

ANGUS LICENSING BOARD

MINUTE of MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 17 August 2023 at 10am.

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

Councillor MEECHAN, Convener, in the Chair.

1. APOLOGIES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

Councillor Braes made a statement of transparency in relation to Item 5(b) Report No LB41/23 as the applicant of the Bridgend Bar, Brechin was known to him but not in any social sense. He indicated that he would take part in any discussion and voting.

Councillor Meechan made a declaration of interest in relation to Item 5(c) Report No LB41/23 in that the owner and licensee of the Gairie Inn, Kirriemuir was a personal friend of his family. He indicated that he would not take part in any discussion and voting and would leave the meeting during consideration of the item.

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Board held on 18 May and 20 June 2023 were approved as correct records and signed by the Convener.

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

There was submitted Report No LB 40/23 by the Clerk on applications received for new 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) Ferry Stop, 12 Ferry Street, Montrose

The Board considered an application from Muhammad Bilal Sabir for the grant of a premises licence (off sales) in respect of premises at Ferry Stop, 12 Ferry Street, Montrose.

Mr Sabir, the applicant was present and addressed the Board after which he answered questions by members regarding the capacity which he confirmed was 5.29m².

The Board agreed that the application be granted.

(b) 180 East High Street, Forfar DD8 2HC

The Board considered an application from Sri Mathan for the grant of a premises licence (off sales) in respect of premises at 180 East High Street, Forfar.

Mrs Hood, the applicant's agent was present and requested that the application be deferred at the request of her client.

The Board agreed to defer consideration of the application at the request of the applicant's agent.

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

There was submitted Report No LB 41/23 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) Glencadam Distillery, Smithfield Road, Brechin

The Board considered an application from Angus Dundee Distillers PLC to vary a premises licence (off sales) in respect of premises at Glencadam Distillery, Smithfield Road, Brechin to allow them to vary their operating plan to: -

- (i) add on sales Monday to Sunday 11.00 to 17.00 and add off sales 10.00 to 17.00;
- (ii) Children and Young Persons
 - (a) Terms – Accompanied by an adult over the age of 18. As licence forms part of the Distillery tour only children aged 10 or above would be permitted to have a tour.
 - (b) Ages – As it is a Distillery visitors area, children would be allowed into building if accompanied by an adult over the age of 18 years old. No age restrictions of children except as the above regarding tours.
 - (c) Times – Monday to Sunday – 10.00 to 17.00.
 - (d) Parts – Office, board room, toilets and visitors area.
- (iii) Layout Plan
 - (a) Relocation of offices in the building, which would be located in the main block.
 - (b) Addition of two further locations to sell alcohol for consumption.
- (iv) Capacity - On sales – 12

The Board noted that late comments dated 19 July 2023 had been received from the Building Standards Manager. Mrs Thom advised of the reasons for the comments being submitted late and it was thereafter agreed by the Board that they be circulated to members for consideration.

Mr Fleming was present and addressed the Board after which members asked questions of the applicant.

Mrs Thom then addressed the Board.

Mr Fleming then summed up and confirmed that there would only be 2 tours per day and no more than 12 persons on each tour.

The Board agreed that Mandatory condition 13 would not apply and that the application be granted subject to Building Standards being satisfied.

(b) The Bridgend Bar, 145 River Street, Brechin

The Board considered an application from Scott Robert McNeil to vary a premises licence (on/off sales) in respect of premises at The Bridgend Bar, 145 River Street, Brechin to allow them to vary their operating plan to: -

- (i) amend Sunday opening hours for both on and off sales from 12.30pm to 11.00am;
- (ii) add conference facilities and films within core hours;

- (iii) add receptions, club meetings and recorded music outwith core hours
- (iv) add outdoor drinking facilities within and outwith core hours.
- (v) add Activities outwith Core Hours - funerals, christenings and group meetings may take place outwith core hours but no alcohol would be sold or supplied. Recorded music may be played both within and outwith core hours. The outdoor area may be used for breakfast service but no alcohol may be sold or supplied.
- (vi) amend layout plan to show the recent internal alterations and the addition of the outdoor drinking area; and
- (vii) Children and Young Persons - amend parts of the premises to which children and young persons were permitted entry to read: - All public areas except the bar area.

Mr McNeill was present and addressed the Board during which he requested that he be allowed to play background music within the outside area which was situated beside a busy road.

Mrs Gregory, Environmental and Consumer Protection division addressed the Board and confirmed that a satisfactory noise management plan had been submitted.

Mrs Thom, Building Standards Manager confirmed that no Building Warrant could be found for the works recently completed and therefore a 'Completion Certificate Where No Warrant was Obtained' should be applied for and she required detailed information detailing compliance with the Building Regulations.

Much discussion then took place regarding the request for background music within the outdoor area.

Mr McNeill then summed up.

The Board agreed that the application be granted subject to 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 of amplified sound be provided anywhere within the licensed premises with the intention of it being heard within the external drinking area.

Having made a statement of transparency at Article 2 above, Councillor Meechan left the meeting prior to consideration of the following item and Councillor Melville took the chair for this item.

