

# ANGUS LICENSING BOARD

MINUTE of HYBRID MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 16 May 2024 at 10.00am.

**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

There were no declarations of interest or statements of transparency made.

## 3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Board held on 28 March 2024 was approved as a correct record and signed by the Convener.

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

There was submitted Report No LB15/24 by the Clerk on an application received for a new provisional 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) Aldi, Unit 2, Land at Elliot Industrial Estate, Dundee Road, Arbroath

The Board considered an application from Aldi Stores Ltd for the grant of a provisional premises licence (off sales) in respect of premises at Unit 2, Land at Elliot Industrial Estate, Dundee Road, Arbroath.

Ms Simpson, the applicant's agent, addressed the Board during which it was noted that there was a slight error within the Report and that the capacity sought was 42.79801sqm. She also advised that her clients would have difficulties complying with condition (5) of the remote trading conditions as detailed in the report by the Licensing Standards Officer.

Discussion took place and members asked Ms Simpson a number of questions in relation to the delivery of alcohol.

Ms Simpson then summed up and agreed to accept the amended wording for condition (5).

The Board agreed that the application be granted subject to the remote trading conditions detailed in the Report with condition (5) being amended to read as follows: -

A digital notice shall be applied to every package containing alcohol dispatched from the premises stating that the package shall contain alcohol and that it is an offence to deliver it to a person under 18 years of age.

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

There was submitted Report No LB16/24 by the Clerk presenting 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) Airlie Arms Hotel, Kirriemuir**

The Board considered an application from Dilys Robertson to vary a premises licence (on/off sales) in respect of premises at Airlie Arms Hotel, 4 St Malcolm's Wynd, Kirriemuir to allow them to vary the operating plan to amend the opening time on a Sunday from 12.30pm to 11am when alcohol would be sold for consumption on the premises.

Ms Robertson was present and addressed the Board.

The Board agreed that the application be granted.

**6. PREMISES LICENCE – REQUEST TO EXTEND HOURS UNDER THE LICENSING (SCOTLAND) ACT 2005**

There was submitted Report No LB17/24 by the Clerk on an application received to extend the licensed hours in respect of 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) Utopia, 30 – 36 George Street, Montrose**

The Board considered an extended hours licence application received from Janet Hood, agent in respect of Utopia, 30 – 36 George Street, Montrose for the following dates and hours: -

Saturday 25 May 2024	12.00 to 19.00
Sunday 26 May 2024	02.30 to 03.00
Monday 27 May 2024	02.00 to 02.30

Mrs Hood, the applicant's agent was present and addressed the Board and advised that her client was seeking extensions in respect of the Montrose Music Festival weekend which she classed as a special event.

Discussion took place and members asked Mrs Hood a number of questions and determined that this event was a special event.

Mrs Hood then summed up.

The Board agreed to grant the application.

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

There was submitted Report No LB18/24 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) Forfar Premier, 90-92 Glenogil Terrace, Forfar**

The Board considered a request for a S34 transfer application submitted by M & A Scotland Ltd on behalf of Forfar Premier, 90-92 Glenogil Terrace, Forfar.

Members noted the contents of the correspondence received from Mr Sengottaiyan dated 23 April 2024.

Mr Sengottaiyan was present and addressed the Board during which he explained the reasons behind the failure to seek a transfer application in respect of the premises Forfar Premier, 90-92 Glenogil Terrace, Forfar within the statutory time limit of 28 days.

The Board agreed: -

- (i) to relieve the failure to comply with the procedural requirements; and

- (i) to grant the transfer application in accordance with paragraphs 3.3 to 3.9 of the Report.

*At this stage in the meeting (10.55am), the Board agreed to adjourn for 5 minutes for a comfort break. The meeting resumed at 11am.*

## **8. ANNUAL FINANCIAL REPORT**

There was submitted Report No LB19/24 by the Clerk presenting the Annual Financial Report to the Board.

The Clerk responded to a number of questions from members following which the Board agreed to note and approve the Annual Financial Report of the Angus Licensing Board for the period 1 April 2023 to 31 March 2024 as detailed in Appendix 1 to the Report.

## **9. ANNUAL FUNCTIONS REPORT**

With reference to Article 6 of the minute of meeting of this Board of 18 May 2023, there was submitted Report No LB20/24 by the Clerk presenting the sixth Annual Functions Report to the Board.

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 sixth Annual Functions Report of Angus Licensing Board for the period 1 April 2023 to 31 March 2024 as detailed in Appendix 1 to the Report.

## **10. DRAFT GAMBLING POLICY**

With reference to Article 5 of the minute of meeting of this Board of 28 March 2024, there was submitted Report No LB21/24 by the Depute Clerk presenting a consultation draft Statement of Principles under the Gambling Act 2005 and seeking authority from the Board to proceed to formal consultation on its terms.

The Board agreed: -

- (i) to approve the terms of the consultation draft Statement of Principles (“the Policy Statement”) prepared under section 349 of the Gambling Act 2005 (“the Gambling Act”) annexed to the Report as Appendix 1;
- (ii) to authorise the Clerk to proceed with formal consultation upon its terms; having agreed the consultees, including the Angus Alcohol and Drugs Partnership and the Protecting People Angus Strategic Committee; and
- (iii) that following the 4-week consultation period, and having regard to the consultation responses, authorised the Clerk to adopt the Policy Statement, subject to minor alterations as were necessary to reflect any legislative or Board policy changes and provided no substantive changes were recommended by the consultees. Should any substantive changes be proposed, the matter would be referred back to the Board.

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

There was submitted and noted Report No LB22/24 by the Clerk detailing applications for Personal Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 28 February 2024 to 24 April 2024, in accordance with the Scheme of Delegation appended to the Licensing Policy.

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

There was submitted and noted Report No LB23/24 by the Clerk detailing applications for Occasional Licences under the Licensing (Scotland) Act 2005 which had been granted by the Clerk during the period 28 February 2024 to 24 April 2024, in accordance with the Scheme of Delegation appended to the Licensing Policy.

**13. PREMISES LICENCES – MINOR VARIATIONS – DELEGATED APPROVALS**

There was submitted and noted Report No LB24/24 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 28 February 2024 to 24 April 2024, in accordance with the Scheme of Delegation appended to the Licensing Policy.