i) Alcohol served prior to 11.00 hours must be accompanied by a meal.

Councillor Boyd was re-admitted to the meeting.

(d) The Giddy Goose, 69 High Street, Forfar

The Board considered an application from Susan Williamson to vary a premises licence (on sales) in respect of premises at The Giddy Goose, 69 High Street, Forfar to allow them to vary their operating plan to: -

- (i) add off sales - Monday to Sunday 10.00 to 22.00;
- (ii) amend Sunday on sales opening time from 12.30pm to 11.00am;
- (iii) add Seasonal Variation;
- (iv) add accommodation, conference facilities, live performances, dance facilities, theatre, film, indoor/outdoor sports, televised sport within and outwith core hours;
- (v) add gaming within core hours;
- (vi) add bar meals and club meetings outwith core hours;
- (vii) add outdoor drinking facilities outwith core hours.

(viii) **include activities outwith core hours: -**

Premises to open for all activities from 07.00, activities would continue through core hours but not after core hours under exception that they will be permitted to continue into any period of extended core hours granted by general extension or granted extended hours applications.

(ix) **include other activities as follows: -**

- (a) The premises may be used by residents and guests for yoga, meditation and similar activities;
 - (b) Theatre will be on small intimate scale including comedians and magicians to entertain guests;
 - (c) Films and televised sports can be watched by residents in their rooms and it is anticipated that some guests may from time to time want to watch rugby or tennis etc. The premises is not a sports bar;
 - (d) Gaming will be ancillary and only carried out occasionally and will be in the form of race nights, hosted casino nights or even low stake poker events for resident and guests. There will be no gaming machines on the premises;
 - (e) Outdoor sports: croquet, quites petanque etc might be undertaken from time to time;
 - (f) Live performances and dance will be ancillary to weddings and other permitted events on the premises;
 - (g) The premises are situated in their own grounds and it is likely that residents and guests will resort to the garden for the purpose of partaking of food and drink as from time to time weather permits;
 - (h) Off sales will be ancillary to the main residential use on the premises, this will only be of specialist wines, whiskies, gins and other spirits offered for sale on the premises and will only be able to be sold to residents and guests. There is no intention to open a retail unit on the premises and the general public will not be able to avail themselves of this activity; and
 - (i) Cookery events, food and drink tastings and matching events will from time to time take place for the entertainment of residents and guests, BBQ's will take place for residents and other guests from time to time.
- (x) Children and young person's to be permitted in all public areas.

Mrs Hood, the applicant's agent addressed the Board and members asked a number of questions.

The Board agreed that the application be granted

(e) Strathmore Cricket Club, Lochside Park, Forfar

The Board considered an application from Strathmore Cricket Club to vary a premises licence (on sales) in respect of premises at the Strathmore Cricket Club, Lochside Park, Forfar to allow them to vary their operating plan to: -

- (i) alter the core times when alcohol could be sold for consumption on the premises on Sunday from 12.30pm to 11.00am to tie in with the opening time on other days.
- (ii) add gaming e.g. pool, darts, dominoes and bingo within core hours;
- (iii) add outdoor drinking within core hours.
- (iv) **include other activities: -**
 - (a) As part of its match day hospitality offer, the club wished to provide hot and cold food to a limited number of guests on match days (food to be provided by external caterers and prepared off site)
 - (b) The Club wished to offer use of the tearoom to the "Community Café" on Friday mornings which involves the preparation of a limited range of sandwiches/paninis, soup, warm beverages and cakes. This was not commercial but was a community organisation.
- (v) allow children and young person's entry to the premises solely for the purposes of their participation in a sporting event (but not after 21.00) in accordance with Board Policy;
- (vi) amend the layout plan to include an outdoor drinking area which was on the decking area and grassed areas adjacent to the clubhouse and tearoom. There was no change to the indoor areas and no change proposed to the overall capacity of the premises.

Mr Hewitson, a representative for the club addressed the Board.

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

- (ii) 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.

7. GAMBLING ACT 2005 SECTION 349 – STATEMENT OF PRINCIPLES

There was submitted Report No LB 25/21 by the Clerk seeking authority from the Board to proceed to formal consultation on the draft Statement of Principles under the Gambling Act 2005.

The Board agreed: -

- (i) to approve the terms of the consultation draft Statement of Principles ("the Policy Statement") prepared under section 349 of the Gambling Act 2005 ("the Act") contained with Appendix 1 of the Report;
- (ii) to authorise the Clerk to proceed with formal consultation upon its terms; and
- (iii) that following the 4 week consultation period, and having regard to the

consultation responses, authorised the Clerk to adopt the Policy Statement, subject to minor alterations as were necessary to reflect any legislative or Board policy changes and provided no substantive changes are recommended by the consultees. Should any substantive changes be proposed then the matter would be referred back to the Board.

8. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 26/21 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 4 March 2021 to 29 April 2021 in accordance with the Scheme of Delegation appended to the Licensing Policy.

9. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 27/21 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 4 March 2021 to 29 April 2021, in accordance with the Scheme of Delegation appended to the Licensing Policy.

10. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 28/21 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 4 March 2021 to 29 April 2021, in accordance with the Scheme of Delegation appended to the Licensing Policy.

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

There was submitted Report No LB 29/21 by the Clerk presenting information on two 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 Pear Tree Restaurant, Burnhead Farm, Auchterhouse By Dundee and World Buffet, Montrose Road, Arbroath be removed from the register.

12. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 30/21 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 4 March 2021 to 29 April 2021, in accordance with the Scheme of Delegation appended to the Licensing Policy.