

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held remotely on Thursday 17 February 2022 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 commencement of the meeting, the Convener welcomed back Tina Magson, Team Leader, Legal to her first meeting of the Board. He also, on behalf of the members of the Angus Licensing Board, expressed his appreciation of the assistance and advice provided to the Board by David Thompson, Principal Solicitor and wished him every success in the future.

1. APOLOGIES

There were no apologies 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 13 December 2021 and 13 January 2022 were approved as correct records and signed by the Convener.

4. PROVISIONAL LICENCE EXTENSION APPLICATION – FORMER SEAFORTH HOTEL, ARBROATH

With Reference to Article 4(a) of the minute of meeting of this Board of 9 August 2018, there was submitted Report No LB 6/22 by the Clerk on an application received on 14 January 2022 from the provisional licence holder requesting permission to extend the duration of the provisional licence in terms of section 45 of the Licensing (Scotland) Act 2005, which required to be determined by the Board.

The Board considered the application from Marston's Operating Ltd for the extension of the provisional licence in respect of the former Seaforth Hotel, Arbroath. The application was for a further two years extension to 9 August 2024.

Mr Grunert, legal agent for the applicant, addressed the Board after which members asked him questions.

The Board agreed that the provisional licence be further extended for a two year period up until 9 August 2024.

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

There was submitted Report No LB 7/22 by the Clerk advising members of the non-payment of Annual Fees under the Licensing (Scotland) Act 2005 ("the 2005 Act") as detailed in the Appendix to the Report which the Board may wish to consider and take action.

The Board received an update from the Licensing Standards Officer and it was noted that seven premises had still not paid their Annual Fees.

The Board noted the position and agreed to hold a review hearing on Thursday 24 March 2022 in respect of the premises as detailed in the Appendix to the Report.

6. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 8/22 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the

Clerk during the period 15 December 2021 to 24 January 2022 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 9/22 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 15 December 2021 to 24 January 2022, 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 10/22 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 15 December 2021 to 24 January 2022, in accordance with the Scheme of Delegation appended to the Licensing Policy.

9. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 11/22 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 15 December 2021 to 24 January 2022, in accordance with the Scheme of Delegation appended to the Licensing Policy.

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

There was submitted Report No LB 12/22 by the Clerk presenting information on a premises licence which the licence holder had surrendered, as detailed in the Appendix to the Report.

The Board agreed to note that the premises licence 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 licence for 400 Savers, 39 – 41 High Street, Montrose be removed from the register.

At this point in the meeting, the Board resolved that the public and press be excluded from the meeting during consideration of the following items, so as to avoid the possible disclosure of sensitive information.

11. NEW PERSONAL LICENCE APPLICATION – ABIGAIL LUGARA

There was submitted Report No LB 13/22 by the Clerk informing members of correspondence received from the Chief Superintendent, Tayside Division, Police Scotland advising that in terms of Section 73(5) of the Licensing (S) Act 2005, Police Scotland considered that the applicant, Abigail Lugara had acted in a manner which was inconsistent with a licensing objective in respect of a new application for a personal licence.

The members noted the contents of the correspondence received from the Chief Superintendent dated 30 December 2021 and Constable Simpson, Police Scotland addressed the Board and gave further details.

At this point in the meeting, it was noted that Councillor Boyd was having connection issues.

Ms Lugara was present and addressed the Board after which she answered some questions from members.

The Board then heard from Inspector Allen who clarified a number of points raised by members.

Ms Lugara then summed up.

The Board agreed that the application for a personal licence be granted.

12. PERSONAL LICENCE APPLICATION – NOTIFICATION OF CONDUCT INCONSISTENT WITH A LICENSING OBJECTIVE

There was submitted Report No LB 14/22 by the Clerk informing members of correspondence received from the Chief Superintendent, Tayside Division, Police Scotland advising that the Personal Licence holder had acted in a manner which was inconsistent with licensing objectives, and required to consider and determine what Order, if any, required to be made in respect of the Personal Licence holder.

The members noted the contents of the correspondence received from the Chief Superintendent dated 2 February 2022 and agreed that in terms of section 84A of the Licensing (Scotland) Act 2005, to hold a hearing on 24 March 2022 and that the applicant be requested to attend in person.