

# ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held remotely on Thursday 15 September 2022 at 10am.

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

Councillor DURNO, Convener, in the Chair.

Prior to the commencement of business, the Convener referred to the recent death of Her Majesty Queen Elizabeth II, following which a minute's silence was observed.

## 1. APOLOGIES

There were no apologies intimated.

## 2. DECLARATIONS OF INTEREST

Councillor Durno declared an interest in Items 10 and 11 Report Nos LB49/22 and LB50/22 as a relative worked in these premises. She advised that she would not take part in these items and would leave the meeting.

## 3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 18 August 2022 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 43/22 by the Clerk on an application 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) The Wee Shop, 150 East High Street, Forfar

The Board considered an application from Brygida Szot for the grant of a premises licence (off sales) in respect of premises at The Wee Shop, 150 East High Street, Forfar.

Ms Szot was present and addressed the Board.

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

## 5. APPEAL TO THE SHERIFF COURT

With reference to Article 7 (g) of the minute of meeting of this Board of 9 June 2022, there was submitted Report No LB 44/22 by the Clerk advising the Board of an Appeal against a decision of the Board and the outcome of the Appeal.

The Board agreed: -

- (i) to note that an appeal was lodged at Forfar Sheriff Court against the decision of the Board at its meeting of the Board on 9 June 2022, to refuse to grant a variation of the premises licence in respect of premises at Devitos, 11 Millgate, Arbroath by varying the terminal hour for the service of alcohol from 02.30am on Fridays and Saturdays to 03.30am on Fridays and Saturdays; and
- (ii) to note the decision of the Sheriff in respect of this matter.

## **6. PREMISES LICENCES – REQUEST TO VARY PREMISES LICENCES UNDER THE LICENSING (SCOTLAND) ACT 2005**

There was submitted Report No LB 45/22 by the Clerk on an application to vary 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.

### **(a) Devitos, 11 Millgate, Arbroath**

With reference to Article 7(g) of the minute of meeting of this Board of 9 June 2022, 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: -

Friday	02.30 to 03.30
Saturday	02.30 to 03.30

The Board noted that a late letter of objection had been received from Police Scotland dated 7 September 2022. Sergeant Gordon advised the Board that this late letter was ancillary to the information provide in the initial objection and had been submitted late due to the information contained within the late letter of objection not being available on 20 May 2022 as these incidents had occurred after that date.

Mrs Hood, the applicant's agent then responded to the comments made by Police Scotland and requested that consideration of the application be adjourned to allow her adequate time to consider the late objection.

The Board agreed that there were good reasons to consider the late objection as the information contained with the letter dated 7 September 2022 from Police Scotland was not available on 20 May 2022. The letter was then circulated by email to Board members and to Mrs Hood, agent for the applicant.

The Board thereafter agreed that the application be deferred to the Board meeting on 10 November 2022 to allow the applicants agent adequate time to consider the contents of the late letter of objection.

## **7. PERSONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 46/22 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 July 2022 to 25 August 2022, in accordance with the Scheme of Delegation appended to the Licensing Policy.

## **8. OCCASIONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 47/22 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 July 2022 to 25 August 2022 in accordance with the Scheme of Delegation appended to the Licensing Policy.

## **9. PREMISES LICENCES - MINOR VARIATIONS - DELEGATED APPROVALS**

There was submitted and noted Report No LB 48/22 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 July 2022 to 25 August 2022, in accordance with the Scheme of Delegation appended to the Licensing Policy.

*Councillor Durno having declared an interest at Article 2 above, left the meeting prior to consideration of Items 10 and 11 and Councillor Meechan, Vice Convener took the chair.*

*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.*

## **10. PREMISES LICENCE REVIEW APPLICATION**

There was submitted Report No LB 49/22 by the Clerk advising members of an application for a review of a premises licence under Section 36 of the Licensing (Scotland) Act 2005 (“the 2005 Act”) which required to be determined by the Board.

The Board noted that a Premises Licence Review Application had been received from the Chief Superintendent, Tayside Division, Police Scotland on behalf of the Chief Constable dated 22 August 2022 in respect of premises as detailed in Appendix 1 to the Report.

The Vice Convener advised the Board that they required to consider, in the first instance, in terms of section 36(6) of the Act, whether to proceed with the hearing with regard to the statutory tests which were set out in the Report. The Vice Convener also advised the Board that before moving to hold a hearing, the Board had to determine whether the application before them was vexatious or frivolous or that it disclosed any matter relevant to any ground for review.

The Board determined that the application was not vexatious or frivolous, that a matter relevant to one of the grounds of review had been disclosed and determined to hold a Premises Licence Review Hearing in respect of the premises.

The Licence holder was not present.

The Board noted that the case was still pending and agreed to defer consideration of the matter until the Court had disposed of the case.

## **11. PERSONAL LICENCE APPLICATION – NOTIFICATION OF CONDUCT INCONSISTENT WITH A LICENSING OBJECTIVE**

There was submitted Report No LB 50/22 by the Clerk informing members of correspondence received from the Chief Superintendent, Tayside Division, Police Scotland on behalf of the Chief Constable in terms of s84A of the Licensing (Scotland) Act 2005 advising that a Personal Licence holder had acted in a manner which was inconsistent with three of the 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 22 August 2022.

The personal licence holder was not present.

The Board noted that the case was still pending and agreed to defer consideration of the matter until the Court had disposed of the case.