

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held remotely on Thursday 18 August 2022 at 10am.

Present: Councillors BRENDA DURNO, KENNY BRAES, CRAIG FOTHERINGHAM, ROSS GREIG, GEORGE MEECHAN, LLOYD MELVILLE, GAVIN NICOL, JILL SCOTT AND BETH WHITESIDE

Councillor DURNO, Convener, in the Chair.

1. APOLOGIES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

The Board agreed to note that no declarations of interest were made.

3. MEMBERSHIP OF THE ANGUS LICENSING BOARD

With reference to Article 7 (iii) of the minute of meeting of the Council of 30 June 2022, the Board noted that Councillors Clark and Fairweather had resigned from the Board and that Councillor Meechan has been appointed as a member of the Board bringing the membership of the Board to 9.

4. APPOINTMENT OF VICE CONVENER

With reference to Article 4 of the minute of meeting of this Board of 9 June 2022, the Board unanimously agreed that Councillor Meechan be appointed Vice Convener of the Angus Licensing Board.

5. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 9 June 2022 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 36/22 by the Clerk on applications 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) Nisa Local, 25 Fisheracre, Arbroath

With reference to Article 6(a) of the minute of meeting of this Board of 9 June 2022, the Board considered an application from Family Shopper Ltd for the grant of a premises licence (off sales) in respect of premises at Nisa Local, 25 Fisheracre, Arbroath.

Mr Mohammad was present and addressed the Board.

The Board agreed that the application be granted subject to the Statutory Conditions.

(b) Angus Grill & Larder, Balnabreich, Brechin

The Board considered an application from Angus Grill and Larder - A90 Ltd for the grant of a premises licence (on/off sales) in respect of premises at Angus Grill and Larder, Balnabreich, Brechin.

Mrs Hood, the applicant's agent addressed the Board and confirmed that she was happy to agree to the additional eight conditions suggested by the Licensing Standards Officer but requested that the external outdoor area be utilised until 10pm. She also requested that the Model Children's condition 2(c) be amended to allow young persons aged 16 and 17 to enter the premises unaccompanied to enjoy a meal as the premises were regarded as more of a café/shop.

Members then asked a number of questions in relation to the application and the distance in relation to any neighbouring properties.

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

- (i) Alcohol sold or dispatched from the premises will be delivered only to residential or business addresses.
- (ii) The Licenceholder shall always check the age of customers or potential customers, be satisfied that they are aged 18 years of over before any sale is completed and otherwise shall comply with the age-related sale provisions in the Licensing (Scotland) Act 2005.
- (iii) Sales of Alcohol may only take place within licensed hours.
- (iv) The Licenceholder shall ensure that those persons who deliver the alcohol are aware of the provisions of, and restrictions on, the delivery of alcohol contained in the Licensing (Scotland) Act 2005.
- (v) A delivery book should be kept for all alcohol delivery sales. It is an offence to deliver alcohol to persons under 18 years of age.
- (vi) Patrons shall not be permitted to use the external drinking areas beyond 22.00 hours.
- (vii) No music shall be provided in the external drinking area.
- (viii) No music or amplified sound be provided anywhere within the licensed premises with the intention of being heard within the external drinking area;
- (ix) that the Model Children's Condition 2(c) be amended to delete "Young Persons" condition 2(c) now reads as follows: -

Children must be accompanied by and kept under the direct supervision of a responsible adult (not less than the age of 18) who must keep proper control of the children at all times.

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

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

There was submitted Report No LB 37/22 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) Smithies, 16 Keptie Street, Arbroath

With reference to Article 7(b) of the minute of meeting of this Board of 9 June 2022, the Board considered an application from Patricia Smith to vary a premises licence (on/off sales) in respect of premises at Smithies, 16 Keptie Street, Arbroath to allow them to vary their operating plan to: -

- (i) amend off sales hours - Monday to Sunday 10.00 to 22.00;
- (ii) add music and live performances, within core hours;
- (iii) add an outdoor drinking area;
- (iv) add children and young persons access to toilets;
- (v) amend the layout plan for the current premises at 16 Keptie Street to become all retail/shop area with a new access doorway to 18 Keptie Street to provide

for the moving and extension of the seating/café area for the consumption of alcohol as per plans submitted and to include the outdoor seating area at 16 Keptie Street;

- (vi) to increase shelved alcohol display areas at 16 Keptie Street and the addition of an alcohol display in the window; and
- (vii) to increase the on sales capacity to 36, which is to include 4 persons in the outside area.

Ms Beth Smith addressed the Board and confirmed that she was happy with the capacity of 36.