(c) Gairie Inn, 1 -3 School Wynd, Kirriemuir

The Board considered an application from Ann Jamieson to vary a premises licence (on/off sales) in respect of premises at Gairie Inn, 1 -3 School Wynd, Kirriemuir to allow them to vary their operating plan to: -

- (i) amend the outdoor drinking terminal hour from 19.00 to 21.00
- (ii) to add children and young persons on the premises: -
 - (a) Terms – Children and young persons would be permitted into the premises when accompanied by a responsible adult who would be required to supervise them at all times. Angus Council's conditions would be followed at all times in relation to children.

- (b) Ages – Children and young persons of all ages would be permitted into the premises consuming a meal and when accompanied by a responsible adult.
- (c) Times – Children and young persons would be permitted in the premises for the purpose of consuming a meal from 11.00 to 21.00 and only when accompanied by a responsible adult.
- (d) Parts – Children and young persons would be allowed in all areas of the premises but would not be permitted to approach the bar.

Mrs Jamieson was present and addressed the Board.

The Board noted the comments received from Environmental Health and Consumer Protection division.

The Board agreed that the application be granted subject to 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.

Councillor Meechan re-joined the meeting and took the Chair.

(d) Gin Experience, Kirkwynd, Glamis Village, By Forfar DD8 1RT

The Board considered an application from Gin Bothy Limited to vary a premises licence (off sales) in respect of premises at Gin Experience, Kirkwynd, Glamis Village, By Forfar DD8 1RT to allow them to vary their operating plan to: -

- (i) add on sales - Monday to Sunday -11.00 to 22.00
- (ii) add Seasonal Variations – the operator would take advantage of any general extensions of core hours approved by the Licensing Board
- (iii) Activities – add conference facilities, receptions and club or other group meetings, live performances, theatre and films within core hours.
- (iv) Any Other Activities – amend to: -

Visitor centre shop, exhibition centre and tastings rooms show-casing the history of the locality and Scotland.

Craft skills, the sale of craft alcohol and other products and comestibles, branded gifts, books and other goods appropriate to a visitor centre.

Premises would be used for the distribution of all goods including alcohol for delivery to the public and trade via online and telephone sales in accordance with the off-site sales and delivery policy.

Tastings could be free or pre booked paid for as part of The Bothy Experience.

Public would be permitted to sit in external courtyard area.

Live performances, theatre and film – these three activities to permit/ enhance information and explanation of history and nature of spirit making in Scotland.

- (v) Children and Young Persons - Add children and young persons on the premises

- (a) Terms – Children 0-15 and young person's 16 and 17 years old would be permitted access to the premises tasting rooms and exhibition areas provided they are accompanied by a responsible adult – no person under the age of 18 years old would be permitted to take part in alcohol tastings whether paid for or free.
- (b) Ages – Children 0 -15 years old and young persons 16 and 17 years old.
- (c) Times – All times premises are open.
- (d) Parts – All public parts of the premises.
- (vi) Layout Plan – Add additional areas – increase retail area to south of courtyard, two tasting rooms and two exhibition spaces. Increase storage areas to east of courtyard and permit public to sit in external area in fine weather.
- (vii) Information Contained in Licence - change of premises name to The Bothy Experience.

Mrs Hood, the applicant's agent was present and addressed the Board.

Mrs Thom, Building Standards Manager then addressed the Board during which she advised that the two layout plans submitted appeared to be different.

Mrs Hood then summed up and advised that she was happy to have further discussions with Mrs Thom in relation to the plans.

The Board agreed that Mandatory condition 13 would not apply and that the application be granted subject to Building Standards being satisfied.

6. PERSONAL LICENCE – MILLGATE BAR, 3 MILLGATE, ARBROATH

There was submitted Report No LB 42/23 by the Clerk seeking approval to administratively revoke a Premises Licence as this was not a matter of delegation to the Clerk.

The Report indicated that the holder of Premises Licence 181 was STM Bars Limited, 20-22 Wenlock Road, London and the postal address of the premises was Millgate Bar, 3 Millgate Loan, Arbroath. Companies House website confirmed that STM Bars Limited (Company number 10070125) had been dissolved on the 25 June 2019.

The Board agreed to direct the Clerk to administratively revoke Premise Licence 181 held by the dissolved company STM Bars Limited with immediate effect.

7. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 43/23 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 21 April 2023 to 13 July 2023, 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 44/23 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 21 April 2023 to 13 July 2023 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 45/23 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 21 April 2023 to 13 July 2023, in accordance with the Scheme of Delegation appended to the Licensing Policy.

10. CONFIRMATION OF PROVISIONAL PREMISES LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB 46/23 by the Clerk advising members of two applications for confirmation of a provisional premises licence under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 21 April 2023 to 13 July 2023 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 47/23 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period 21 April 2023 to 13 July 2023, in accordance with the Scheme of Delegation appended to the Licensing Policy.

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. The meeting remained open to allow members of the public to attend in person.

12. NEW PERSONAL LICENCE APPLICATION

There was submitted Report No LB 48/23 by the Clerk informing members of correspondence received from the Chief Constable in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005 dated 27 July 2023 in respect of a new application for a Personal Licence from Brian Caithness.

The applicant was present and addressed the Board.

The members noted the contents of the correspondence received on behalf of the Chief Constable dated 27 July 2023 and Constable Thomson-Craig, Police Scotland addressed the Board.

The applicant then summed up.

At this stage in the meeting, the Board agreed to adjourn the meeting for 10 minutes to seek legal advice.

The Board reconvened and thereafter agreed that the application be granted.