

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 18 May 2023 at 10am.

Present: Councillors GEORGE MEECHAN, LLOYD MELVILLE, KENNY BRAES, LINDA CLARK, GAVIN NICOL, JILL SCOTT and BETH WHITESIDE.

Councillor MEECHAN, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Brenda Durno and Craig Fotheringham.

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

Councillor Clark made a statement of transparency in relation to Item 5(b) Report No LB28/23 in that she had fundraising connections with the Royal British Legion. She indicated that she would take part in any discussion and voting.

Councillor Braes made a statement of transparency in relation to Item 4 Report No LB27/23 as he had a family connection with the applicant which was a non financial interest. He indicated that he would not take part in any discussion and voting and would leave the meeting during consideration of the item.

Councillor Melville made a statement of transparency in relation to Item 5(c) Report No LB28/23 in that the local SNP group held their local group meetings in these premises. There was no financial interest and he indicated that he would take part in any discussion and voting.

Councillor Meechan made a statement of transparency in relation to Item 5(a) Report No LB28/23 in that he had frequented the premises for the purposes of having a meal and beverages. He indicated that he would take part in any discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 23 March 2023 was approved as a correct record and signed by the Convener.

Having made a statement of transparency at Article 2 above, Councillor Braes left the meeting prior to consideration of the following item.

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

There was submitted Report No LB 27/23 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) Traill Pavilion, Traill Drive, Montrose

The Board considered an application from Catherine Braes for the grant of a premises licence (on/off sales) in respect of premises at Traill Pavilion, Traill Drive, Montrose.

Ms Braes, the applicant was present and addressed the Board after which she answered questions by members regarding off sales.

The Licensing Standards Officer addressed the Board.

The Board agreed that the application be granted subject to the Statutory Conditions and the Model Local Children's conditions; and that the undernoted sentence be removed from "any other activities" of the operating plan: -

We also want to sell via off sales for craft spirits and beers from our gift shop.

Councillor Braes re-joined the meeting.

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

There was submitted Report No LB 28/23 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) Three Bellies Brae, 1 - 3 Bellies Brae, Kirriemuir

The Board considered an application from Lindsey Wilson to vary a premises licence (on sales) in respect of premises at Three Bellies Brae, 1 - 3 Bellies Brae, Kirriemuir to allow them to vary their operating plan to: -

- (i) amend the core hours on a Sunday from 12.30pm to 24.00 to 11am hours until 24.00 hours;
- (ii) include the addition of bar meals and club or other group meetings outwith core hours and to add gaming within core hours to allow raffles and bingo;
- (iii) include activities such as bar meals and the addition of clubs or other group meetings to be provided out with core hours; and
- (iv) include the addition of Kirriemuir Food Hub to be added to Any Other Activities.

Ms Wilson was present and addressed the Board after which members asked questions of the applicant.

The Licensing Standards Officer addressed the Board.

The Board agreed that the application be granted

(b) Royal British Legion Scotland Club (Forfar) Ltd

The Board considered an application from the Royal British Legion Scotland Club (Forfar) Limited to vary a premises licence (on sales) in respect of premises at Royal British Legion Scotland Club (Forfar) Ltd, 1 Academy Street, Forfar to allow them to vary their operating plan to: -

- (i) amend the layout plan to include an outdoor private garden drinking area for a capacity of 40 persons;
- (ii) include access for Children and young persons to the main foyer, garden and bar/lounge area; and
- (iii) increase the capacity from 200 to 240.

Mr Brown, President and Mr Feltham, the Branch and Club Secretary were present and addressed the Board.

The Licensing Standards Officer addressed the Board and Mrs Thom, Building Standards Manager confirmed that following discussions with the applicant, they were happy to comply with no change to the overall capacity of 200, broken down to 130 in the Function Hall and 70 in lounge / beer garden area.

Mr Easson, Service Leader, Environmental and Consumer Protection also addressed the Board and confirmed that a satisfactory noise management plan had been submitted.

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

(c) Crown Inn, 49 High Street, Monifieth

The Board considered an application from Coldstream Blue Ltd to vary a premises licence (on/off sales) in respect of premises at Crown Inn, 49 High Street, Monifieth to allow them to vary their operating plan to: -

- (i) amend activities to include restaurant facilities, bar meals and outdoor drinking within and outwith core hours.

