

## **ANGUS LICENSING BOARD**

MINUTE of HYBRID MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 9 November 2023 at 10am.

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

Councillor MEECHAN, Convener, in the Chair.

**1. APOLOGIES**

An apology for absence was intimated on behalf of Councillor Brenda Durno.

**2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY**

Councillors Greig and Scott made a statement of transparency in relation to Item 4(d) Report No LB56/23 as they both lived in close proximity to the Dalhousie Bar, Brechin. They both indicated that they would take part in any discussion and voting.

**3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Board held on 14 September 2023 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB 56/23 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) 180 East High Street, Forfar DD8 2HC**

With reference to Article 4(a) of the minute of meeting of this Board of 14 September 2023, 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 addressed the Board during which it was noted that the comments from Fire Scotland had now been satisfactorily resolved.

The Board agreed that the application be granted subject to the standard conditions detailed in paragraph 11.3 of the Statement of Licensing Policy with the exception of condition (a).

**(b) Tandooriwala, 97 – 99 North Street, Forfar DD8 3BL**

The Board considered an application from Mohammad Rafiqul Islam for the grant of a premises licence (on/off sales) in respect of premises at Tandooriwala, 97 – 99 North Street, Forfar.

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

The Board agreed that the application be granted subject to the standard conditions detailed in paragraph 11.3 of the Statement of Licensing Policy with the exception of condition (a).

**(c) Whisky and Friends, The Workshop, Rosemill, Bridgefoot, Dundee**

The Board considered an application from Whisky and Friends Ltd trading as WhiskyDispatch.com for the grant of a premises licence (off sales) in respect of premises at Whisky and Friends, The Workshop, Rosemill, Bridgefoot, Dundee.

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

The Board agreed that the application be granted subject to the standard conditions detailed in paragraph 11.3 of the Statement of Licensing Policy.

**(d) Dalhousie Bar, 1 Market Street, Brechin**

The Board considered an application from JJKS Estates Ltd for the grant of a premises licence (on/off sales) in respect of premises at Dalhousie Bar, 1 Market Street, Brechin. The Board noted that a revised application, operating plan and new layout plan which removed the outdoor drinking area and reduced the total capacity to 76 persons had been submitted by the applicant's agent, a copy of which had been circulated to members.

The Clerk advised that 2 letters of objection had been withdrawn by members of the public however, there still remained one anonymous objection and the Board required to determine whether or not in their view the objection was frivolous or vexatious.

Mrs Hood, the applicant's agent then addressed the Board and advised that the anonymous objection had been received prior to her client opening the premises on 9 September 2023 and in her opinion was vexatious and that most of the complaint should be dismissed. However, she did acknowledge that there had recently been two noise complaints and was happy to discuss proposals to help alleviate any noise issues.

COUNCILLOR MELVILLE, SECONDED BY COUNCILLOR BRAES, MOVED THAT, THE ANONYMOUS OBJECTION DATED 7 SEPTEMBER 2023 WAS VEXATIOUS AND SHOULD NOT BE ACCEPTED AS IT HAD BEEN SUBMITTED PRIOR TO THE OPENING OF THE PREMISES UNDER THE CURRENT TENURE.

Councillor Meechan, seconded by Councillor Clark, moved as an amendment, that the anonymous letter of objection dated 7 September 2023 be accepted as there was not enough evidence submitted to prove otherwise.

On a vote being taken, the members voted: -

For the motion: -

Councillors Melville, Braes, Clark, Fotheringham, Greig, Nicol, Scott and Whiteside (8)

For the amendment: -

Councillor Meechan (1)

The motion was declared carried and became the finding of the meeting resulting in the anonymous letter of objection being thereafter disregarded.

The Licensing Standards officer addressed the Board and Councillor Greig asked a question of the applicant regarding the closing of the external doors to help alleviate noise emanating from the premises.

Following discussion, the Board agreed that the application be granted, as revised.

**5. PREMISES LICENCE – NOTICE OF CONVICTION**

There was submitted Report No LB 57/23 by the Clerk advising the Board of correspondence in relation to a premises licence received by the Clerk giving notification of a conviction which required to be determined by the Board as detailed in the Appendix to the Report.

The Board considered the correspondence received from the Premises Licence Holder's agent dated 14 August 2023 confirming that David Lloyd Leisure had received a conviction and the notice from the Chief Superintendent dated 25 August 2023.

There was also circulated to members a letter dated 6 November 2023 from the Premises Licence Holder's agent, on behalf of David Lloyd Leisure Ltd explaining the circumstances of the conviction.

The Board then heard from Constable Thomson-Craig who provided details of the conviction.

The Board agreed to take no further action in relation to the conviction.

**6. REQUEST TO RELIEVE THE FAILURE TO COMPLY WITH A PROCEDURAL REQUIREMENT**

There was submitted Report No LB 58/23 by the Clerk advising of a request for the Board to relieve an applicant of a failure to comply with procedural requirements in terms of Section 135 of the Licensing (Scotland) Act 2005 which required to be determined by the Board as detailed in the Appendix to the Report.

**(a) Foundry Bar, 5/7 East Mary Street, Arbroath**

The Board considered a request for a S34 transfer application received from Ms Christine Iveson in respect of the Foundry Bar, 5/7 East Street, Arbroath.

Members noted the contents of the correspondence received from the Chief Constable dated 18 September 2023.

Ms Iveson, the applicant, addressed the Board during which she explained the reasons behind the failure to seek a transfer application in respect of the premises Foundry Bar, 5/7 East Street, Arbroath within the statutory time limit of 28 days.

The Board agreed to relieve the failure to comply with the procedural requirements and to grant the application for transfer.

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

There was submitted Report No LB 59/23 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 Clerk and noted the position.

The Board agreed to hold a review hearing on Tuesday 5 December 2023 in respect of those detailed in Appendix 1 to the Report whose annual fee remained outstanding.

**8. PERSONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB 60/23 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 24 August 2023 to 11 October 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 61/23 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 24 August 2023 to 11 October 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 62/23 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 24 August 2023 to 11 October 2023, in accordance with the Scheme of Delegation appended to the Licensing Policy.

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

There was submitted Report No LB 63/23 by the Clerk presenting information on premises licences which the licence holder had surrendered, as detailed in the Appendix to the Report.

The Board agreed to note that the premises licences 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 licences for Rae's Restaurant, 79 High Street, Montrose, Treasures Tearoom & Boutique, 9 - 13 High Street, Arbroath, Sportsterz, 14 Market Place, Arbroath and Dobry, 109 High Street, Montrose be removed from the register.