

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held remotely on Thursday 25 November 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 intimated.

2. DECLARATIONS OF INTEREST

Councillor Nicol declared an interest in item 4 (d) (Report No LB48/21) Strathmore Rugby Football Club as in past years he had been a member of the Club. He indicated that he would take part in any discussion and voting.

Councillor Fotheringham declared an interest in item 4 (d) (Report No LB48/21) Strathmore Rugby Football Club as his neighbour was the current President and in past years, he had attended various hospitality events. He indicated that he had no financial interest in the Club and would take part in any discussion and voting.

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Board held on 16 and 30 September 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 48/21 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) Caledonian Bar, 26 Ferry Street, Montrose

The Board considered an application from Angela Guthrie to vary a premises licence in respect of premises at Caledonian Bar, 26 Ferry Street, Montrose to allow them to vary their operating plan to allow children and young persons on the premises as detailed below: -

- (a) Terms - Children and young persons would only be permitted into licensed premises where the primary purpose of allowing them access was to consume a meal.
- (b) Ages – Children and young persons aged 5 – 17 years to be allowed entry to consume a meal.
- (c) Times - Monday to Sunday 12.00 to 21.00.
- (d) Parts - Children and young persons would be allowed entry to the lounge area.

Ms Guthrie was present and addressed the Board.

The Board agreed that the application be granted subject to the Local Children's Conditions.

(b) Lidl, Brechin Road, Montrose

The Board considered an application from Lidl Great Britain Ltd, Worple Road, London to vary a premises licence in respect of premises at Lidl, Brechin Road, Montrose to allow them to vary their operating plan to: -

- (i) amend the layout and increase the alcohol display capacity

From	Non seasonal	50.04m2
	Seasonal Extra	12.02m2
To	Non seasonal	63.22m2
	Seasonal Extra	12.02m2
	Total increase in capacity	13.18m2

New plans to be effective from 24 February 2022.

Mr Hunter, the applicant's agent addressed the Board. Ms Bloomfield, representative from Lidl, was also in attendance.

The Board agreed that the application be granted.

(c) The Edzell Golf Club, High Street, Edzell

The Board considered an application from The Edzell Golf Club to vary a premises licence in respect of premises at The Edzell Golf Club, High Street, Edzell to allow them to vary their operating plan to: -

- (i) extend the outdoor drinking area by 5m x 17.2m to allow outdoor dining within core hours;
- (ii) amend the children's conditions as detailed below: -
- i. No person under 18 years of age would be permitted access to the main bar area during core licensed hours or during hours authorised by an occasional extension.
 - ii. Children under 16 and young persons under 18 would be permitted access to the designated seated area when accompanied by a responsible adult and there for the purposes of having a meal or prizegiving.
 - iii. Children under 16 and young person under 18 would be served non-alcoholic beverages from the serving hatch in the main hallway. Such beverages would require to be consumed in the Junior Room.
 - iv. There are no gaming or cigarette vending machines on the premises.
 - v. The main menu including planned meals, snacks etc. would be available at all times when children were on the premises.
 - vi. Radiators in the hallway and Junior Room would be securely guarded.
 - vii. Persons appearing to be under 25 years would only be permitted to the lounge bar areas on production of an approved I. D. (e.g., PASS card)
 - viii. Staff are trained not to permit the sale of alcohol to children/young persons under the age of 18 and also to closely monitor the amount of drink consumed by any person aged 18-25.
 - ix. Staff are trained to take appropriate action if they suspect the 'agent' sales are taking place for the benefit of children/young persons.
- (iii) amend the local children's conditions – new times to be amended to: -

- (i) Children and young persons would be permitted access to the designated area during the core licensing hours, if there for the purpose of having a meal or attending a function”; and
 - (ii) No children or young persons were permitted entry to the bar areas of the Club.
- (iv) amend the premises licence which currently stated, “Main Hallway, Junior Room and Designated Restaurant area”, new parts to be amended to: -

Children and all young person were permitted access to the main hallway, Junior Room and designated restaurant area. They were specifically excluded from the bar area to which only persons over the age of 18 years were permitted.

Ms Tough, a representative of the Club was present and addressed the Board.

The Board agreed that the application be granted subject to no music being provided in the external areas.