The Committee then heard from Mr Easson, Service Leader - Environment and Consumer Protection regarding the outstanding issues and he advised that he was happy with the application.

The Committee also heard from Mrs Thom, Building Standards Manager who provided an update and advised that she required more information regarding the lack of sanitary facilities for the increase in numbers proposed and the accessible access throughout the café. It was noted that a completion certificate required to be submitted and accepted prior to occupation or use of the converted area.

At this point in the meeting (10.41am) the Board resolved to adjourn for 5 minutes to allow the Clerk to check if a Section 50 certificate was required prior to granting the major variation application.

The meeting resumed in public and the Clerk advised the Board that major variation applications did not require support of a Section 50 Certificate as building standards issues were a separate matter which would be dealt with by the Building Standards Department.

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

- (i) Patrons shall not be permitted to use the external drinking area beyond 21.00 hours;
- (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) Brechin City Football Club, Glebe Park, Trinity Road, Brechin

With reference to Article 7(f) of the minute of meeting of this Board of 9 June 2022, the Board considered an application from Brechin City Football Club to vary a premises licence (on sales) in respect of premises at Brechin City Football Club, Glebe Park, Trinity Road, Brechin to allow them to vary their operating plan to: -

- (i) amend the following: -
 - (a) Add off sales: Saturday - 13.00 to 20.00
 - (b) Activities: - add conference facilities, receptions including (weddings, funerals, birthdays, retirements etc) and outdoor drinking facilities outwith core hours
 - (c) Children and young personsParts of premises: to include hospitality lounge as well as members club and boardroom.
- (ii) amend the layout plan to incorporate 2 new portacabins which would be positioned within the ground. Both consisted of a lounge and kitchen area which would be utilised for providing a community facility.

Community use would be based on demand but likely to be between 09.00 and 16.00 Monday – Friday but they would only be open if booked with no alcohol consumption. They may have the occasional community group usage in the evening but this would only be for meetings and unlikely to go beyond 20.00. The cabins would form part of the hospitality on a matchday and would open at 13.00 but be closed by 19.00 at the latest. There may be the odd occasion when there was a midweek game that they will be in use based on demand and will not go beyond the current full-time arrangements in relation to any football activity.

- (iii) increase the capacity from 90 persons to 168 persons

Mr Mackie, a representative for the Club addressed the Board and confirmed that only one portacabin was on site and the second portacabin had not arrived yet. He also advised that the club no longer required off sales and no alcohol would be sold in the outdoor area.

The Clerk addressed members and clarified a number of points with Mr Mackie who advised that he had only received the new revised layout plan this morning.

Discussion took place and some members advised that they were unclear on the intentions of the application.

Mr Mackie summed up.

The Board agreed to defer the application to allow the applicant to review the application and allow the Clerk to receive the revised layout plan.

(c) Shell Forfar, Queenswell Road, Forfar

The Board considered an application from Shell UK Oil Products Ltd to vary a premises licence (off sales) in respect of premises at Shell Forfar, Queenswell Road, Forfar to allow them to vary their operating plan to include delivery services by a third party provider and amend the description at 5(f) any other activities to: -

Convenience store will operate outside of and during core hours selling grocery products, drinks, tobacco, sandwiches, confectionery, etc. The premises will offer a delivery service which may include alcohol via a third-party delivery service provider. All deliveries which include alcohol will be made within the permitted times to deliver alcohol allowed under the Act. The premises licence holder will take steps to ensure that the delivery partner operates a Challenge 25 age verification policy.

Mr Hunter, the applicant's agent addressed the Board and confirmed that he was happy with the conditions suggested by the Licensing Standards Officer subject to some minor amendments which had been agreed by the LSO.

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

- (i) Alcohol sold or dispatched from the premises will be delivered only to residential or business addresses.
- (ii) The Licenceholder shall exercise due diligence to check the age of customers or potential customers, be satisfied that they are aged 18 years of over before any sale is completed and otherwise shall comply with the age-related sale provisions in the Licensing (Scotland) Act 2005.
- (iii) Sales of Alcohol may only take place within licensed hours. Any person submitting an order outwith the licensed hours is to be advised that the order will be processed after the commencement of the next period of licensed hours.
- (iv) The Licenceholder shall ensure that those persons who deliver the alcohol are aware of the provisions of, and restrictions on, the delivery of alcohol contained in the Licensing (Scotland) Act 2005.

- (v) An electronic notice shall be affixed to every package containing alcohol dispatched from the premises stating that the package shall contain alcohol and that it is an offence to deliver it to a person under 18 years of age.

