

ANGUS LICENSING BOARD

MINUTE of HYBRID MEETING of the **ANGUS LICENSING BOARD** held in the Town and County Hall, Forfar on Thursday 15 August 2024 at 10.00am.

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

Councillor MEECHAN, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Ross Greig and Gavin Nicol.

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

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

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Board held on 16 May and 20 June 2024 were approved as correct records and signed by the Convener.

4. NEW PROVISIONAL PREMISES LICENCE APPLICATIONS – UNDER THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB26/24 by the Clerk on applications received for new provisional 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) Arbroath (Hume Street) Service Station, Hume Street, Arbroath

The Board considered an application from Motor Fuel Limited for the grant of a provisional premises licence (off sales) in respect of premises at Arbroath (Hume Street) Service Station, Hume Street, Arbroath. The Customer Profiling Research Report carried out between 13 April 2024 to 24 April 2024 had been submitted to members prior to the meeting.

Mr Hunter, agent for the applicant, was present and addressed the Board during which he spoke on the findings of a research survey which had recently taken place to ascertain the needs of the customers and had collated sufficient evidence to prove that person's resident in the locality were, or were likely to become, reliant to a significant extent on the premises as the principal source of petrol or derv; or groceries.

He advised that there was a slight error within the Report and confirmed that the capacity sought was 8.03651m² and that his clients were happy to accept the remote trading conditions as detailed in the report by the Licensing Standards Officer.

Members asked a number of questions of Mr Hunter with regards to the sale of alcohol and took into consideration the findings contained within the research report.

Mr Hunter then summed up.

The Board agreed that the premises were non excluded premises and granted the provisional premises licence application subject to the Statutory conditions and the remote conditions detailed in paragraph 11.3 of the Board's Statement of Licensing Policy with the exception of conditions (a) & (b).

(b) Salty's Brechin Road, Montrose

The Board considered an application from Salt Loch Limited for the grant of a provisional premises licence (on sales) in respect of premises at Salty's Brechin Road, Montrose.

Mr Sutton, the applicant, was present and addressed the Board and confirmed that he was happy to accept the external drinking conditions as detailed in the Report by the Licensing Standards Officer.

After hearing from the Building Standards Manager, the Board agreed to grant the provisional premises licence application subject to the Statutory conditions and the external drinking conditions detailed in paragraph 11.4 of the Board's Statement of Licensing Policy.

5. NEW PREMISES LICENCE APPLICATIONS – UNDER THE LICENSING (SCOTLAND) ACT 2005

There was submitted Report No LB27/24 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) Salut East European Food Shop, 218 High Street, Arbroath

The Board considered an application from Diflo Ltd for the grant of a new premises licence (off sales) in respect of premises at Salut East European Food Shop, 218 High Street, Arbroath.

Florin-Vasile Radu, the applicant was present and addressed the Board.

The Board agreed to grant the premises licence application subject to the Statutory conditions.

(b) The Junction, Dundee Road, Newtyle

The Board considered an application from Janet Molloy for the grant of a new premises licence (on sales) in respect of premises at The Junction, Dundee Road, Newtyle.

Ms Molloy, the applicant was present and addressed the Board following which members asked questions in regards to the Model conditions for Children and Young Persons.

Following much discussion, the Board agreed to adjourn the application to the end of the business to allow the applicant appropriate time to consider amending the operating plan.

At this stage in the meeting, Councillor Braes made a statement of transparency in relation to Report No LB28/24 – item 6(f) as the applicant was known to him. He indicated that he would take part in any discussion and voting.

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

There was submitted Report No LB28/24 by the Clerk presenting applications to vary premises licence under Section 29 of the Licensing (Scotland) Act 2005, which required to be determined by the Board, as detailed in the Appendix to the Report.

(a) Greens of Kirriemuir, High Street, Kirriemuir

The Board considered an application from A4 Retail Limited, 201 Kingsknowe Road North, Edinburgh to vary a premises licence (off sales) in respect of premises at Greens of Kirriemuir, 16 High Street, Kirriemuir to allow them to vary the operating plan to amend the existing wording at any other activities and add: -

The premises offer takeaway “food on the go”. Customers may order groceries, food and drinks, including alcoholic drinks for home delivery from the premises.

Mr Hunter, agent for the applicant was present and addressed the Board.

The Board agreed that the application be granted subject to the remote conditions detailed in paragraph 11.3 of the Board's Statement of Licensing Policy with the exception of conditions (a) & (b).

(b) Morrisons Daily, Unit 1 Millfield Road, Arbroath

The Board considered an application from Alliance Property Holdings Limited, Hilmore House, Gain Lane, Bradford to vary a premises licence (off sales) in respect of premises at Morrisons Daily, Unit 1 Millfield Road, Arbroath to allow them to vary the operating plan to add any other activities as follows: -

The home delivery shopping service may be operated from the store. This would be via third party delivery companies and may contain alcohol.

Mr Green, agent for the applicant was present and addressed the Board.

The Board agreed that the application be granted subject to the remote conditions detailed in paragraph 11.3 of the Board's Statement of Licensing Policy with the exception of conditions (a) & (b).

(c) Morrisons Daily, 90 East High Street, Forfar

The Board considered an application from Alliance Property Holdings Limited, Hilmore House, Gain Lane, Bradford to vary a premises licence (off sales) in respect of premises at Morrisons Daily, 90 East High Street, Forfar to allow them to vary the operating plan to add any other activities as follows: -

The home delivery shopping service may be operated from the store. This would be via third party delivery companies and may contain alcohol.