(d) Strathmore Rugby Football Club, Inchmacoble, Forfar

With reference to Article 5(f) of the minute of meeting of this Board of 16 September 2021, the Board considered an application from Strathmore Rugby Football Club to vary a premises licence (on sales) in respect of premises at Inchmacoble, Forfar to allow them to vary their operating plan to: -

- (i) amend their core hours as follows: -
 - On Sales
 - Sunday to Thursday 11.00 to 24.00
 - Friday and Saturday 11.00 to 01.00
 - Addition of Off Sales hours
 - Monday to Sunday 11.00 to 22.00
- (ii) add the following activities out with core hours
 - (a) restaurant
 - (b) bar meals
 - (c) recorded music
 - (d) live performances
 - (e) dance facilities
 - (f) theatre
 - (g) films
 - (h) gaming
 - (i) indoor/outdoor sports
 - (j) outdoor drinking

All activities out with core hours to commence from 7am.

Any outdoor drinking out with core hours would only relate to non-alcoholic drinks.

The applicant had requested “To enable viewing of major Rugby Football events Rugby World Cup and 6 Nations - should games be scheduled in advance of core hours to permit sale of alcohol in conjunction with sale of substantial breakfast offering, access to club to be restricted to club members and their families by ticket booked and paid for in advance.”

- (iii) to include other activities such as: -
 - (a) Yoga, marathon training and other sports and keep fit activities etc;
 - (b) Service and consumption of food and drink over whole of licensed area;
 - (c) Food and drink promotions, matchings and tastings;

- (d) Karaoke, band practice;
 - (e) Permit occasional markets and other activities in club premises including car park area for the purposes of assisting club fundraising. Non-members to be signed in by club members;
 - (f) Promoting sponsors, supporters and club members, local businesses, local producers and local makers; and
 - (g) charity events to permit community activities commensurate with a family friendly locally based club.
- (iv) amend children and young persons as follows: -
- (a) **Terms** - always accompanied by an adult who may include coach, trainers or other members the club or visiting teams or other responsible adult.
- Permit access to youth and young/child players before and after games, training and practice sessions and team players and opposing team players access to the premises for pre and/or post training or pre and/or post-match snacks and refreshments until 22.00 for 14 -17 year olds and until 18.00 for 5 -13 year olds. To recognise that under 18s would in all cases be under the care and supervision of club members, coaches, trainers and other responsible adults. Permit access to whole premises except the long side of the server bar. Access for purchase or ordering of non-alcoholic drinks, beverages and food to be at dedicated under 18s part of the servery - short end of bar servery marked with an X on layout plan.
- (b) **Times** - 07.00 to 22.00 or end of club functions.
 - (c) **Parts of Premises** - to permit access to whole premises except the adult side of the server bar, access for purchase or ordering of non-alcoholic drinks, beverages and food to be at dedicated under 18's part of the bar servery marked with an X on layout plan.
- (v) increase the capacity for on sales from 140 to: -
- Capacity internal 239
Capacity external 530
- External capacity was usually only reached on major game match days when extra portaloos provision would be made available.

At this point (10.19am) it was noted that the Convener was having connection issues and the Vice Convener took the chair for the remainder of this item.

Mrs Hood, the applicant's agent addressed the Board during which she answered a number of questions in relation to the capacity and the sale of alcohol.

Discussion also took place regarding the current Byelaws and where alcohol could be consumed. Mr Thompson, Clerk clarified a number of points and advised that the Byelaws only applied to football matches and not rugby and that Strathmore Rugby club ground was not within the current Byelaws in Forfar.

Mrs Thom, Building Standards Manager address the Board and advised members that additional toilets would be required should the number of persons exceed 200.

Mrs Hood then summed up and confirmed that extra portaloos would be provided when the capacity exceeded 200 persons. Mr Welsh, a representative of the club also addressed the Board.

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

- (a) that the internal capacity be limited to 200 persons;
- (b) that the Clerk and Police Scotland to be given seven clear days' notice of any international games involving British Lions, Six Nations or World Cup Rugby; and

- (c) that a suitable number of portaloos be provided when the capacity exceeded 200 persons.
- (d) additional conditions for the outdoor drinking areas: -
 - (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.

At this point (11.02am) the Convener retook the chair.