Councillor Braes left the meeting at this point.

(d) Kinloch Arms Hotel, 27-29 High Street, Carnoustie

The Board considered an application from Kinloch Lodgings Ltd to vary a premises licence (on/off sales) in respect of premises at Kinloch Arms Hotel, 27-29 High Street, Carnoustie to allow them to vary their operating plan to: -

- (i) amend the layout plan showing the proposed extension to the external drinking area to the rear of the premises; and
- (ii) amend the premises licence description

From – Hotel on High Street was a free standing two storey building.

To – Detached full-service Hotel with external areas situated in Carnoustie High Street.

The Board noted the comments from Environmental Health and Building Standards and Mrs Thom, Building Standards Manager provided an update regarding the capacity, which had now been confirmed would remain at 250 persons.

Mrs Hood, the applicant's agent addressed the Board and advised that the applicant was happy with 9pm terminal hour for the outdoor area and had withdrawn the request for music in the outdoor area.

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

- (i) no music shall be provided in the external drinking areas.

(e) The Corner Hotel, 103-105 Dundee Street, Carnoustie

The Board considered an application from Carnoustie Corner Hotel Ltd to vary a premises licence (on/off sales) in respect of premises at The Corner Hotel, 103-105 Dundee Street, Carnoustie to allow them to vary their operating plan to: -

- (i) amend the core time for Sunday off sales from 12.30pm to commence at 11.00am;
- (ii) amend the operating plan to add: -
 - (a) within and outwith core hours theatre, films and outdoor drinking facilities; and
 - (b) outwith core hours accommodation, conference facilities, restaurant facilities, bar meals, receptions, club meetings, recorded music, live performances, dance facilities. Indoor/outdoor sports and televised sports.

- (iii) add outwith core hours the following activities: -

Conference facilities and receptions - conferences and seminars and such receptions as described above shall occasionally commence from 07.00 with the provision of morning facilities such as teas, coffees and breakfasts.

Restaurant facilities/Bar Meals - teas, coffees and breakfasts commence from 07.00 for residents and such facilities are also available for non residents.

Club or other group meetings etc. - as for Receptions.

Recorded music - background music shall occasionally be provided to enhance the provision of morning receptions, club meetings, conferences and seminars.

Live performances - dramatic, artistic and musical performances by artistes shall occasionally be performed in the morning before licensing opening times but not after the terminal drinking hours to enhance conferences, seminars, receptions and club meetings.

Dance Facilities, Theatre and Films - as for Live Performances.

Indoor/outdoor sports - darts, skittles and other similar "pub" games and pastimes are available from 08.00.

Televised sport - sporting events from across the world, such as tennis, football, athletics events (Olympic Games, Commonwealth Games, World Championships), boxing matches shall on occasion be screened to residents and non residents.

Outdoor drinking facilities - non alcoholic refreshment will be available for consumption by residents and non residents in the outdoor drinking areas in the morning before licensing opening times but not after the terminal drinking hours.

Other Activities remove: - Cabaret, karaoke, quiz nights and charity fund raisers

- (iv) Children and young person's amendments as per the appendix to Report LB37/22.
- (v) amend the layout plan to reflect the new layout of the premises and to include Beer Garden area; and
- (vi) increase the capacity from 154 persons to 202 persons

Mr McElroy, the applicant's agent addressed the Board and confirmed that his client wished to remove the request for children and young person's variations.

He also confirmed that his client wished to keep the activities such as cabaret, karaoke, quiz nights and charity fund raisers and regards the capacity his client was happy with a capacity of 154 persons and no increase was required. He also confirmed that fencing would be provide around the outside drinking area.

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

- (i) patrons shall not be permitted to use the external drinking areas beyond 21.00 hours;
- (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.

8. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 38/22 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 26 May 2022 to 15 July 2022, in accordance with the Scheme of Delegation appended to the Licensing Policy.

9. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 39/22 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 26 May 2022 to 15 July 2022 in accordance with the Scheme of Delegation appended to the Licensing Policy.

10. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS

There was submitted and noted Report No LB 40/22 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 26 May 2022 to 15 July 2022, in accordance with the Scheme of Delegation appended to the Licensing Policy.

11. EXTENDED HOURS – DELEGATED APPROVALS

There was submitted and noted Report No LB 41/22 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 26 May 2022 to 15 July 2022, in accordance with the Scheme of Delegation appended to the Licensing Policy.

12. CONFIRMATION OF PROVISIONAL PREMISES LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 42/22 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 26 May 2022 to 15 July 2022 in accordance with the Scheme of Delegation appended to the Licensing Policy.