

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held remotely on Thursday 12 August 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.

Prior to the commencement of business, the Convener, on behalf of the members of the Angus Licensing Board, expressed his appreciation of the assistance and advice provided to the Board by Lynsey Kimmitt, Solicitor over the past few years, and wished her every success in her new post.

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. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Board held on 22 April and 20 May 2021 were approved as correct records 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 32/21 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) Lunan House, Inverkeilor, Arbroath

The Board considered an application from Scott Bremner to vary a premises licence (on/off sales) in respect of premises at Lunan House, Inverkeilor, Arbroath to allow them to vary their operating plan to: -

- (i) amend the core hours to: - Sunday to Thursday 11.00 to 24.00 and Friday and Saturday 11.00 to 01.00;
- (ii) amend the layout to include new bar area, service area, additional toilet facilities and extended licensed outdoor area;
- (iii) increase the capacity from 60 persons to 285 persons;
- (iv) amend the name of premises from Lunan House to Lunan House Hotel.

Mr Bremner addressed the Board and answered questions.

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) Sunny's Bar & Kitchen, 2 Mattocks Road, Wellbank, Dundee

The Board noted that the application from M S Catering Dundee Ltd, 2 Maddocks Road, Wellbank, Dundee to vary a premises licence in respect of premises at Sunnys' Bar & Kitchen, 2 Mattocks Road, Wellbank, Dundee had been deferred at the request of the applicant.

(c) 7Sins, 2 Hume Street, Montrose

The Board considered an application from Jacqueline Jobe to vary a premises licence (on/off sales) in respect of premises at 7Sins, 2 Hume Street, Montrose to allow them to vary their operating plan to: -

- (i) amend their core hours to: -
 - (a) On sales
Monday to Wednesday 10.00 to 24.00
Thursday to Saturday 10.00 to 02.00
Sunday 10.00 to 01.00; and
 - (b) Off Sales
Monday to Sunday 12.00 to 22.00
- (ii) include theatre and films within core hours and remove sports and indoor /outdoor.
- (iii) include seasonal variations – Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day.
- (iv) amend children's conditions: -
Terms: - amend to lower level and only if having a meal with family
Times: - amend to until 22.00 or whilst dining.
- (v) amend the name of the premises from 7Sins to Rug Bug Benny's.

Mr Scott Learmonth address the Board on behalf of the applicant and answered questions during which it was noted that the premisses were already licenced until 1am on Thursdays. It was also noted that the applicant wished a 10.00 opening time to allow them to provide cocktail brunches.

Mr & Mrs Bertolotto, objectors then addressed the Board and spoke on behalf of their 17 tenants who occupied the premises directly above at Hume Street, Montrose and advised of the problems that their tenants had encountered.

Mr Easson, Service Leader, Environmental and Consumer Protection, addressed the Board and advised that there had been no complaints received.

PC Robyn Jamieson then addressed the Board and answered questions regarding complaints received.

Mr Learmonth then summed up.

The Board agreed that the application be granted subject to the standard hours for on sales and the Local Children's conditions which included 9pm for children.

(d) Lidl, Gravesend, Arbroath

The Board considered an application from Lidl Great Britain Ltd, 19 Worpel Road, London to vary a premises licence (off sales) in respect of premises at Lidl, Gravesend, Arbroath to allow them to vary their operating plan to amend their layout plan to increase the alcohol display capacity as follows:-

From	Non seasonal	48.88m ²
	Seasonal	7.12m ²

To	Non seasonal	64.36m ²
	Seasonal	9.54m ²

Total increase in capacity 17.9m²

Mr Andrew Hunter, the applicant's agent addressed the Board and answered a number of questions from members. Mrs Broomhall a representative from Lidl's also answered questions

The Board agreed that the application be granted.

(e) Lidl, Commerce Street, Brechin

The Board considered an application from Lidl Great Britain Ltd, 19 Worple Road, London to vary a premises licence (off sales) in respect of premises at Lidl, Commerce Street, Brechin to allow them to vary their operating plan to amend their layout plan to increase the alcohol display capacity as follows:-

From	Non seasonal	47.70m ²
	Seasonal	9.54m ²

To	Non seasonal	62.02m ²
	Seasonal	9.54m ²

Total increase in capacity 14.32m²

Mr Andrew Hunter, the applicant's agent addressed the Board and answered a number of questions from members. Mrs Broomhall a representative from Lidl's also answered questions

The Board agreed that the application be granted.