(e) Devitos, 11 Millgate, Arbroath

The Board considered an application from KWS Properties Ltd to vary a premises licence (on sales) in respect of premises at Devitos, 11 Millgate, Arbroath to allow them to vary their operating plan to: -

- (i) amend their core hours as follows: -
current on Sales hours

Monday to Thursday	20.00 or 12 noon to 02.00
Friday and Saturday	20.00 or 12 noon to 02.30
Sunday	20.00 or 12 noon to 02.00

amend on Sales hour to: -

Monday to Thursday	19.00 to 02.00
Friday and Saturday	19.00 to 03.00
Sunday	19.00 to 02.00

- (ii) add Boxing Day to existing Christmas Eve, Christmas Day, Hogmanay and New Year's Day (seasonal variations).
- (iii) include theatre within core hours.
- (iv) include comedians and other non-musical entertainment as may be from time to time enjoyed at the venue.

The Board noted the contents of an objection received from Chief Superintendent Phil Davidson, Tayside Division, Police Scotland dated 23 September 2021.

PC Simpson addressed the Board and spoke on the contents of the letter from Police Scotland dated 23 September 2021 and gave details of a number of incidents which had taken place.

Mrs Hood, the applicant's agent addressed the Board during which she advised members that it would have been helpful to have had prior notice of these incidents and requested that she leave the meeting to consult with her client. On returning she advised that her client was happy to proceed with the application.

PC Jamieson then addressed the Board and provided further details of the nine incidents.

At this point in the meeting (11.19am) it was noted that the Convener was having connection issues and the Vice Convener took the chair for the remainder of this item.

Mrs Hood then addressed the Board on the application and discussion took place.

Mrs Hood then summed up.

Councillor Fairweather seconded by Councillor Nicol, moved that the Board grant the core hours requested and amend the terminal hour on Friday and Saturday from 2.30am to 3am.

COUNCILLOR KING SECONDED BY COUNCILLOR WHITESIDE MOVED AS AN AMENDMENT THAT THE REQUEST TO AMEND THE TERMINAL HOUR ON FRIDAY AND SATURDAY FROM 2.30AM TO 3AM BE REFUSED AS IT WAS INCONSISTENT WITH THE LICENSING OBJECTIVE OF PREVENTING PUBLIC NUISANCE AND WOULD RESULT IN A BREACH OF THE LICENSING POLICY.

On a vote being taken, the members voted: -

For the motion: -

Councillors Moore, Fairweather, Lumgair and Nicol (4)

For the amendment: -

Councillors Boyd, Brown, Durno, King and Whiteside (5)

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

The Board thereafter agreed that the other parts of the application be granted.

At this point (12.04pm) the Convener retook the chair.

(f) Devitos Nightclub, 30 – 36 George Street, Montrose

The Board considered an application from KWS Properties Ltd to vary a premises licence (on sales) in respect of premises at Devitos Nightclub, 30 – 36 George Street, Montrose to allow them to vary their operating plan to: -

(i) amend their core hours as follows: -

current on Sales hours

Monday	12.00 to 01.00
Tuesday	12.00 to 24.00
Wednesday	12.00 to 01.00
Thursday to Sunday	12.00 to 02.00

amend on Sales hours to: -

Monday to Thursday	12.00 to 02.00
Friday and Saturday	12.00 to 03.00
Sunday	12.00 to 02.00

(ii) add Boxing Day to existing Christmas Eve, Christmas Day, Hogmanay and New Year's Day (Seasonal Variations)

(iii) Activities: -

- (a) include theatre within core hours;
- (b) add televised sport out with core hours (request now withdrawn by applicant); and
- (c) remove conferences and adult entertainment.

(iv) amend activities outwith core hours as follows: -

From

- (a) Sale of food for conferences and functions from 9am.
- (b) Sale of food during and at end of night club service to patrons only on Friday and Saturday nights until 3am.
- (c) Quiet background music not exceed 85dB between the hours of 2am and 3am.
- (d) No alcohol to be sold out with core hours.

To

- (a) Receptions, club meetings and televised sport can all be enjoyed before core hours.
- (b) Televised sport may be shown to capture special events e.g. British Lions Rugby, UEFA or World Cup Football and other world class events before core hours when these events take place in other time zones and are of interest to the clientele of the premises.
- (c) No alcohol to be sold out with core hours.

The Board noted the contents of an objection received from Chief Superintendent Phil Davidson, Tayside Division, Police Scotland dated 20 September 2021.