Mr Green, agent for the applicant was present and addressed the Board.

The Board agreed that the application be granted subject to the remote conditions detailed in paragraph 11.3 of the Board's Statement of Licensing Policy with the exception of conditions (a) & (b).

(d) Keystore, 39 Queen Street, Montrose

The Board considered an application from SRJ Convenience Ltd to vary a premises licence (off sales) in respect of premises at Keystore, 39 Queen Street, Montrose to allow them to vary their operating plan to: -

- (i) amend the off sales core hours on a Sunday to commence at 10am to 10pm;
- (ii) add recorded music within and outwith core hours;
- (iii) add under any activities "Add Food to Go – home delivery of food and alcohol";
- (iv) to extend the alcohol display capacity to 31.16m²; and
- (v) amend the layout plan to include a new alcohol display area.

Mr Emslie, agent for the applicant was present and addressed the Board.

The Board agreed that the application be granted subject to the remote conditions detailed in paragraph 11.3 of the Board's Statement of Licensing Policy with the exception of conditions (a) & (b).

(e) Golden Lion Filling Station, Montrose Road, Arbroath

The Board considered an application from SRJ Convenience Ltd to vary a premises licence (off sales) in respect of premises at Golden Lion Filling Station, Montrose Road, Arbroath to allow them to vary their operating plan to: -

- (i) add recorded music within and outwith core hours;

- (ii) add under any activities “Add Food to Go – home delivery of food and alcohol”;
- (iii) to increase the alcohol display capacity to 33.236m²;
- (iv) amend new shop floor layout as per layout plan attached to the Report; and
- (v) to change the licence holder address to 199 Laburnum Road, Redcar, TS10 3RS

Mr Emslie, agent for the applicant was present and addressed the Board.

The Board agreed that the application be granted subject to the remote conditions detailed in paragraph 11.3 of the Board’s Statement of Licensing Policy with the exception of conditions (a) & (b).

(f) Angus Alchemy (Micro Distillery Visitor Centre) Woodhill, Carnoustie

The Board considered an application from Angus Alchemy Limited to vary a premises licence (on/off sales) in respect of premises at Angus Alchemy (Micro Distillery Visitor Centre) Woodhill, Carnoustie to allow them to vary their operating plan to: -

- (i) add accommodation within and outwith core licensing hours;
- (ii) add that “Accommodation will be offered at the halfway houses within the licensed area outwith core licensing hours. Alcohol will not be available to be purchased outwith core hours”;
- (iii) to include at the end of the current activities - “Welcome packs containing alcohol will be available for guests to pre-book with their accommodation. These packs will not be available for any bookings where children under 12 are guests”;
- (iv) amend Children and young persons: -
 - (a) Terms under which they will be allowed – add “to stay in halfway houses”; and
 - (b) Parts of premises – add “halfway houses”.
- (v) amend the layout plans to include extension to licensed area to include halfway houses as shown on the layout plans attached to the Report; and
- (vi) to increase the capacity to allow for 8 guests in halfway houses.

Ms Gatherum, agent for the applicant was present and addressed the Board.

Following some discussion, the Board agreed to adjourn the application to the end of the business to allow the applicant appropriate time to consider the Model conditions for Children and Young Persons.

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

There was submitted Report No LB29/24 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) Devitos, 11 Millgate, Arbroath

The Board considered an extended hours licence application received from Thorntons Law LLP, agents on behalf of KWS Property Ltd in respect of Devitos, 11 Millgate, Arbroath for the following dates and hours: -

Friday 23 August 2024 from	12.00 to 19.00
Saturday 24 August 2024 from	12.00 to 13.30
Monday 26 August 2024 from	02.00 to 02.30

Ms Cooper, the applicant's agent was present and addressed the Board and advised that her client was seeking extensions in respect of the Bell Rock Music Festival weekend which she classed as a special event. She then requested that different hours to those submitted be considered.

The Board requested that the amended hours be emailed to the Clerk and that the application be adjourned to the end of the business to allow the applicant's agent appropriate time to submit the amended hours.

8. PERSONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB30/24 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 April 2024 to 25 July 2024, in accordance with the Scheme of Delegation appended to the Licensing Policy.

9. OCCASIONAL LICENCES – DELEGATED APPROVALS

There was submitted and noted Report No LB31/24 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 April 2024 to 25 July 2024, 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 LB32/24 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 April 2024 to 25 July 2024, in accordance with the Scheme of Delegation appended to the Licensing Policy.

11. EXTENDED HOURS - DELEGATED APPROVALS

There was submitted and noted Report No LB33/24 by the Clerk detailing applications for extended hours under the Licensing (Scotland) Act 2005, which had been granted by the Clerk during the period, 24 April 2024 to 25 July 2024 in accordance with the Scheme of Delegation appended to the Licensing Policy.

12. NEW PERSONAL LICENCE APPLICATION – NOTICE OF CONVICTION

There was submitted Report No LB 34/23 by the Clerk informing members of correspondence received from the Chief Constable giving notice and information in terms of Section 73 (3) (b) of the Licensing (Scotland) Act 2005 in respect of a new personal licence application received on 17 July 2024 from Kirsty Milne.

The Board noted that the applicant was not present and agreed to defer the application to the adjourned Board to allow the applicant to attend.

At this point in the meeting, (the time being 11.07am) the Board agreed, in accordance with the provisions of Standing Order 21(5) to adjourn the meeting and resume immediately following conclusion of the Civic Licensing Committee.