(f) Lidl, Queenswell Road, Forfar

The Board considered an application from Lidl Great Britain Ltd, 19 Worple Road, London to vary a premises licence (off sales) in respect of premises at Lidl, Queenswell Road, Forfar to allow them to vary their operating plan to amend their layout plan to increase the alcohol display capacity as follows:-

From	Non seasonal	46.51m ²
	Seasonal	9.54m ²

To	Non seasonal	52.41m ²
	Seasonal	9.54m ²

Total increase in capacity 5.9m²

Mr Andrew Hunter, the applicant's agent addressed the Board and answered a number of questions from members. Mrs Broomhall a representative from Lidl's also answered questions

The Board agreed that the application be granted.

(g) Arbroath Football Club, Gayfield Park, Dundee Road, Arbroath

The Board considered an application from Arbroath Football Club Ltd, Gayfield Park, Arbroath to vary a premises licence (on sales) in respect of premises at Arbroath Football Club Ltd, Gayfield Park, Arbroath to allow them to vary their operating plan to:-

(i) amend their layout plan as follows: -

(a) to extend the main function suite on the first floor of the main Grandstand known as the Caird Suite to 116 persons;

- (b) to extend the kitchen on the first floor of the main Grandstand;
 - (c) to incorporate a disabled toilet facility on the first floor of the main Grandstand adjacent to the Caird Suite; and
 - (d) to extend the main hospitality lounge, known as the Caird Suite, on the first floor of the main Grandstand, to extend the adjacent kitchen facility and to incorporate a disabled toilet.
- (ii) increase the overall capacity to 216 persons.

Ms McKeown, the applicant's agent addressed the Board and advised members that the Building Warrant had been approved.

The Board agreed that the application be granted.

(h) Bar 1320, 1 West Port, Arbroath

The Board considered an application from Shahzad Din to vary a premises licence (on/off sales) in respect of premises at Bar 1320, 1 West Port, Arbroath to allow them to vary their operating plan to: -

- (i) amend their core hours as follows: -

Monday to Thursday	11.00 to 24.00
Friday and Saturday	11.00 to 02.00
Sunday	11.00 to 24.00

The Board noted the contents of an objection received from Chief Superintendent, Andrew Todd, Tayside Division, Police Scotland dated 01 July 2021.

Mr Glass, the applicant's agent addressed the Board and questioned the grounds of the objection as it did not provide sufficient detail and simply repeated the terms of the Act.

Constable Mas then addressed the Board and spoke on the contents of the letter from Police Scotland dated 01 July 2021 and their concern that extended opening hours could lead to an increase in antisocial behaviour and that the later termination time of 02.00 would be inconsistent with the licensing objective of Preventing Public Nuisance.

Mr Glass then summed up during which he advised the Board that his client would be willing to agree to conditions which had been imposed on similar premises making such a request.

COUNCILLOR WHITESIDE, SECONDED BY COUNCILLOR KING, MOVED THAT THE REQUEST FOR THE 2AM TERMINAL HOUR BE REFUSED AS THIS WAS INCONSISTENT WITH THE LICENSING OBJECTIVE OF PREVENTING PUBLIC NUISANCE.

Councillor Fairweather seconded by Councillor Moore, moved as an amendment 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.

On a vote being taken, the members voted: -

For the motion: -

Councillors Boyd, Brown, Durno, King, Lumgair and Whiteside (6)

For the amendment: -

Councillors Fotheringham, Moore, Fairweather (3)

The motion was declared carried and became the finding of the meeting resulting in the request for the terminal hour of 2am being refused.

(i) Giddy Goose, 69 East High Street, Forfar

The Board considered an application from Susan Williamson to vary a premises licence (on/off sales) in respect of premises at The Giddy Goose, 69 High Street, Forfar to allow them to vary their operating plan to amend the layout of the premises by including an external eating and drinking area lying to the right-hand side facing the front of the premises.

The Board considered the written submissions received from Mrs Hood, the applicant's agent.

