

# ANGUS LICENSING BOARD

MINUTE of HYBRID MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 28 March 2024 at 10.00am.

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

Councillor MEECHAN, Convener, in the Chair.

## 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Gavin Nicol and Jill Scott.

## 2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

Councillor Craig Fotheringham made a Statement of Transparency in relation to Item 4(d), Report No LB9/24 as he had received a telephone call from a committee member of the Royal Montrose Mercantile Golf Club Ltd but had made no comment.

## 3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 15 February 2024 was approved as a correct record and signed by the Convener.

## 4. PREMISES LICENCES – REQUEST TO VARY UNDER THE LICENSING (S) ACT 2005

There was submitted Report No LB9/24 by the Clerk detailing 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) Black Horse Inn, Montrose

With reference to Article 4(a) of the minute of meeting of this Board of 15 February 2024, the Board considered an application from Gordon Allan to vary a premises licence (on sales) in respect of premises at Black Horse Inn, 84 Murray Street, Montrose to allow him to vary the operating plan to: -

- (i) include the accommodation above the premises namely – 2A Lower Hall Street, Montrose DD10 8JN and add accommodation during core licensed hours and outwith core licensed hours. Add activities outwith core licensed hours – accommodation provided on a short term lets basis;
- (ii) amend the layout plan to include the addition of accommodation layout for short term rental flat at 2A Lower Hall Street, Montrose DD10 8JN above the Black Horse Inn public house at 84 Murray Street, Montrose; and
- (iii) amend the description of the premises to – Public house on ground floor with accommodation above that has a separate entrance with no form of entry to the public house.

Mr Allan was present and addressed the Board after which members asked questions of the applicant regarding the accommodation known as 2A Lower Hall Street, Montrose.

It was noted that the current premises licence terms did not permit children and young person's entry to the premises when alcohol was being sold and the applicant had not requested any changes to this in the application form.

The Clerk then addressed the Board and answered various question from members.

Mr Allan then summed up and confirmed that he wished the capacity to increase from 75 to 79 persons to allow for the addition of a maximum of 4 persons in the accommodation upstairs.

The Board agreed to grant the application subject to no children and young persons as per the operating plan.

**(b) The Corn Exchange, Olympia Buildings, Market Place, Arbroath**

The Board considered an application from J D Wetherspoon (Scot) Limited, Wetherspoon House, Central Park, Reeds Crescent, Watford, WD24 4QL to vary a premises licence (on/off sales) in respect of premises at The Corn Exchange, Olympia Buildings, Market Place, Arbroath to allow them to vary the operating plan to amend Model Local Conditions for Children and young persons to: -

2(a)(i) Where food is sold ancillary to alcohol: Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will only be permitted in licensed premises until **10.00pm** or one hour after cessation of serving of food to the individual person or group of persons consuming the meal, whichever is the earlier.

Mr MacIver, the applicant's agent was present and addressed the Board and explained that his client's premises were more of a restaurant with 55% of sales being food related. He advised that there was a demand from families to eat later on in the evening and that all children would be well supervised whilst on the premises. An amended operating plan was circulated to all members.

The Board then heard from Mr McSporran, the Area Manager, who advised that later in the evening would be mostly older children and that there had been no underage issues within the premises.

Discussion took place and members asked a number of questions. Councillor Greig expressed his concerns at children and young person's being in licensed premises as late at 10pm which was out with Board Policy.

Mr McIvor then summed up.

The Board agreed that the application be granted.

**(c) Coast Bar and Nightclub, (Upper Level), 4 Gravesend, Arbroath DD11 1HT**

The Board considered an application from Nicola May Ferguson to vary a premises licence (on/off sales) in respect of premises at Coast Bar and Nightclub, (Upper Level), 4 Gravesend, Arbroath DD11 1HT to allow them to vary the operating plan as detailed in the appendix to the Report.

Mrs Hood, the applicant's agent was present and addressed the Board and advised that the premises had currently been operating on occasional licences for the last 18 months. She advised that the outdoor area had never received a completion certificate and her client was in communications with Building Standards to have this rectified.

Mrs Thom, Building Standards Manager then addressed the Board and confirmed that an extension of the Building Warrant would be required and until the fee had been received and an inspection of the area had taken place it should not be used in the meantime.

Mrs Hood then summed up.

The Board agreed that the application be granted subject to the remote trading conditions detailed in paragraph 11.3 of the Statement of Licensing Policy with the exception of conditions (a) and (b), the 3 external drinking area conditions as detailed in paragraph 11.4 of the Statement of Licensing Policy and subject to Building Standards being satisfied with the outdoor area.

**(d) Royal Montrose Mercantile Golf Club Ltd, 4 Traill Drive, Montrose**

The Board considered an application from Royal Montrose Mercantile Golf Club Ltd to vary a premises licence (on/off sales) in respect of premises at Royal Montrose Mercantile Golf Club Ltd, 4 Traill Drive, Montrose to allow them to vary the operating plan as detailed in the appendix to the Report.

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

Mrs Thom, Building Standards Manager then addressed the Board and queried the occupancy capacity as the numbers differed from the plan and the application form.

Mrs Hood confirmed that she was happy with the capacity numbers proposed by Mrs Thom and would provide a new layout plan to reflect the revised numbers.

The Board agreed that the application be granted subject to Building Standards being satisfied with the revised layout plan and capacity.

*At this stage in the meeting, the Board agreed to adjourn the meeting for 5 minutes to allow for a comfort break. The meeting resumed at 11.40am*

**5. GAMBLING POLICY STATEMENT**

There was submitted Report No LB10/24 by the Depute Clerk advising the Board of the requirement to prepare and publish a new Gambling Policy Statement which must be done at minimum once every three years. The Board's current Policy Statement dates from 17 August 2021 therefore, a new Policy Statement required to be in place by 16 August 2024.

The Board agreed to note the requirement for the Board to prepare and publish a new Gambling Policy Statement.

**6. REVIEW OF FEES**

There was submitted Report No LB11/24 by the Clerk recommending a percentage increase in fees charged in respect of certain licences issued under the Licensing (Scotland) Act 2005.

The Report indicated that Scottish Government had set a number of fees in relation to certain applications under the Licensing (Scotland) Act 2005. In addition, a number of fees had been agreed previously by the Board within parameters set by the Scottish Government. There were a number of application types where the Board had sole discretion to fix those fees.

A new fee structure was proposed and was attached at Appendix 1 to the Report which, for comparison purposes, also showed the current structure. Whilst the increase in the proposed new structure for fees was approximately 10% for both new and renewal applications, the variance between figures could be explained in the rounding process as a number of fees had been rounded to provide more manageable figures. It was proposed that the increased fees, if accepted, would be implemented from 8 April 2024.

The Board agreed: -

- (i) to approve the revised fee structure contained in Appendix 1 to the Report; and
- (ii) to approve an implementation date of 8 April 2024.

**7. PERSONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB12/24 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 January 2024 to 28 February 2024, in accordance with the Scheme of Delegation appended to the Licensing Policy.

**8. OCCASIONAL LICENCES – DELEGATED APPROVALS**

There was submitted and noted Report No LB13/24 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 January 2024 to 28 February 2024, 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 LB14/24 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 January 2024 to 28 February 2024, in accordance with the Scheme of Delegation appended to the Licensing Policy.

**10. TIMETABLE OF MEETINGS – 2024/2025**

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

Thursday 15 August 2024  
Thursday 19 September 2024  
Thursday 14 November 2024  
Thursday 9 January 2025  
Thursday 13 February 2025  
Thursday 27 March 2025  
Thursday 15 May 2025