The applicant had advised that with regards to the restaurant facilities and bar meals this would commence from 09.00 to provide breakfast food and non-alcoholic beverages. Bar meals and snacks would be freshly prepared on site in the kitchen already contained within the premises. Due to the addition of food and snacks being sold, children and young people would be allowed to access the bar and lounge areas. Food would be served between 09.00 and 21.00;

The outdoor drinking area(s) would be a seating area which would be contained in the off-street parking/function suite access area to the left of the premises. This would allow seating to cater for local residents and additional tourists in the area from April to October. Pavement seating was also requested to the front of the premises; and

to add films within core hours.

- (ii) allow Children and young person's access to the bar and lounge areas for the purposes of consuming a meal when accompanied by a responsible adult.

Ms Porter was present and addressed the Board after which members asked questions of the applicant.

The Licensing Standards Officer and Mr Easson, Service Leader, Environmental and Consumer Protection addressed the Board.

Following discussion in relation to the external outside drinking area to the front of the premises, the Clerk intimated that this particular area was also subject to separate Roads consent.

The Board agreed that the application be granted subject to the Statutory Conditions and the following additional conditions for the external outside drinking areas:-

- (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 areas; 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 areas.

6. ANNUAL FUNCTIONS REPORT – SECTION 9A OF THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB 29/23 by the Clerk presenting the fifth Annual Functions Report to the Board. The Clerk intimated that there was an error in Section 2.2 of the appendix which should state that there are 10 Board members and not 9 members.

The Report indicated that Section 9A of the Licensing (Scotland) Act 2005, placed a duty on Licensing Boards to prepare and publish an Annual Functions Report no later than 3 months after the end of each financial year ending on 31 March.

The Board agreed to note the terms of the fifth Annual Functions Report of Angus Licensing Board for the period 1 April 2022 to 31 March 2023 as detailed in Appendix 1 to the Report.

7. ANNUAL FINANCIAL REPORT

There was submitted and noted Report No LB 30/23 by the Clerk presenting 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 2022 to 31 March 2023 as detailed in Appendix 1 to the Report.

8. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 31/23 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 1 March 2023 to 21 April 2023, 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 32/23 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 1 March 2023 to 21 April 2023 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 33/23 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 1 March 2023 to 21 April 2023, 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 34/23 by the Clerk advising members of an application for confirmation of a provisional premises licence under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 1 March 2023 to 21 April 2023 in accordance with the Scheme of Delegation appended to the Licensing Policy.

12. TIMETABLE OF MEETINGS – 2023/2024

The Board agreed to approve the following programme of meetings (all at 10am): -

Thursday 17 August 2023
Thursday 14 September 2023
Thursday 9 November 2023
Thursday 11 January 2024
Thursday 15 February 2024
Thursday 28 March 2024
Thursday 16 May 2024

At this point in the meeting, the Board agreed that the live stream of the meeting be stopped during consideration of the following item, so as to avoid the possible disclosure of sensitive information.

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

With reference to Article 11 of the minute of meeting of this Board of 15 September 2022, there was submitted Report No LB 35/23 by the Clerk informing members of correspondence received from the Chief Constable in terms of Section 84A of the Licensing (Scotland) Act 2005 dated 22 August 2022 and further correspondence received from Police Scotland dated 28 March 2023 advising that a Personal Licence holder had acted in a manner which was

inconsistent with three of the licensing objectives, namely Preventing Crime and Disorder, Securing Public Safety and Preventing Public Nuisance and to consider what Order required to be made in respect of the Personal Licence.

The members noted the contents of the correspondence received on behalf of the Chief Constable dated 22 August 2022 and 28 March 2023. Constable Jamieson, Police Scotland addressed the Board and gave further details highlighting that CCTV footage was also available however due to technical difficulties this could not be viewed by members.

The personal licence holder was not present.

At this stage in the meeting, the Board agreed to adjourn the meeting to allow Police Scotland to investigate the technical issues arising, on reconvening, the meeting required to be adjourned again due to current technical issues within the Chambers at Town and County Hall.

The Board reconvened and the Clerk advised that an email had been received from the personal licence holder and that it would for the Board to consider whether they wished to proceed with the Hearing at this time or whether the Hearing should be deferred to allow the personal licence holder to attend.

The Board agreed to defer consideration of the matter to the Special Meeting on 20 June 2023 to allow the personal licence holder to attend.