PC Jamieson addressed the Board and spoke on the contents of the letter from Police Scotland dated 20 September 2021 and expressed concern at the terminal hour request being 3am on a Friday and Saturday evening.

Mrs Hood then addressed the Board on the application and advised that there were no issues with the running of these premises and the sale of food was currently permitted to patrons only until 3am on Friday and Saturday nights.

At this point in the meeting, it was noted that the Convener was having connection issues and the Vice Convener took the chair for the remainder of this item.

Discussion took place and Mrs Hood summed up.

Councillor Fairweather seconded by Councillor Nicol, moved that the Board grant the core hours requested and amend the terminal hour on Friday and Saturday from 2am to 3am.

COUNCILLOR KING SECONDED BY COUNCILLOR BOYD MOVED AS AN AMENDMENT THAT THE BOARD GRANT THE CORE HOURS AS FOLLOWS: - SUNDAY TO THURSDAY 7PM TO 2AM AND FRIDAY AND SATURDAY 7PM TO 2.30AM.

On a vote being taken, the members voted: -

For the motion: -

Councillors Fairweather, Lumgair and Nicol (3)

For the amendment: -

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

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

The Board thereafter agreed to grant that the other parts of the application.

At this point in the meeting, the Convener retook the chair.

(g) Old Masons Arms, 135 – 139 East High Street, Forfar

With reference to Article 5(d) of the minute of meeting of this Board of 16 September 2021, the Board considered an application from Maria Stewart to vary a premises licence (on/off sales) in respect of premises at Old Masons Arms, 135 – 139 East High Street, Forfar to allow them to vary their operating plan to: -

- (i) amend their core hours for on sales on Friday and Saturday from 01.00 to 02.00; and
- (ii) include karaoke, pub quiz, psychic nights and poker nights.

The Board noted the contents of an objection received from Chief Superintendent Phil Davidson, Tayside Division, Police Scotland dated 13 July 2021.

Mrs Hood, the applicant's agent addressed the Board and requested that the application be deferred to allow her further time to consult with her client.

The Board agreed that the application be deferred to the Board meeting on 13 January 2022.

5. PREMISES LICENCES – REQUEST TO EXTEND HOURS UNDER THE LICENSING (S) ACT 2005

There was submitted Report LB 49/21 by the Clerk which presented an application to extend the licensed hours in respect of a premises licence under the Licensing (Scotland) Act 2005, which required to be determined by the Board, as detailed in the Appendix to the Report.

The Board noted that the Report had been withdrawn.

6. ANNUAL FINANCIAL REPORT

There was submitted and noted Report No LB 50/21 by the Clerk which presented the Annual Financial Report to the Board.

The Board agreed to note and approve the Annual Financial Report of the Angus Licensing Board for the period 1 April 2020 to 31 March 2021 as detailed in Appendix 1 to the Report.

7. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 51/21 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 25 August to 1 November 2021 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 52/21 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 25 August to 1 November 2021, 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 53/21 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 25 August to 1 November 2021, in accordance with the Scheme of Delegation appended to the Licensing Policy.

10. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 54/21 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 25 August to 1 November 2021, in accordance with the Scheme of Delegation appended to the Licensing Policy.

11. CONFIRMATION OF PROVISIONAL PREMISES LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 55/21 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 25 August to 1 November 2021 in accordance with the Scheme of Delegation appended to the Licensing Policy.

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

There was submitted Report No LB 56/21 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 Cliffburn Hotel, Cliffburn Road, Arbroath and Caledonian Bar, 67 North Street, Forfar be removed from the register.

13. APPLICATIONS FOR AN OCCASIONAL LICENCE – CLIFFBURN HOTEL, ARBROATH

There was submitted Report No LB 57/21 by the Clerk detailing two applications for occasional Licences under the Licensing (Scotland) Act 2005 which required to be determined by the Board, as detailed in the Appendix to the Report.

(a) Cliffburn Hotel, Cliffburn Road, Arbroath

The Board considered two applications from Jacqueline Cargill, Personal Licence holder requesting two occasional licences in respect of the Cliffburn Hotel, Cliffburn Road, Arbroath from 17 December to 30 December 2021 and 31 December 2021 to 13 January 2022 for on sales - Sunday to Thursday 11am to midnight and Friday and Saturday 11am to 1am.

The Board agreed that the applications be granted.