

ANGUS LICENSING BOARD

MINUTE of the Special MEETING of the **ANGUS LICENSING BOARD** held remotely on Thursday 22 April 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.

Prior to the meeting commencing, the Convener intimated that an email had been sent to all Board members this morning relating to an urgent item of business that the Board required to consider. As members would be aware, Report No LB22/21 had not been issued to members in line with the required "3 clear days" before the meeting.

However, he had determined that in accordance with the provisions of Standing Order 11(1)(vii) the matter could be considered at this meeting as a matter of urgency by reason of special circumstances in light of the First Ministers announcement on Tuesday regarding the easing of lockdown restrictions on the hospitality industry. He advised that he proposed to adjourn the meeting for 10 minutes following agenda item 3 to allow members to fully consider the contents of the Report.

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. PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005 - LICENCE REVIEW PROPOSALS

With reference to Article 8 of the minute of meeting of this Board of 25 March 2021, there was submitted Report No LB 21/21 by the Clerk presenting seven Premises Licences under the Licensing (Scotland) Act 2005 ("the 2005 Act") which the Board determined to review as detailed in Appendices 1 and 2 to the Report.

The Board noted that despite the Clerk giving repeated notification to the premises licence holders that the premises annual fees were now overdue and the annual fees, as detailed in Appendix 1 to the Report, remained unpaid in respect of the following premises:-

(a) The Corner Bar, 2 Howard Street, Arbroath

There was submitted a report from the Licensing Standards Officer in respect of the premises at The Corner Bar, 2 Howard Street, Arbroath.

There were no representatives present.

COUNCILLOR KING SECONDED BY COUNCILLOR MOORE MOVED THAT THE BOARD IMMEDIATELY SUSPEND THE PREMISES LICENCE FOR THE CORNER BAR, 2 HOWARD STREET, ARBROATH UNTIL THE PREMISES LICENCE OUTSTANDING ANNUAL FEE OF £280 WAS PAID IN FULL.

Councillor Fairweather seconded by Councillor Fotheringham moved as an amendment that the matter be deferred to the Board on 20 May 2021 to allow further correspondence to be sent to the licence holder.

On a vote being taken, the members voted: -

For the motion: -

Councillor Moore, Boyd, Brown, Durno, King, Lumgair, Nicol and Whiteside (8)

For the amendment: -

Councillors Fairweather and Fotheringham (2)

The motion was declared carried and became the finding of the meeting.

Immediately following conclusion of the meeting, it was reported that due to an administrative error, the premises annual fee of £280 had in fact been paid in full on 6 April 2021 therefore, the premises licence holder was contacted and advised that the suspension was lifted with immediate effect and there would be no restrictions on the premises licence for the Corner Bar, 2 Howard Street, Arbroath and that the premises would be allowed to open and operate in line with COVID 19 restrictions. Consequently, the decision of the Board fell.

(b) The Foundry Bar, 5/7 East Mary Street, Arbroath

There was submitted a report from the Licensing Standards Officer in respect of the premises at The Foundry Bar, 5/7 East Mary Street, Arbroath.

The Board noted the contents of a written representation from the Licence Holder.

The Board noted that the annual fee of £220 had now been paid and agreed to take no further action but agreed that a letter be sent to the licence holder reminding them of their duties and the serious consequences of fees remaining unpaid.

(c) The Workhouse, 37/42 West High Street, Forfar

There was submitted a report from the Licensing Standards Officer in respect of the premises at The Workhouse, 37/42 West High Street, Forfar.

There were no representatives present.

COUNCILLOR KING SECONDED BY COUNCILLOR MOORE MOVED THAT THE BOARD IMMEDIATELY SUSPEND THE PREMISES LICENCE FOR THE WORKHOUSE, 37/42 HIGH STREET, FORFAR, UNTIL THE PREMISES LICENCE OUTSTANDING ANNUAL FEE OF £220 WAS PAID IN FULL.

Councillor Fairweather seconded by Councillor Fotheringham moved as an amendment that the matter be deferred to the Board on 20 May 2021 to allow further correspondence to be sent to the licence holder.

On a vote being taken, the members voted: -

For the motion: -

Councillor Moore, Boyd, Brown, Durno, King, Lumgair, Nicol and Whiteside (8)

For the amendment: -

Councillors Fairweather and Fotheringham (2)

The motion was declared carried and became the finding of the meeting.

(d) The Royal British Legion Brechin, 2a Bank Street, Brechin

There was submitted a report from the Licensing Standards Officer in respect of the premises at The Royal British Legion Brechin, 2a Bank Street, Brechin.

Mr Gray, a representative on behalf of the Royal British Legion addressed the Board on the reasons for non-payment of the annual fee.

The Board noted that the annual fee of £180 had now been paid and agreed that no action be taken.

(e) The Old Brewhouse, Dangerhouse, 1/3 High Street, Arbroath

There was submitted a report from the Licensing Standards Officer in respect of the premises at The Old Brewhouse, Dangerhouse, 1/3 High Street, Arbroath.

Ms Batard addressed the Board on the reasons for non-payment of the annual fee.

The Board noted that the annual fee of £500 had now been paid and agreed that no action be taken.

(f) Lochlands Coffee Mill, The Mill, Forfar

There was submitted a report from the Licensing Standards Officer in respect of the premises at Lochlands Coffee Mill, The Mill, Forfar.

Mrs Hood, the licence holder's agent addressed the Board on the reasons for non-payment and advised that her client had now paid the annual fee of £280 and had emailed the Board and apologised for any inconvenience caused.

Following much discussion, the Board agreed that no action be taken but that a letter be sent to the licence holder reminding him of his duties and the serious consequences of fees remaining unpaid.

(g) World Buffet, Montrose Road, Arbroath

The Board agreed to note that the premises licence for the World Buffet, Montrose Road, Arbroath had been surrendered on 9 April 2021 therefore, the licence no longer had effect and it was not competent to hold a premises licence review hearing for the premises.

At this point in the meeting 10.53am, the Board resolved to adjourn for 10 minutes to allow the opportunity for members to consider the contents of Report LB22/21.

The meeting resumed at 11.03am.

4. OCCASIONAL LICENCES

There was submitted Report No LB 22/21 by the Clerk asking the Board to consider temporarily relaxing paragraph 4.4.4 of the Board's Statement of Licensing Policy having regard to the easing of lock down restrictions upon the Angus hospitality Industry.

The Board agreed to temporarily permit the relaxation of paragraph 4.4.4 of their Statement of licensing policy by: -

- (i) allowing applicants temporarily to submit more than 4 Occasional Licence applications, without being expected by the Board to submit a premises licence or major variation application in light of the very unusual circumstances caused by the Covid 19 pandemic and the easing of lockdown restrictions on the hospitality industry; and
- (ii) requesting the Clerk to submit an update Report to the 12 August 2021 Board meeting.