The Board agreed that the application be granted.

(j) Chillies of Carnoustie, The Pavilion, Links Parade, Carnoustie

The Board considered an application from Vertex Carnoustie Ltd, Flat C, Douglas Court, North George Street, Dundee to vary a premises licence (on/off sales) in respect of premises at Chillies of Carnoustie, The Pavilion, Links Parade, Carnoustie to allow them to vary their operating plan to:-

- (i) add outdoor drinking within core hours and incorporate 4 picnic benches seating 4 people each to the South West terrace and 4 tables seating 2 people each to the North East terrace to be served with food and alcohol during existing core licensing hours;
- (ii) amend the Children's Conditions as follows: -
 - (a) terms – amend to “children aged 13-15 and young persons would be permitted access to the premises unaccompanied by an adult until 19.00 for the purposes of consuming a meal or snack or to access takeaway food/meals/soft drinks/sweets/ice creams etc”. Children would not be permitted in the direct vicinity of the bar area and it would be primarily to access takeaway food including ice creams; and
 - (b) times - amend to “unaccompanied children aged 13 to 15 years old and young persons until 19.00
- (iii) amend the opening time on a Sunday from 12.30pm to 12 noon when alcohol would be sold for consumption on the premises;
- (iv) increase on sales capacity to 117 persons.

Mr Raj addressed the Board and answered questions and discussion took place regarding the Children's conditions.

The Board agreed that the application be granted, subject to the following additional conditions for the external drinking area and certain Children's conditions being amended by the Board: -

- (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.

(k) Grey Harlings Hotel, 5 Traill Drive, East Links, Montrose

The Board considered an application from Framework Property Development Ltd, 5 Traill Drive, East Links, Montrose to vary a premises licence (on sales) in respect of premises at Grey Harlings Hotel, 5 Traill Drive, East Links, Montrose to allow them to vary their operating plan to:-

- (i) amend core times to Monday to Thursday 11.00 to 23.00 and Friday and Sunday 11.00 to 24.00;
- (ii) amend the layout to extend area currently licensed as gazebo to include the decked area it sits on and extend the outdoor licensed seating area to include benches on grass within a portion of the grassy area;
- (iii) amend the Children's Conditions as follows: -
 - (a) terms currently state - "non-resident children would be permitted in the restaurant, lounge, inner and outer halls and the guest house grounds" – amend terms to now be "accompanied by a responsible adult";
 - (b) times currently state – "non-resident children and young persons would be allowed entry to the guest house between 07.00 and 21.00" – addition to include – and hotel grounds 07.00 to 21.00; and
 - (c) local children's conditions to apply in accordance with activity/service provided on the premises.
- (vi) increase the capacity from 30 persons to 150 persons

Discussion took place and members asked a number of questions

The Board agreed that the application be deferred to the Board meeting on 16 September 2021 to allow further information to be submitted.

(l) Brown Horse Hotel, 62 Market Street, Brechin

The Board considered an application from Southesk Developments to vary a premises licence (on/off sales) in respect of premises at Brown Horse Hotel, 62 Market Street, Brechin to allow them to vary their operating plan to: -

- (i) amend the core times to: -
 - On Sales**
 - amend to Monday to Thursday 11.00 to 23.00
 - Friday and Saturday 11.00 to 01.00
 - Sunday 12.00 to 23.00
 - Off Sales**
 - amend to Monday to Saturday 11.00 to 22.00
 - Sunday 12.00 to 22.00
- (ii) add a beer garden to 1/3 of the car park as per layout plan;
- (iii) include charity/fundraising activities, quiz, disco and annual music festival to their activities;
- (iv) Children's conditions: -
 - (a) amend from 12.00 to 14.30 and 17.00 to 20.30 for meals only;

- (b) amend to read “infant to 17 years old”;
 - (c) amend part of premises to read restaurant, toilets and car park/beer garden;
 - (d) amend terms to: - accompanied by a responsible adult for food only;
 - (e) include outside for charity/fundraising matters – parental supervision required.
- (v) increase the capacity from 205 persons to 220 persons.

Discussion took place and members asked a number of questions.

The Board agreed that the application be deferred to the Board meeting on 16 September 2021 to allow further information to be submitted.

6. APPLICATIONS FOR AN OCCASIONAL LICENCE

There was submitted and Report No LB 33/21 by the Clerk detailing 19 applications for occasional Licences from 7 different applicants under the Licensing (Scotland) Act 2005 which required to be determined by the Board, as detailed in the Appendix to the Report.

(a) Portcullis Bar, 6 Conon Terrace, Arbroath

The Board considered applications from Hawthorn Leisure Scotco Ltd requesting three occasional licences in respect of their beer garden in the car park and external areas adjacent to the Portcullis Bar, 6 Conon Terrace, Arbroath from 16 August 2021 to 26 September with on sales from 12pm until 10pm each day.

The Board noted that the applications had been withdrawn by the applicant.

(b) Queen Street Tavern, 45 – 53 Queen Street, Forfar

The Board considered applications from Hawthorn Leisure Scotco Ltd requesting three occasional licences in respect of their beer garden in the car park and external areas adjacent to the premises, Queen Street Tavern, Forfar from 16 August 2021 to 26 September with on sales from 11am until 9pm each day.

The Board noted that the applications had been withdrawn by the applicant.

(c) Jonathan Calder, 24 Sanderson Place, Newbigging

The Board considered an application from Jonathan Calder, Personal Licence Holder requesting an occasional licence in respect of a business involving preparing cocktail packs to be delivered to people in their homes from 28 August to 10 September with off sales from 10am to 10pm each day.

Mr Calder was present and addressed the Board

The Board agreed that the application be approved subject to the mandatory and local conditions as well as the additional conditions detailed in Appendix 2 to the Report with the exception of conditions 1,2,7,11,12 and 13 on the basis that it was an off sales delivery service but that a major variation application be submitted by the applicant.

(d) Thrums Hotel, Kirriemuir

The Board considered applications from David Clark requesting three occasional licences in respect of their beer garden using the existing car park to the north of the Thrums Hotel, Kirriemuir from 16 August 2021 to 26 September with on sales from 12pm until 9pm each day.

The Board noted that the applications had been withdrawn by the applicant.

(e) Stag Hotel, 142 Castle Street, Forfar

The Board considered applications from Susan Campbell requesting three occasional licences in respect of their beer garden using the garden area to the north of the Stag Hotel, Forfar from 16 August 2021 to 26 September with on sales from 11am until 9pm each day.

A letter submitted by the applicant was circulated to member for consideration.

The Board agreed that the application be approved subject to the mandatory and local conditions and the additional conditions detailed in Appendix 2 to the Report but that a major variation application be submitted by the applicant for future use of this area.

(f) Kinloch Arms, 27 – 29 High Street, Carnoustie

The Board considered applications from Andrew Wallace requesting three occasional licences in respect of their beer garden using the existing car park adjacent to Kinloch Arms, Carnoustie from 19 August 2021 to 29 September with on sales from 12pm until 9pm each day.

The Board agreed that the three application be approved subject to the mandatory and local conditions as well as the additional conditions detailed in Appendix 2 to the Report but that a major variation application be submitted by the applicant for future use of this area.

(g) Market Arms, 95 High Street, Montrose

The Board considered applications from William Dorward requesting three occasional licences in respect of their pavement Café which was located on the pavement outside the Market Arms, Montrose from 17 August 2021 to 27 September with on sales from 11am until 9pm each day.

The Report advised that the applicant had been granted permission by the Roads Authority to use the pavement area however, a condition had been attached to the road permission that the area could only be used until 8pm.

The Board agreed that the three applications be approved for on sales from 11am to 8pm each day subject to the mandatory and local conditions as well as the additional conditions detailed in Appendix 2 to the Report but that a major variation application be submitted by the applicant for future use of this area.

6. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 34/21 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 29 April 2021 to 2 July 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 35/21 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 29 April 2021 to 2 July 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 36/21 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 29 April 2021 to 2 July 2021, in accordance with the Scheme of Delegation appended to the Licensing Policy.

9. CONFIRMATION OF PROVISIONAL PREMISES LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 37/21 by the Clerk advising members of applications for confirmation of provisional premises licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 29 April 2021 to 2 July 2021 in accordance with the Scheme of Delegation appended to the Licensing Policy.